

**VOLUME 1**  
**JOURNAL**  
OF THE  
**HOUSE**  
**OF REPRESENTATIVES**

**SEVENTY-FOURTH SESSION**

OF THE  
**LEGISLATURE**

STATE OF MINNESOTA

**1985**

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STATE OF MINNESOTA  
SEVENTY-FOURTH SESSION - 1985

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FIRST DAY

SAINT PAUL, MINNESOTA, TUESDAY, JANUARY 8, 1985

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 eighth day of January, 1985.

At the hour of twelve o'clock noon and pursuant to Minnesota Statutes 1984, Section 3.05, the Honorable Joan Anderson Grove, Secretary of State, called the members-elect to order and appointed the Honorable Bert J. McKasy from District 39A as Clerk pro tempore.

Prayer was offered by Pastor Dale Erickson of New Brighton Christian Church, New Brighton, 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 (Wally) Sparby
District 2A	.....	Bernie Lieder
District 2B	.....	Edgar Olson
District 3A	.....	Bob Neuenschwander
District 3B	.....	Loren A. Solberg
District 4A	.....	Ted Thorson
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	.....	
District 8A	.....	Mary Murphy
District 8B	.....	Ben Boo
District 9A	.....	Joel Carison
District 9B	.....	Merlyn Valan

District 10A	Dennis Poppenhagen
District 10B	Bob Anderson
District 11A	Chuck Brown
District 11B	Dave Fjoslien
District 12A	Don Richter
District 12B	Richard "Rick" Krueger
District 13A	Paul M. (T D) 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	Ralph R. Kiffmeyer
District 19A	Lynn H. Becklin
District 19B	Loren G. Jennings
District 20A	Glen H. Anderson
District 20B	Howard Miller
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	Marcel "Sal" Frederick
District 25A	Robert E. Vanasek
District 25B	Peter Rodosovich
District 26A	Steven Sviggum
District 26B	Bob Waltman
District 27A	Jim Boerboom
District 27B	Wendell O. Erickson
District 28A	Carol Dyke
District 28B	Dennis C. Frederickson
District 29A	David Jennings
District 29B	Henry Kalis
District 30A	Dean Hartle
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	Dave 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	Tom Rees
District 37A	Eileen Tompkins
District 37B	Dennis Ozment
District 38A	Charles C. Halberg
District 38B	Art Seaberg
District 39A	Bert J. McKasy
District 39B	James P. Metzen
District 40A	Chris Tjornhom
District 40B	Phillip J. "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	Ann H. Rest
District 46B	Lyndon R. Carlson
District 47A	Linda Scheid
District 47B	Robert L. "Bob" Ellingson
District 48A	Dale A. Clausnitzer
District 48B	Bill Schreiber
District 49A	Darby Nelson
District 49B	Joel Jacobs
District 50A	John M. Hartinger
District 50B	Joe Quinn
District 51A	Gordon Backlund
District 51B	Wayne Simoneau
District 52A	Gordon O. Voss
District 52B	Dan Knuth
District 53A	Tony Bennett
District 53B	Brad Stanius
District 54A	Don Valento
District 54B	Dick Kostohryz
District 55A	Connie Levi
District 55B	Harriet McPherson
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	Peter McLaughlin
District 61A	Lee Greenfield
District 61B	Wesley J. "Wes" Skoglund
District 62A	Ken Nelson
District 62B	John E. Brandl

District 63A	John Rose
District 63B	Ann Wynia
District 64A	Kathleen Vellenga
District 64B	Dick Cohen
District 65A	Fred C. Norton
District 65B	Sandy Pappas
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.

The arrival of the Honorable Robert A. Forsythe, Judge, District 4, Hennepin county, 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 Robert A. Forsythe.

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, C.	Ellingson	Krueger	Otis	Sherman
Anderson, R.	Erickson	Kvam	Ozment	Simoneau
Backlund	Fjoslien	Levi	Pappas	Skoglund
Battaglia	Forsythe	Lieder	Pauly	Solberg
Beard	Frederick	Long	Peterson	Sparby
Becklin	Frederickson	Marsh	Piepho	Stanius
Begich	Frerichs	McDonald	Piper	Staten
Bennett	Greenfield	McEachern	Poppenhagen	Sviggum
Bishop	Gruenes	McKasy	Price	Thiede
Blatz	Gutknecht	McLaughlin	Quinn	Thorson
Boerboom	Halberg	McPherson	Quist	Tjornhom
Boo	Hartinger	Metzen	Redalen	Tomlinson
Brandl	Hartle	Miller	Rees	Tompkins
Brinkman	Haukoos	Minne	Rest	Tunheim
Brown	Heap	Munger	Rice	Uphus
Burger	Himle	Murphy	Richter	Valan
Carlson, D.	Jacobs	Nelson, D.	Riveness	Valento
Carlson, J.	Jennings, D.	Nelson, K.	Rodosovich	Vanasek
Carlson, L.	Jennings, L.	Neuenschwander	Rose	Vellenga
Clark	Johnson	Norton	Sarna	Voss
Clausnitzer	Kahn	O'Connor	Schafer	Waltman
Cohen	Kalis	Ogren	Scheid	Welle
Dempsey	Kelly	Olsen, S.	Schoenfeld	Wenzel
DenOuden	Kiffmeyer	Olson, E.	Schreiber	Wynia
Dimler	Knickerbocker	Omann	Seaberg	Zaffke
Dyke	Knuth	Onnen	Segal	
Elieff	Kostohryz	Osthoff	Shaver	

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 David M. Jennings was placed in nomination by Sviggum. The nomination was seconded by Blatz and Carlson, J.

The name of Willard M. Munger was placed in nomination by Norton. The nomination was seconded by Long and Anderson, G.

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.

## OATH OF OFFICE

Mike Jaros of District 7B 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 the Honorable Robert A. Forsythe.

The following members of the House voted for Jennings :

Anderson, R.	Dimler	Heap	Omann	Shaver
Backlund	Dyke	Himle	Onnen	Sherman
Becklin	Erickson	Jennings, D.	Ozment	Stanius
Bennett	Fjoslien	Johnson	Pauly	Sviggum
Bishop	Forsythe	Kiffmeyer	Piepho	Thiede
Blatz	Frederick	Knickerbocker	Poppenhagen	Thorson
Boerboom	Frederickson	Kvam	Quist	Tjornhom
Boo	Frerichs	Levi	Redalen	Tompkins
Burger	Gruenes	Marsh	Rees	Uphus
Carlson, D.	Gutknecht	McDonald	Richter	Valan
Carlson, J.	Halberg	McKasy	Rose	Valento
Clausnitzer	Hartinger	McPherson	Schafer	Waltman
Dempsey	Hartle	Miller	Schreiber	Zaffke
DenOuden	Hankoo	Olsen, S.	Seaberg	

Jennings received 69 votes.

The following members of the House voted for Munger :

Anderson, G.	Elioff	Kostohryz	Nelson, D.	Peterson
Battaglia	Ellingson	Krueger	Nelson, K.	Piper
Beard	Greenfield	Lieder	Neuenschwander	Price
Begich	Jacobs	Long	Norton	Quinn
Brandl	Jaros	McEachern	O'Connor	Rest
Brinkman	Jennings, L.	McLaughlin	Ogren	Rice
Brown	Kahn	Metzen	Olson, E.	Riveness
Carlson, L.	Kalis	Miune	Osthoff	Rodosovich
Clark	Kelly	Munger	Otis	Sarna
Cohen	Knuth	Murphy	Pappas	Scheid

Schoenfeld	Skoglund	Staten	Vanasek	Welle
Segal	Solberg	Tomlinson	Vellenga	Wenzel
Simoneau	Sparby	Tunheim	Voss	Wynia

Munger received 65 votes.

David M. Jennings, having received a majority of the votes cast, was declared duly elected Speaker of the House.

Valan, Thiede, McPherson, Kalis and Sparby were appointed to escort the Speaker-elect to the rostrum.

#### OATH OF OFFICE

The oath of office was administered to Speaker-elect David M. Jennings by the Honorable Robert A. Forsythe. 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 Levi. The nomination was seconded by Norton.

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, G.	Ellingson	Krueger	Otis	Sherman
Anderson, R.	Erickson	Kvam	Ozment	Simoneau
Backlund	Fjoslien	Levi	Pappas	Skoglund
Battaglia	Forsythe	Lieder	Pauly	Solberg
Beard	Frederick	Long	Peterson	Sparby
Becklin	Frederickson	Marsh	Piepho	Stanius
Begich	Frerichs	McDonald	Piper	Staten
Bennett	Greenfield	McEachern	Poppenhagen	Swiggum
Bishop	Gruenes	McKasy	Price	Thiede
Blatz	Gutknecht	McLaughlin	Quinn	Thorson
Boerboom	Halberg	McPherson	Quist	Tjornhom
Boo	Hartinger	Metzen	Redalen	Tomlinson
Brandl	Hartle	Miller	Rees	Tompkins
Brinkman	Haukoos	Minne	Rest	Tunheim
Brown	Heap	Munger	Rice	Uphus
Burger	Himle	Murphy	Richter	Valan
Carlson, D.	Jacobs	Nelson, D.	Riveness	Valento
Carlson, J.	Jaros	Nelson, K.	Rodosovich	Vanasek
Carlson, L.	Jennings, L.	Neuenschwander	Rose	Vellenga
Clark	Johnson	Norton	Sarna	Voss
Clausnitzer	Kahn	O'Connor	Schafer	Waltman
Cohen	Kalis	Ogren	Scheid	Welle
Dempsey	Kelly	Olsen, S.	Schoenfeld	Wenzel
DenOuden	Kiffmeyer	Olson, E.	Schreiber	Wynia
Dimler	Knickerbocker	Omann	Seaberg	Zaffke
Dvke	Knuth	Onnen	Segal	Spk. Jennings, D.
Elioff	Kostohryz		Shaver	

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.

Levi 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.

Levi placed the following names in nomination as elected officers of the Minnesota House of Representatives:

The name of Albin A. Mathiowetz was placed in nomination for First Assistant Chief Clerk.

The name of James P. Cummins was placed in nomination for Second Assistant Chief Clerk.

The name of Mark C. Rendahl was placed in nomination for Postmaster.

The name of Robert J. McDonald was placed in nomination for Assistant Postmaster.

The name of Isabella C. Ceplecha was placed in nomination for Assistant Sergeant at Arms.

The name of Jean A. Meister was placed in nomination for Assistant Sergeant at Arms.

The name of Joni M. Romer was placed in nomination for Assistant Sergeant at Arms.

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

The name of the Reverend Howard C. Gravrock was placed in nomination for Chaplain.



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 Mathiowetz, Cummins, Rendahl, McDonald, Ceplecka, Meister, Romer, Fischer and Gravrock:

Anderson, G.	Ellingson	Krueger	Ozment	Skoglund
Anderson, R.	Erickson	Kvam	Pappas	Solberg
Backlund	Fjoslien	Levi	Pauly	Sparby
Battaglia	Forsythe	Lieder	Peterson	Stanius
Beard	Frederick	Long	Piepho	Staten
Becklin	Frederickson	Marsh	Piper	Sviggum
Begich	Frerichs	McDonald	Poppenhagen	Thiede
Bennett	Greenfield	McEachern	Price	Thorson
Bishop	Gruenes	McKasy	Quinn	Tjornholm
Blatz	Gutknecht	McLaughlin	Quist	Tomlinson
Boerboom	Halberg	McPherson	Redalen	Tompkins
Boo	Hartinger	Metzen	Rees	Tunheim
Brandl	Hartle	Miller	Rest	Uphus
Brinkman	Haukoos	Minne	Rice	Valan
Brown	Heap	Munger	Richter	Valento
Burger	Himle	Murphy	Rodosovich	Vanasek
Carlson, D.	Jacobs	Nelson, D.	Rose	Vellenga
Carlson, J.	Jaros	Nelson, K.	Sarna	Voss
Carlson, L.	Jennings, L.	Neuenschwander	Schafer	Waltman
Clark	Johnson	Norton	Scheid	Welle
Clausnitzer	Kahn	O'Connor	Schoenfeld	Wenzel
Cohen	Kalis	Ogren	Schreiber	Wynia
Dempsey	Kelly	Olsen, S.	Seaberg	Zaffke
DenOuden	Kiffmeyer	Olsen, E.	Segal	Spk. Jennings, D.
Dimler	Knickerbocker	Omann	Shaver	
Dyke	Knuth	Onnen	Sherman	
Elioff	Kostohryz	Otis	Simoneau	

The following members voted for Mathiowetz, Rendahl, McDonald, Ceplecka, Meister, Romer, Fischer and Gravrock:

Osthoff                      Riveness

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

#### OATH OF OFFICE

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

Levi offered the following resolution and moved its adoption:

*Resolved*, That the temporary rules of the House for this session, the 74th regular session, shall be the same as the permanent rules of the House for the last session, the 73rd regular session, as they existed on Tuesday, April 24, 1984, 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: State Departments  
Human Services  
Education  
Agriculture, Transportation and  
Semi-State

Budget

Commerce and Economic Development

Crime and Family Law

Education

Divisions: Education Finance  
Higher Education

Environment and Natural Resources

Financial Institutions and Insurance

General Legislation and Veterans Affairs

Governmental Operations

Health and Human Services

Judiciary

Labor-Management Relations

Division: Unemployment Insurance/Workers'  
Compensation

Local and Urban Affairs

Regulated Industries and Energy

Rules and Legislative Administration

Taxes

Division: Local Government Finance

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 74th session shall apply to the order of business of parliamentary practice until such time as the Committee on Rules and Legislative Administration to be appointed by the Speaker shall have made its report and new permanent rules shall have been adopted.

The question was taken on the adoption of the Levi resolution relating to temporary rules of the House for the 74th session and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Krueger	Otis	Sherman
Anderson, R.	Erickson	Kvam	Ozment	Simoneau
Backlund	Fjoslien	Levi	Pappas	Skoglund
Battaglia	Forsythe	Lieder	Pauly	Solberg
Beard	Frederick	Long	Peterson	Sparby
Becklin	Frederickson	Marsh	Piepho	Stanius
Begich	Frerichs	McDonald	Piper	Staten
Bennett	Greenfield	McEachern	Poppenhagen	Sviggum
Bishop	Gruenes	McKasy	Price	Thiede
Blatz	Gutknecht	McLaughlin	Quinn	Thorson
Boerboom	Halberg	McPherson	Quist	Tjornhom
Boo	Hartinger	Metzen	Redalen	Tomlinson
Brandl	Hartle	Miller	Rees	Tompkins
Brinkman	Haukoos	Minne	Rest	Tunheim
Brown	Heap	Munger	Rice	Uphus
Burger	Himle	Murphy	Richter	Valan
Carlson, D.	Jacobs	Nelson, D.	Riveness	Valento
Carlson, J.	Jaros	Nelson, K.	Rodosovich	Vanasek
Carlson, L.	Jennings, L.	Neuenschwander	Rose	Vellenga
Clark	Johnson	Norton	Sarna	Voss
Clausnitzer	Kahn	O'Connor	Schafer	Waltman
Cohen	Kalis	Ogren	Scheid	Welle
Dempsey	Kelly	Olsen, S.	Schoenfeld	Wenzel
DenOuden	Kiffmeyer	Olson, E.	Schreiber	Wynia
Dimler	Knickerbocker	Omann	Seaberg	Zaffke
Dyke	Knuth	Onnen	Segal	Spk. Jennings, D.
Elioff	Kostohryz	Osthoff	Shaver	

The motion prevailed and the temporary rules of the House for the 74th session were adopted.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of Walter C. Strand as Chief Sergeant at Arms.

#### OATH OF OFFICE

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

Levi 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 6:45 p.m., Thursday, January 10, 1985, to receive the message of the Governor which will be delivered at 7:00 p.m.

The motion prevailed and the resolution was adopted.

Levi 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 Thursday, January 10, 1985, said joint convention to convene at 6:45 p.m. and said address to be delivered at 7:00 p.m.; 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 House of Representatives is 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:

Redalen, Chairman; Omann; Boerboom; Piper and Otis.

Levi offered the following resolution and moved its adoption:

*Resolved*, That the Speaker be and he is hereby directed to appoint a committee of five members on the part of the House to act with a similar committee on the part of the Senate to escort the Governor to the joint convention to be held in the House chamber on Thursday evening, January 10, 1985.

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 Thursday evening, January 10, 1985:

Erickson, Chairman; Olsen, S.; Thorson; McEachern and Jennings, L.

Levi 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 8, 1985, to better expedite the business of the House.

The question was taken on the adoption of the Levi resolution relating to employees and the roll was called. There were 134 yeas and 0 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Ellingson	Krueger	Otis	Sherman
Anderson, R.	Erickson	Kvam	Ozment	Simoneau
Backlund	Fjoslien	Levi	Pappas	Skoglund
Battaglia	Forsythe	Lieder	Pauly	Solberg
Beard	Frederick	Long	Peterson	Sparby
Becklin	Frederickson	Marsh	Piepho	Stanius
Begich	Frerichs	McDonald	Piper	Staten
Bennett	Greenfield	McEachern	Poppenhagen	Sviggum
Bishop	Gruenes	McKasy	Price	Thiede
Blatz	Gutknecht	McLaughlin	Quinn	Thorson
Boerboom	Halberg	McPherson	Quist	Tjornhom
Boo	Hartinger	Metzen	Redalen	Tomlinson
Brandl	Hartle	Miller	Rees	Tompkins
Brinkman	Haukoos	Minne	Rest	Tunheim
Brown	Heap	Munger	Rice	Uphus
Burger	Himle	Murphy	Richter	Valan
Carlson, D.	Jacobs	Nelson, D.	Riveness	Valento
Carlson, J.	Jaros	Nelson, K.	Rodosovich	Vanasek
Carlson, L.	Jennings, L.	Neuenschwander	Rose	Vellenga
Clark	Johnson	Norton	Sarna	Voss
Clausnitzer	Kahn	O'Connor	Schafer	Waltman
Cohen	Kalis	Ogren	Scheid	Welle
Dempsey	Kelly	Olsen, S.	Schoenfeld	Wenzel
DenOuden	Kiffmeyer	Olson, E.	Schreiber	Wynia
Dimler	Knickerbocker	Omann	Seaberg	Zaffke
Dyke	Knuth	Onnen	Segal	Spk. Jennings, D.
Elioff	Kostohryz	Osthoff	Shaver	

The motion prevailed and the resolution relating to employees was adopted.

#### ANNOUNCEMENT BY THE SPEAKER

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

Levi, Chairman; Jennings, D.; Halberg; Knickerbocker; Himle; Frerichs; Sviggum; Thiede; Carlson, J.; Norton; Osthoff; McEachern; Schoenfeld and Wynia.

Levi 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, Speaker pro tempore, 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 wait in the members' 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 the chamber and select their permanent desks.

Members of the 6th and 7th groups shall wait in the members' 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 the chamber and select their permanent desks.

The motion prevailed and the resolution was adopted.

The Speaker announced that the selection of permanent desks will take place immediately after adjournment today.

## REPORT FROM SENATE COMMITTEE

The Speaker recognized Senator Luther and his committee who reported to the House that the Senate was now duly organized pursuant to law.

## REPORT FROM HOUSE COMMITTEE

The Speaker recognized Representative Redalen and his committee who reported to the House that they informed the Governor that the House was now duly organized pursuant to law and that the Governor will be present to address the Joint Convention of the House of Representatives and the Senate on Thursday evening, January 10, 1985.

## ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following House committee assignments and the committee meeting schedule for the 1985-86 session:

## AGRICULTURE —

Wednesdays, 10:00 A.M., Room 400N

McDonald, Chair	Anderson, G.
Uphus, Vice Chair	Brandl
Dyke	Brinkman
Erickson	Kalis
Frederick	Olson, E.
Frederickson	Peterson
Omann	Riveness
Quist	Rodosovich
Redalen	Sparby
Richter	Tunheim
Schafer	Wenzel
Valan	
Waltman	

## APPROPRIATIONS —

Mondays through Thursdays, 8:00 A.M., Room 200

Forsythe, Chair	Battaglia
Frerichs, Vice Chair	Carlson, L.
Anderson, R.	Cohen
Becklin	Ellingson
Bishop	Greenfield
Boerboom	Jennings, L.
Boo	Kahn
Carlson, D.	Kalis

Carlson, J.  
DenOuden  
Erickson  
Fjoslien  
Haukoos  
Johnson  
Miller  
Piepho  
Poppenhagen  
Rose  
Seaberg  
Stanisus  
Valan  
Zaffke

Metzen  
Munger  
Murphy  
Rice  
Sarna  
Schoenfeld  
Staten  
Wynia

Agriculture, Transportation and Semi-State Division/  
Appropriations

Valan, Chair  
Seaberg, Vice Chair  
Fjoslien  
Forsythe  
Johnson  
Poppenhagen

Kalis  
Metzen  
Rice  
Sarna

Education Division/Appropriations

Haukoos, Chair  
Boo, Vice Chair  
Erickson  
Forsythe  
Frerichs  
Rose

Carlson, L.  
Greenfield  
Munger  
Wynia

Human Services Division/Appropriations

Anderson, R., Chair  
Zaffke, Vice Chair  
Becklin  
Carlson, J.  
Forsythe  
Stanisus

Jennings, L.  
Murphy  
Schoenfeld  
Staten

State Departments Division/Appropriations

DenOuden, Chair  
Bishop, Vice Chair  
Boerboom  
Carlson, D.  
Forsythe  
Miller  
Piepho

Battaglia  
Cohen  
Ellingson  
Kahn



Joint Senate/House Subcommittee On Claims/Appropriations

Valan, Chair  
DenOuden  
Kalis

BUDGET —

Call of the Chair, Room 454

Jennings, D., Chair  
Dempsey  
Erickson  
Forsythe  
Levi  
Olsen, S.  
Schreiber

Norton  
Rice  
Voss

COMMERCE AND ECONOMIC DEVELOPMENT —

Tuesdays and Thursdays, 10:00 A.M., Room 300N

Bennett, Chair  
Anderson, R.  
Dyke  
Frederick  
Frerichs  
Heap  
Himle  
Marsh  
Piepho  
Seaberg  
Thorson  
Tjornhom  
Zaffke

Carlson, L.  
Jacobs  
McLaughlin  
Murphy  
O'Connor  
Ogren  
Peterson  
Riveness  
Sarna  
Solberg  
Sparby

CRIME AND FAMILY LAW —

Mondays and Wednesdays, 10:00 A.M., Room 500N

Blatz, Chair  
Marsh, Vice Chair  
Clausnitzer  
Hartinger  
Kiffmeyer  
Ozment  
Rose  
Seaberg  
Sherman  
Stanius  
Thorson  
Valento

Greenfield  
Jaros  
Kelly  
Lieder  
Nelson, K.  
Pappas  
Rest  
Segal  
Staten  
Vellenga

## EDUCATION —

Mondays and Wednesdays, 8:00 A.M., Room 500S

Erickson, Chair  
 Gruenes, Vice Chair  
 Backlund  
 Hartle  
 Heap  
 Kiffmeyer  
 Levi  
 Olsen, S.  
 Omann  
 Piepho  
 Rees  
 Schafer  
 Sherman  
 Thiede  
 Thorson  
 Tompkins

Beard  
 Elioff  
 Kostohryz  
 McEachern  
 Nelson, D.  
 Nelson, K.  
 Otis  
 Price  
 Quinn  
 Segal  
 Solberg  
 Tunheim  
 Wenzel

## Education Finance Division/Education

Mondays, 12:00 Noon and Fridays, 10:00 A.M., Room 500N

Olsen, S., Chair  
 Schafer, Vice Chair  
 Backlund  
 Erickson  
 Rees  
 Thiede

Kostohryz  
 McEachern  
 Nelson, K.  
 Wenzel

## Higher Education Division/Education

Piepho, Chair  
 Sherman, Vice Chair  
 Erickson  
 Gruenes  
 Hartle  
 Heap  
 Kiffmeyer  
 Levi  
 Omann  
 Thorson  
 Tompkins

Beard  
 Elioff  
 Nelson, D.  
 Otis  
 Price  
 Quinn  
 Segal  
 Solberg  
 Tunheim

**ENVIRONMENT AND NATURAL RESOURCES —**  
**Tuesdays and Thursdays, 10:00 A.M., Room 500S**

Rose, Chair	Battaglia
Thiede, Vice Chair	Begich
Backlund	Jennings, L.
Becklin	Kahn
Carlson, D.	Krueger
DenOuden	Long
Fjoslien	Munger
Hartinger	Nelson, D.
McDonald	Neuenschwander
McPherson	Schoenfeld
Richter	Skoglund
Schafer	Vanasek
Shaver	
Waltman	

**FINANCIAL INSTITUTIONS AND INSURANCE —**  
**Wednesdays, 12:00 Noon, Room 500S**

Kvam, Chair	Brinkman
Rees, Vice Chair	Carlson, L.
Blatz	Ellingson
Boo	Kalis
Burger	Kostohryz
Halberg	Metzen
Hartle	Otis
Haukoos	Scheid
Knickerbocker	Skoglund
McKasy	Voss
Olsen, S.	Wenzel
Poppenhagen	Wynia
Sherman	
Valan	

**GENERAL LEGISLATION AND VETERANS AFFAIRS —**  
**Thursdays, 12:00 Noon, Room 400N**

Fjoslien, Chair	Brown
Shaver, Vice Chair	Kostohryz
Backlund	Metzen
Dimler	Minne
Frederick	Osthoff
Gutknecht	Price
Hartinger	Quinn
Kiffmeyer	Scheid
Richter	Simoneau
Thorson	
Uphus	

## GOVERNMENTAL OPERATIONS —

Mondays through Thursdays, 8:00 A.M., Room 400N

Knickerbocker, Chair	Clark
Waltman, Vice Chair	Kelly
Bennett	Knuth
Burger	Krueger
Clausnitzer	Long
Dyke	O'Connor
Frederick	Piper
Frederickson	Riveness
Gutknecht	Rodosovich
Hartinger	Simoneau
McDonald	Sparby
McPherson	Vellenga
Ozment	Welle
Richter	
Sviggum	

## HEALTH AND HUMAN SERVICES —

Tuesdays and Thursdays, 10:00 A.M., Room 500N

Onnen, Chair	Brandl
Quist, Vice Chair	Clark
Boo	Elioff
Burger	Greenfield
Carlson, J.	Jaros
Clausnitzer	McEachern
Gruenes	Piper
Kiffmeyer	Rodosovich
Kvam	Segal
Ozment	Vellenga
Stanius	Welle
Sviggum	
Uphus	

## JUDICIARY —

Tuesdays, 12:00 Noon, Room 300N

Halberg, Chair	Brown
McKasy, Vice Chair	Cohen
Backlund	Ellingson
Bishop	Kelly
Dempsey	Long
DenOuden	Pappas
Forsythe	Quinn
McPherson	Rest
Onnen	Vanasek
Quist	
Rees	

**LABOR-MANAGEMENT RELATIONS —**  
**Mondays, 12:00 Noon, Room 400S**

Heap, Chair	Battaglia
Burger, Vice Chair	Beard
Boerboom	Begich
Clausnitzer	Elioff
Gutknecht	Murphy
Himle	Rest
McPherson	Rice
Miller	Schoenfeld
Poppenhagen	Simoneau
Sviggum	Staten
Tompkins	
Zaffke	

**Unemployment Insurance—Workers' Compensation Division/  
 Labor-Management Relations**

Sviggum, Chair	Beard
Gutknecht, Vice Chair	Begich
Heap	Rice
Himle	Schoenfeld
McPherson	Simoneau
Miller	
Poppenhagen	

**LOCAL AND URBAN AFFAIRS —**

**Tuesdays and Thursdays, 12:00 Noon, Room 200**

Valento, Chair	Anderson, G.
Becklin, Vice Chair	Clark
Anderson, R.	Jaros
Boerboom	Jennings, L.
Carlson, J.	Knuth
Dyke	Lieder
Frederickson	McEachern
Haukoos	McLaughlin
Johnson	Nelson, K.
Knickerbocker	Peterson
Ozment	Piper
Pauly	Solberg
Schreiber	Tomlinson
Stanius	Voss
Tjornhøem	
Tompkins	

REGULATED INDUSTRIES AND ENERGY —  
Mondays, 10:00 A.M., Room 500S

Redalen, Chair  
Omann, Vice Chair  
Bishop  
Boerboom  
Carlson, J.  
Gruenes  
Hartle  
McDonald  
Miller  
Poppenhagen  
Tjornhom  
Waltman

Beard  
Cohen  
Jacobs  
Minne  
Nelson, D.  
O'Connor  
Ogren  
Olson, E.  
Osthoff  
Price

RULES AND LEGISLATIVE ADMINISTRATION —  
Call of the Chair, Room 400S

Levi, Chair  
Himle, Vice Chair  
Carlson, J.  
Frerichs  
Halberg  
Jennings, D.  
Knickerbocker  
Sviggum  
Thiede

McEachern  
Norton  
Osthoff  
Schoenfeld  
Wynia

TAXES —

Tuesdays, Thursdays, Fridays, 8:00 A.M., Room 500S

Schreiber, Chair  
Pauly, Vice Chair  
Blatz  
Dempsey  
Dimler  
Halberg  
Himle  
Jennings, D.  
Kvam  
McKasy  
Marsh  
Olsen, S.  
Onnen  
Redalen  
Shaver  
Tjornhom  
Valento

Begich  
Brandl  
Brinkman  
Jacobs  
Minne  
Neuenschwander  
Norton  
Ogren  
Osthoff  
Scheid  
Skoglund  
Tomlinson  
Vanasek  
Voss

Local Government Finance Division/Taxes  
Mondays, 12:00 Noon, Room 400N

Dempsey, Chair  
Dimler, Vice Chair  
Blatz  
Marsh  
Redalen  
Schreiber  
Valento

Minne  
Osthoff  
Scheid  
Tomlinson  
Vanasek

TRANSPORTATION —

Wednesdays, 12:00 Noon, Room 400S

Carlson, D., Chair  
Johnson, Vice Chair  
Bennett  
Dempsey  
Dimler  
Erickson  
Frederickson  
Frerichs  
Hartle  
Miller  
Ozment  
Pauly  
Thiede

Anderson, G.  
Brown  
Knuth  
Krueger  
Lieder  
McLaughlin  
Neuenschwander  
Olson, E.  
Pappas  
Tunheim  
Welle

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.

Messrs. Luther and Waldorf, Mrs. Lantry, and Messrs. Renneke and Berg 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 Hayes, Engrossing and Appointment  
Clerk

Marvin Raiola, Sergeant at Arms

Ralph Graham, Assistant Sergeant at Arms

Rev. James H. Hanson.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

#### ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, January 10, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, January 10, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives





## STATE OF MINNESOTA

SEVENTY-FOURTH SESSION - 1985

## SECOND DAY

SAINT PAUL, MINNESOTA, THURSDAY, JANUARY 10, 1985

The House of Representatives convened at 2:00 p.m. and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Reverend Howard C. Gravrock, House Chaplain.

The roll was called and the following members were present:

Anderson, G.	Ellingson	Kostohryz	Onnen	Seaberg
Anderson, R.	Erickson	Krueger	Osthoff	Segal
Backlund	Fjoslien	Kvam	Otis	Shaver
Battaglia	Forsythe	Levi	Ozment	Sherman
Beard	Frederick	Lieder	Pappas	Simoneau
Becklin	Frederickson	Long	Pauly	Skoglund
Begich	Frerichs	Marsh	Peterson	Solberg
Bennett	Greenfield	McDonald	Piepho	Sparby
Bishop	Gruenes	McEachern	Piper	Stanius
Blatz	Gutknecht	McKasy	Poppenhagen	Staten
Boerboom	Halberg	McLaughlin	Price	Sviggum
Boo	Hartinger	McPherson	Quinn	Thiede
Brandl	Hartle	Metzen	Quist	Thorson
Brinkman	Haukoos	Miller	Redalen	Tjornhom
Brown	Heap	Minne	Rees	Tomlinson
Burger	Himle	Munger	Rest	Tompkins
Carlson, D.	Jacobs	Murphy	Rice	Tunheim
Carlson, J.	Jaros	Nelson, D.	Richter	Valan
Carlson, L.	Jennings, L.	Nelson, K.	Riveness	Valento
Clark	Johnson	Neuenschwander	Rodosovich	Voss
Clausnitzer	Kahn	Norton	Rose	Waltman
Cohen	Kalis	O'Connor	Sarna	Welle
DenOuden	Kelly	Ogren	Schafer	Wenzel
Dimler	Kiffmeyer	Olsen, S.	Scheid	Wynia
Dyke	Knickerbocker	Olson, E.	Schoenfeld	Zaffke
Elioff	Knuth	Omann	Schreiber	Spk. Jennings, D.

A quorum was present.

Dempsey, Uphus, Vanasek and Vellenga 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.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced :

Neuenschwander introduced :

H. F. No. 1, A bill for an act relating to local government; establishing a procedure to consolidate the cities of International Falls and South International Falls; authorizing a special mill levy in the event of consolidation.

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

Pauly, Begich, Himle and Tjornhom introduced :

H. F. No. 2, A bill for an act relating to taxation; income; adopting federal changes relating to interest on mortgage subsidy bonds; amending Minnesota Statutes 1984, section 290.01, subdivision 20.

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

Sviggum, Schafer, McDonald, Miller and Wenzel introduced :

H. F. No. 3, A bill for an act relating to the legislature; redefining "legislative day" as any calendar day except Sunday; amending Minnesota Statutes 1984, section 3.012.

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

Waltman, Wenzel, Redalen, Uphus and Sviggum introduced :

H. F. No. 4, 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 1984, sections 290.01, subdivisions 20a and 20b; proposing coding for new law in Minnesota Statutes, chapter 290.

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

Wenzel introduced:

H. F. No. 5, A bill for an act relating to motor vehicles; providing for free license plates for former prisoners of war; amending Minnesota Statutes 1984, section 168.125.

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

Sviggum; Carlson, J.; Richter; Poppenhagen and Thorson introduced:

H. F. No. 6, A bill for an act relating to government operations; setting legislator's salaries; providing for the salaries of certain department and agency heads; amending Minnesota Statutes 1984, section 3.099, subdivision 2.

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

Dimler and Burger introduced:

H. F. No. 7, A bill for an act relating to taxation; income; conforming to federal treatment of contributions to individual retirement plans and certain other pension plans; amending Minnesota Statutes 1984, section 290.01, subdivisions 20a and 20b.

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

Brinkman, Uphus, Peterson, Simoneau and Neuenschwander introduced:

H. F. No. 8, A bill for an act relating to taxation; sales and use; exempting farm machinery; amending Minnesota Statutes 1984, sections 297A.01, subdivision 15; 297A.02, subdivision 2; 297A.14; and 297A.25, subdivision 1.

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

**Piepho introduced:**

H. F. No. 9, A resolution memorializing Congress to call a constitutional convention to propose an amendment to the United States Constitution to require a balanced federal budget.

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

**Dempsey introduced:**

H. F. No. 10, A bill for an act relating to the city of New Ulm; authorizing payment of health insurance costs for certain retired police officers.

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

**Wenzel introduced:**

H. F. No. 11, A bill for an act relating to taxation; abolishing the tax on charitable gambling; amending Minnesota Statutes 1984, sections 349.12, subdivision 13; 349.151, subdivision 4; and 349.212, subdivision 2; repealing Minnesota Statutes 1984, section 349.212, subdivisions 1 and 3.

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

**Dimler, Uphus, Blatz and McDonald introduced:**

H. F. No. 12, A bill for an act relating to taxation; income; abolishing the farm loss modifications; amending Minnesota Statutes 1984, sections 290.01, subdivisions 20a, 20b, and 20f; 290.05, subdivision 3; 290.09, subdivisions 1 and 7; 290.091; 290.095, subdivisions 7 and 11; 290A.03, subdivision 3; repealing Minnesota Statutes 1984, section 290.09, subdivision 29.

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

Olsen, S.; Sviggum; Thiede and Kiffmeyer introduced:

H. F. No. 13, A bill for an act relating to education; discontinuing the revenue equity aid and levy formula; amending Minnesota Statutes 1984, sections 124.2138, subdivision 2; 124A.03, subdivision 3; 124A.037; and 275.125, subdivision 5b; repealing Minnesota Statutes 1984, sections 124.2138, subdivision 2; and 124A.037.

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

Knickerbocker introduced:

H. F. No. 14, A bill for an act relating to taxation; income; conforming to federal treatment of contributions to individual retirement plans and certain other pension plans; amending Minnesota Statutes 1984, section 290.01, subdivisions 20a and 20b.

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

Wenzel introduced:

H. F. No. 15, A bill for an act relating to taxation; sales and use; motor vehicle excise; reducing the general rate to five percent; amending Minnesota Statutes 1984, sections 297A.02, subdivision 1; 297A.03, subdivision 2; and 297A.14.

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

Wenzel introduced:

H. F. No. 16, A bill for an act relating to taxation; income; reducing the corporate rates; amending Minnesota Statutes 1984, section 290.06, subdivision 1.

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

Wenzel introduced :

H. F. No. 17, A bill for an act relating to taxation; sales and use; changing the definition of capital equipment; exempting capital equipment and special tooling; amending Minnesota Statutes 1984, sections 297A.01, subdivision 16; 297A.02, subdivision 2; 297A.14; and 297A.25, subdivision 1; repealing Minnesota Statutes 1984, section 297A.15, subdivision 5.

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

Wenzel introduced :

H. F. No. 18, A bill for an act relating to game and fish; authorizing resident licenses for trainees at Camp Ripley during open seasons; amending Minnesota Statutes 1984, section 98.47, subdivision 3.

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

Knickerbocker introduced :

H. F. No. 19, A resolution memorializing Congress to call a constitutional convention to propose an amendment to the United States Constitution to require a balanced federal budget.

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

Wenzel introduced :

H. F. No. 20, A bill for an act relating to elections; changing the date of the state primary; amending Minnesota Statutes 1984, sections 204B.21, subdivision 1; 204B.27, subdivision 2; 204B.33; and 204D.03, subdivision 1.

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

Simoneau introduced :

H. F. No. 21, A bill for an act relating to animals; increasing penalties for certain cruel acts against animals; amending Minnesota Statutes 1984, section 343.21, subdivision 9.

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

Wenzel introduced :

H. F. No. 22, A bill for an act relating to recreational vehicles; exempting recreational vehicles licensed for highway use from registration with the department of natural resources; amending Minnesota Statutes 1984, section 84.922, subdivision 8.

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

Simoneau introduced :

H. F. No. 23, A bill for an act relating to game and fish; allowing senior citizens to take small game and deer without licenses; amending Minnesota Statutes 1984, section 98.47, subdivision 1.

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

Neuenschwander, Peterson and Voss introduced :

H. F. No. 24, A bill for an act relating to taxation; income; conforming to federal treatment of contributions to individual retirement plans and certain other pension plans; amending Minnesota Statutes 1984, section 290.01, subdivisions 20a and 20b.

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



Scheid, Krueger, Kelly, Brinkman and Long introduced:

H. F. No. 25, A bill for an act relating to taxation; income; conforming to federal treatment of contributions to individual retirement plans and certain other pension plans; amending Minnesota Statutes 1984, section 290.01, subdivisions 20a and 20b.

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

Pappas, Beard and Ellingson introduced:

H. F. No. 26, A bill for an act relating to taxation; income; conforming to federal treatment of contributions to individual retirement plans and certain other pension plans; amending Minnesota Statutes 1984, section 290.01, subdivisions 20a and 20b.

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

Staten, Murphy, Norton, Otis and Wenzel introduced:

H. F. No. 27, A bill for an act relating to taxation; income; conforming to federal treatment of contributions to individual retirement plans and certain other pension plans; amending Minnesota Statutes 1984, section 290.01, subdivisions 20a and 20b.

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

Schoenfeld, Kalis, Rodosovich, Brown and Simoneau introduced:

H. F. No. 28, A bill for an act relating to taxation; income; conforming to federal treatment of contributions to individual retirement plans and certain other pension plans; amending Minnesota Statutes 1984, section 290.01, subdivisions 20a and 20b.

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

Osthoff, Sparby, Vellenga, Begich and Kahn introduced :

H. F. No. 29, A bill for an act relating to taxation; income; conforming to federal treatment of contributions to individual retirement plans and certain other pension plans; amending Minnesota Statutes 1984, section 290.01, subdivisions 20a and 20b.

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

Elioff, Solberg, Tunheim, Minne and Lieder introduced :

H. F. No. 30, A bill for an act relating to taxation; income; conforming to federal treatment of contributions to individual retirement plans and certain other pension plans; amending Minnesota Statutes 1984, section 290.01, subdivisions 20a and 20b.

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

Skoglund, Rest, Knuth, Cohen and Riveness introduced :

H. F. No. 31, A bill for an act relating to taxation; income; conforming to federal treatment of contributions to individual retirement plans and certain other pension plans; amending Minnesota Statutes 1984, section 290.01, subdivisions 20a and 20b.

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, Skoglund moved that the rule therein be suspended and an urgency be declared so that H. F. No. 31 be given its second and third readings and be placed upon its final passage.

A roll call was requested and properly seconded.

Levi moved that the Skoglund motion be laid on the table.

A roll call was requested and properly seconded.

## POINT OF ORDER

Skoglund raised a point of order pursuant to section 331 of "Mason's Manual of Legislative Procedure" that the Levi motion was out of order. The Speaker ruled the point of order not well taken and the Levi motion in order.

The question recurred on the Levi motion and the roll was called. There were 67 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dyke	Himle	Omann	Sherman
Backlund	Erickson	Jennings, L.	Onnen	Sviggum
Becklin	Fjoslien	Johnson	Ozment	Thiede
Bennett	Forsythe	Kiffmeyer	Pauly	Thorson
Bishop	Frederick	Knickerbocker	Piepho	Tjornhom
Blatz	Frederickson	Kvam	Poppenhagen	Tompkins
Boerboom	Frerichs	Levi	Quist	Valan
Boo	Gruenes	Marsh	Redalen	Valento
Burger	Gutknecht	McDonald	Rees	Waltman
Carlson, D.	Halberg	McKasy	Richter	Zaffke
Carlson, J.	Hartinger	McLaughlin	Rose	Spk. Jennings, D.
Clausnitzer	Hartle	McPherson	Schafer	
DenOuden	Haukoos	Miller	Schreiber	
Dimler	Heap	Olsen, S.	Seaberg	

Those who voted in the negative were:

Anderson, G.	Greenfield	Minne	Peterson	Simoneau
Battaglia	Jaros	Munger	Piper	Skoglund
Beard	Kahn	Murphy	Price	Solberg
Begich	Kalis	Nelson, D.	Quinn	Sparby
Brandl	Kelly	Nelson, K.	Rest	Staten
Brinkman	Knuth	Neuenschwander	Rice	Tomlinson
Brown	Kostohryz	Norton	Riveness	Tunheim
Carlson, L.	Krueger	O'Connor	Rodosovich	Voss
Clark	Lieder	Ogren	Sarna	Welle
Cohen	Long	Osthoff	Scheid	Wenzel
Elioff	McEachern	Otis	Schoenfeld	Wynia
Ellingson	Metzen	Pappas	Segal	

The motion prevailed and the Skoglund motion was laid on the table.

H. F. No. 31 was 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. 1, A concurrent resolution relating to the adoption of temporary joint rules.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### SUSPENSION OF RULES

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

#### SENATE CONCURRENT RESOLUTION NO. 1

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

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

The Joint Rules of the Senate and the House of Representatives for the 73rd session are adopted as the temporary joint rules of the 74th session, to be effective until the adoption of Permanent Joint Rules by the Senate and the House of Representatives.

Levi moved that Senate Concurrent Resolution No. 1 be now adopted.

The question was taken on the adoption of Senate Concurrent Resolution No. 1 and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Clausnitzer	Heap	McEachern	Pappas
Anderson, R.	Cohen	Himle	McLaughlin	Pauly
Backlund	DenOuden	Jacobs	McPherson	Peterson
Battaglia	Dimler	Jaros	Metzen	Piepho
Beard	Dyke	Jennings, L.	Minne	Piper
Becklin	Elioff	Johnson	Munger	Poppenhagen
Begich	Ellingson	Kahn	Murphy	Price
Bennett	Erickson	Kalis	Nelson, D.	Quinn
Bishop	Fjoslien	Kelly	Nelson, K.	Quist
Blatz	Forsythe	Kiffmeyer	Neuenschwander	Redalen
Boerboom	Frederick	Knickerbocker	Norton	Rees
Boo	Frederickson	Knuth	O'Connor	Rest
Brandl	Frerichs	Kostohryz	Ogren	Rice
Brinkman	Greenfield	Krueger	Olsen, S.	Richter
Brown	Gruenes	Kvam	Olson, E.	Riveness
Burger	Gutknecht	Levi	Omann	Rodosovich
Carlson, D.	Halberg	Lieder	Onnen	Rose
Carlson, J.	Hartinger	Long	Osthoff	Sarna
Carlson, L.	Hartle	Marsh	Otis	Schafer
Clark	Haukoos	McDonald	Ozment	Scheid

Schoenfeld	Skoglund	Sviggum	Tunheim	Welle
Schreiber	Solberg	Thiede	Valan	Wenzel
Seaberg	Sparby	Thorson	Valento	Wynia
Segal	Stanius	Tjornhom	Voss	Zaffke
Sherman	Staten	Tomlinson	Waltman	Spk. Jennings, D.
Simoneau				

The motion prevailed and Senate Concurrent Resolution No. 1 was adopted.

Mr. Speaker:

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

Senate Concurrent Resolution No. 2, A concurrent resolution relating to parking space on the Capitol Approach and Aurora Avenue for members of the Legislature and staff.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### SUSPENSION OF RULES

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

#### SENATE CONCURRENT RESOLUTION NO. 2

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

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

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 74th 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 may 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 74th session of the Legislature a sum adequate to cover the exercise of the parking

privilege defined in this resolution in conformity with the practice of the Department of Administration.

Levi moved that Senate Concurrent Resolution No. 2 be now adopted.

The question was taken on the adoption of Senate Concurrent Resolution No. 2 and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Krueger	Osthoff	Segal
Anderson, R.	Erickson	Kvam	Otis	Sherman
Backlund	Fjoslien	Levi	Ozment	Simoneau
Battaglia	Frederick	Lieder	Pappas	Skoglund
Beard	Frederickson	Long	Pauly	Solberg
Becklin	Frerichs	Marsh	Peterson	Sparby
Begich	Greenfield	McDonald	Piepho	Stanius
Bennett	Gruenes	McEachern	Piper	Staten
Bishop	Gutknecht	McKasy	Poppenhagen	Sviggum
Blatz	Halberg	McLaughlin	Price	Thiede
Boerboom	Hartinger	McPherson	Quinn	Thorson
Boo	Hartle	Metzen	Quist	Tjornhom
Brandl	Haukoos	Miller	Redalen	Tomlinson
Brinkman	Heap	Minne	Rees	Tompkins
Brown	Himle	Munger	Rest	Tunheim
Burger	Jacobs	Murphy	Rice	Valan
Carlson, D.	Jaros	Nelson, D.	Richter	Valento
Carlson, J.	Jennings, L.	Nelson, K.	Rivness	Voss
Carlson, L.	Johnson	Neuenschwander	Rodosovich	Waltman
Clark	Kahn	Norton	Rose	Welle
Clausnitzer	Kalis	O'Connor	Sarna	Wenzel
Cohen	Kelly	Ogren	Schafer	Wynia
DenOuden	Kiffmeyer	Olsen, S.	Scheid	Zaifke
Dimler	Knickerbocker	Olson, E.	Schoenfeld	Spk. Jennings, D.
Dyke	Knuth	Ormann	Schreiber	
Elioff	Kostohryz	Onnen	Seaberg	

The motion prevailed and Senate Concurrent Resolution No. 2 was adopted.

Mr. Speaker:

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

Senate Concurrent Resolution No. 3, A concurrent resolution relating to adjournment for more than three days.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### SUSPENSION OF RULES

Levi 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:

1. Upon its adjournment on Thursday, January 10, 1985, the Senate may set its next day of meeting for Thursday, January 17, 1985.

2. Upon its adjournment on Thursday, January 10, 1985, the House of Representatives may set its next day of meeting for Thursday, January 17, 1985.

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

Levi moved that Senate Concurrent Resolution No. 3 be now adopted. The motion prevailed and Senate Concurrent Resolution No. 3 was adopted.

Mr. Speaker:

I have the honor to inform the House that the Senate is ready to meet with the House at 6:45 p.m., Thursday, January 10, 1985, to receive the message of the Honorable Rudy Perpich, Governor of the State of Minnesota, said message to be delivered at 7:00 p.m., Thursday, January 10, 1985.

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 Thursday, January 10, 1985, said Joint Convention to be convened at 6:45 p.m. and said message of the Governor to be delivered at 7:00 p.m.

Messrs. Willet, Chmielewski, Mrs. Lantry, Messrs. Knutson and Mehrkens have been appointed as members of such committee on the part of the Senate.

PATRICK E. FLAHAVEN, Secretary of the Senate

## ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following schedule of committee meetings for the 1985-86 regular session:

## 1985-86 HOUSE COMMITTEE SCHEDULE

<i>Committee</i>	<i>Meeting Room</i>	<i>Hour</i>
MONDAY		
Appropriations	200	8:00- 9:45 a.m.
Education	500S	8:00- 9:45 a.m.
Governmental Operations	400N	8:00- 9:45 a.m.
Crime and Family Law	500N	10:00-11:45 a.m.
Regulated Industries and Energy	500S	10:00-11:45 a.m.
Education (Finance Division)	500N	12:00- 1:45 p.m.
Labor-Management Relations	400S	12:00- 1:45 p.m.
Taxes (Local Government Finance Division)	400N	12:00- 1:45 p.m.
TUESDAY		
Appropriations	200	8:00- 9:45 a.m.
Governmental Operations	400N	8:00- 9:45 a.m.
Taxes	500S	8:00- 9:45 a.m.
Education (Higher Education Division)	500N	8:00- 9:45 a.m.
Commerce and Economic Development	300N	10:00-11:45 a.m.
Environment and Natural Resources	500S	10:00-11:45 a.m.
Health and Human Services	500N	10:00-11:45 a.m.



<i>Committee</i>	<i>Meeting Room</i>	<i>Hour</i>
Judiciary	300N	12:00- 1:45 p.m.
Labor-Management Relations (Unemployment Insurance- Workers' Compensation Division)	400N	12:00- 1:45 p.m.
Local and Urban Affairs	200	12:00- 1:45 p.m.

## WEDNESDAY

Appropriations	200	8:00- 9:45 a.m.
Education	500S	8:00- 9:45 a.m.
Governmental Operations	400N	8:00- 9:45 a.m.
Agriculture	400N	10:00-11:45 a.m.
Crime and Family Law	500N	10:00-11:45 a.m.
Financial Institutions and Insurance	500S	12:00- 1:45 p.m.
Transportation	400S	12:00- 1:45 p.m.

## THURSDAY

Appropriations	200	8:00- 9:45 a.m.
Governmental Operations	400N	8:00- 9:45 a.m.
Taxes	500S	8:00- 9:45 a.m.
Commerce and Economic Development	300N	10:00-11:45 a.m.
Environment and Natural Resources	500S	10:00-11:45 a.m.
Health and Human Services	500N	10:00-11:45 a.m.
General Legislation and Veterans Affairs	400N	12:00- 1:45 p.m.
Local and Urban Affairs	200	12:00- 1:45 p.m.

<i>Committee</i>	<i>Meeting Room</i>	<i>Hour</i>
FRIDAY		
Taxes	500S	8:00- 9:45 a.m.
Education (Education Finance Division)	500N	10:00-11:45 a.m.
CALL OF THE CHAIR		
Budget	454	
Rules and Legislative Administration	400S	

Levi moved that when the House adjourns today it adjourn until 12:00 noon, Thursday, January 17, 1985. The motion prevailed.

Levi moved that the House recess subject to the call of the Chair for the purpose of meeting with the Senate in Joint Convention to hear the address by the Governor.

RECESS

RECONVENED

The Speaker called the House to order at 6:45 p.m.

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

JOINT CONVENTION

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

Prayer was offered by the Reverend Howard C. Gravrock, House Chaplain.

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 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 the Honorable Peter S. Popovich, Chief Judge of the Court of Appeals, and the Associate Judges of the Court of Appeals. They were escorted to the seats reserved for them 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 David M. Jennings, 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

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Thursday, January 17, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA  
SEVENTY-FOURTH SESSION - 1985

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THIRD DAY

SAINT PAUL, MINNESOTA, MONDAY, JANUARY 14, 1985

The Senate met on Monday, January 14, 1985, which was the Third Legislative Day of the Seventy-fourth Session of the Minnesota State Legislature. The House of Representatives did not meet on this date.



## STATE OF MINNESOTA

## SEVENTY-FOURTH SESSION - 1985

## FOURTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, JANUARY 17, 1985

The House of Representatives convened at 12:00 noon and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Reverend Howard C. Gravrock, House Chaplain.

The roll was called and the following members were present:

Anderson, G.	Elioff	Knuth	Osthoff	Sherman
Anderson, R.	Ellingson	Kostohryz	Otis	Simoneau
Backlund	Erickson	Krueger	Ozment	Skoglund
Battaglia	Fjoslien	Kvam	Pappas	Solberg
Beard	Forsythe	Levi	Pauly	Sparby
Becklin	Frederick	Lieder	Peterson	Stanius
Begich	Frederickson	Long	Piepho	Staten
Bennett	Frerichs	Marsh	Piper	Sviggum
Bishop	Greenfield	McDonald	Poppenhagen	Thiede
Blatz	Gruenes	McEachern	Price	Thorson
Boerboom	Gutknecht	McKasy	Quinn	Tjornhom
Boo	Halberg	McLaughlin	Quist	Tomlinson
Brandl	Hartinger	McPherson	Redalen	Tompkins
Brinkman	Hartle	Metzen	Rees	Tunheim
Brown	Haukoos	Miller	Rest	Uphus
Burger	Heap	Minne	Richter	Valan
Carlson, D.	Himle	Munger	Riveness	Valento
Carlson, J.	Jacobs	Murphy	Rodosovich	Vanasek
Carlson, L.	Jaros	Nelson, D.	Rose	Vellenga
Clark	Jennings, L.	Neuenschwander	Sarna	Voss
Clausnitzer	Johnson	Norton	Schafer	Waltman
Cohen	Kahn	Ogren	Schoenfeld	Welle
Dempsey	Kalis	Olsen, S.	Schreiber	Wenzel
DenOuden	Kelly	Olson, E.	Seaberg	Wynia
Dimler	Kiffmeyer	Omann	Segal	Zaffke
Dyke	Knickerbocker	Onnen	Shaver	Spk. Jennings, D.

A quorum was present.

Nelson, K.; O'Connor; Rice and Scheid 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.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Redalen; Anderson, G.; Uphus; Dyke and Sparby introduced:

H. F. No. 32, A bill for an act relating to agriculture; providing a mechanism to aid restructuring existing farm loans; providing an interest reimbursement program to qualified banks; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 17D.

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

Simoneau, Minne, Greenfield and Pappas introduced:

H. F. No. 33, A bill for an act relating to labor; providing that contracts for loans include clauses which allow unemployed borrowers to make reasonable payments; requiring that employers provide notice of substantial changes in the number of people they employ; providing that employees can only be discharged for just cause; requiring that employers provide part-time employees the same fringe benefits as full-time employees on a pro rata basis; providing that workers engaged in approved training are eligible for unemployment compensation; requiring that corporations include employees on their board of directors; amending Minnesota Statutes 1984, sections 268.08, subdivision 1, and by adding a subdivision; and 300.20; proposing coding for new law in chapters 47; 116J; and 181.

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

Redalen introduced:

H. F. No. 34, A bill for an act relating to liquor; use of Minnesota grown grapes by farm wineries; amending Minnesota Statutes 1984, section 340.435.

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

Dimler, Schoenfeld, McDonald, Brinkman and Uphus introduced:

H. F. No. 35, A bill for an act relating to agriculture; making certain changes in the family farm security program; amending Minnesota Statutes 1984, sections 16A.80, subdivision 2a; 41.56, subdivisions 3, 4, and 4a; 41.57, subdivisions 2 and 3; 41.59, subdivision 1; 41.61, subdivision 1; and 290.01, subdivision 20b.

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

Jacobs introduced:

H. F. No. 36, A bill for an act relating to the legislature; reducing the number of members of the senate and house of representatives; amending Minnesota Statutes 1984, sections 2.021; and 2.031, subdivision 1; repealing Minnesota Statutes 1984, sections 2.031, subdivision 2; and 2.042 to 2.702.

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

Jacobs and Sarna introduced:

H. F. No. 37, A bill for an act relating to taxation; income; conforming to federal treatment of contributions to individual retirement plans and certain other pension plans; amending Minnesota Statutes 1984, section 290.01, subdivisions 20a and 20b.

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

Sparby, Valan, Johnson, DenOuden and Lieder introduced:

H. F. No. 38, A bill for an act relating to transportation; motor vehicles; exempting certain farm vehicles from the vehicle identification rule; amending Minnesota Statutes 1984, sections 221.025; and 221.031, subdivision 6.

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



Redalen and Jacobs introduced :

H. F. No. 39, A bill for an act relating to taxation; income; exempting the raising of horses from the farm loss modification; amending Minnesota Statutes 1984, section 290.09, subdivision 29.

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

Uphus and Johnson introduced :

H. F. No. 40, A bill for an act relating to elections; changing the hours for voting in certain elections in towns; amending Minnesota Statutes 1984, section 204C.05, subdivision 1.

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

Fjoslien, Krueger, Battaglia and Kvam introduced :

H. F. No. 41, A bill for an act relating to motor vehicles; exempting agricultural carriers from vehicle identification requirements; amending Minnesota Statutes 1984, section 221.031, subdivision 6.

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

Dempsey, Stanius, Neuenschwander, McDonald and Sviggum introduced :

H. F. No. 42, A bill for an act relating to taxation; sales and use; eliminating accelerated payment of liability; amending Minnesota Statutes 1984, section 297A.27, subdivision 1; repealing Minnesota Statutes 1984, section 297A.275.

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

Johnson, Sparby, Fjoslien, Valan and Tunheim introduced:

H. F. No. 43, A bill for an act relating to commerce; providing for payment to a farm implement retailer by the manufacturer, wholesaler, or distributor who repurchases inventory; requiring the payment of interest on overdue accounts; amending Minnesota Statutes 1984, section 325E.06, subdivision 1.

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

Johnson, Redalen and Neuenschwander introduced:

H. F. No. 44, A bill for an act relating to game and fish; allowing one deer to be taken by each method of hunting in any year; amending Minnesota Statutes 1984, section 100.272.

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

Johnson introduced:

H. F. No. 45, A bill for an act relating to elections; authorizing certain municipalities to fix a later time for voting to begin; amending Minnesota Statutes 1984, section 204C.05, subdivision 1.

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

Johnson and Sherman introduced:

H. F. No. 46, A bill for an act relating to education; allowing financial aid after the time normally required to complete a bachelor's degree; amending Minnesota Statutes 1984, section 136A.121, subdivision 10.

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

Lieder; Olson, E., and Kalis introduced :

H. F. No. 47, A bill for an act relating to transportation; motor vehicles; exempting certain farm vehicles from the vehicle identification rule; amending Minnesota Statutes 1984, sections 221.025; and 221.031, subdivision 6.

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

Lieder; Olson, E., and Kalis introduced :

H. F. No. 48, A bill for an act relating to taxation; sales; including replacement parts in the definition of farm machinery; amending Minnesota Statutes 1984, section 297A.01, subdivision 15.

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

Boerboom, Schafer, McDonald, Waltman and Sviggum introduced :

H. F. No. 49, A bill for an act relating to education; changing the basic maintenance mill rate to 20 mills; amending Minnesota Statutes 1984, section 124A.02, subdivision 7.

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

Carlson, L.; Greenfield; Begich; Welle and O'Connor introduced :

H. F. No. 50, A bill for an act relating to taxation; income; conforming to federal treatment of contributions to individual retirement plans and certain other pension plans; amending Minnesota Statutes 1984, section 290.01, subdivisions 20a and 20b.

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

Simoneau introduced :

H. F. No. 51, A bill for an act relating to retirement; establishing a uniform defined contribution public employee retirement plan; proposing coding for new law as Minnesota Statutes, chapter 356A.

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

Kvam, Redalen and Sparby introduced :

H. F. No. 52, A bill for an act relating to business regulation; requiring the commissioner of agriculture to find that reasonable economic necessity exists for the licensure and construction of new dairy processing plants; amending Minnesota Statutes 1984, section 28A.07; proposing coding for new law in Minnesota Statutes, chapter 474.

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

Fjoslien, Sparby, Erickson, Krueger and Johnson introduced :

H. F. No. 53, A bill for an act relating to taxation; sales and use; reducing the rate of tax on farm machinery; including repair and replacement parts in the definition of farm machinery; amending Minnesota Statutes 1984, sections 297A.01, subdivision 15; 297A.02, subdivision 2; and 297A.14.

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

Kelly, Otis, Greenfield, Sherman and Piepho introduced :

H. F. No. 54, A bill for an act relating to education; requiring post-secondary governing boards to develop procedures to facilitate the transfer of credit between institutions.

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

Olsen, S.; Gruenes; Neuenschwander; Richter and Tjornhom introduced:

H. F. No. 55, A bill for an act relating to taxation; income; providing a credit for home care of the elderly; amending Minnesota Statutes 1984, section 290.06, by adding a subdivision.

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

Piepho, Heap, Quinn, Boerboom and Kelly introduced:

H. F. No. 56, A bill for an act relating to labor; creating an employees social responsibility act; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 181.

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

Olsen, S.; McKasy; Clausnitzer; Tjornhom and Tompkins introduced:

H. F. No. 57, A bill for an act relating to taxation; income; conforming to federal treatment of contributions to individual retirement plans and certain other pension plans; amending Minnesota Statutes 1984, section 290.01, subdivisions 20a and 20b.

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

Valan introduced:

H. F. No. 58, A bill for an act relating to the town of Moorhead; allowing the town certain powers.

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

Valento, Stanius, Tompkins, Becklin and McPherson introduced:

H. F. No. 59, A bill for an act relating to taxation; sales and use; motor vehicle excise; reducing the general rate to five percent; amending Minnesota Statutes 1984, sections 297A.02, subdivision 1; 297A.03, subdivision 2; and 297A.14.

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

McEachern, Thiede, Quinn, Krueger and Wenzel introduced:

H. F. No. 60, A bill for an act relating to education; prohibiting school districts from beginning the school year before Labor Day; amending Minnesota Statutes 1984, section 126.12.

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

Wenzel, Tunheim, Schoenfeld, McDonald and Brown introduced:

H. F. No. 61, A bill for an act relating to taxation; sales and use; exempting farm machinery and replacement parts; amending Minnesota Statutes 1984, sections 297A.01, subdivision 15; 297A.02, subdivision 2; 297A.14; and 297A.25, subdivision 1.

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

Backlund; Erickson; Olsen, S.; McPherson and Rees introduced:

H. F. No. 62, A bill for an act relating to education; changing the basic maintenance mill rate to 20 mills; amending Minnesota Statutes 1984, section 124A.02, subdivision 7.

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

Nelson, K., introduced:

H. F. No. 63, A bill for an act relating to the legislature; reducing the number of members of the senate and house of representatives; amending Minnesota Statutes 1984, sections 2.021; and 2.031, subdivision 1; and repealing Minnesota Statutes 1984, section 2.031, subdivision 2.

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

Nelson, K., introduced:

H. F. No. 64, A bill for an act relating to taxation; income; conforming to federal treatment of contributions to individual retirement plans and certain other pension plans; amending Minnesota Statutes 1984, section 290.01, subdivisions 20a and 20b.

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

Kvam, Brinkman, Dimler, Tjornhom and Scheid introduced:

H. F. No. 65, A bill for an act relating to taxation; sales and use; eliminating accelerated payment of liability; amending Minnesota Statutes 1984, section 297A.27, subdivision 1; repealing Minnesota Statutes 1984, section 297A.275.

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

Erickson, Dyke, Boerboom and Fjoslien introduced:

H. F. No. 66, A bill for an act relating to elections; allowing certain municipalities to set shorter voting hours; amending Minnesota Statutes 1984, section 204C.05, subdivision 1.

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

Kelly, Bishop, Halberg, Cohen and McKasy introduced :

H. F. No. 67, A bill for an act relating to judges; providing for the manner of filling vacancies in the office of judge; proposing coding for new law in Minnesota Statutes, chapter 480B.

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

McKasy, McPherson, Halberg, Quinn and Kelly introduced :

H. F. No. 68, A bill for an act relating to trusts; eliminating the requirement of qualifying trustees in certain cases; amending Minnesota Statutes 1984, section 524.3-913.

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

Gutknecht, McDonald, Kvam, Stanius and Tjornhom introduced :

H. F. No. 69, A resolution memorializing Congress to call a constitutional convention to propose an amendment to the United States Constitution to require a balanced federal budget.

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

Gruenes introduced :

H. F. No. 70, A bill for an act relating to retirement; inclusion of librarians in the correctional officer's retirement plan; amending Minnesota Statutes 1984, section 352.91, subdivision 2.

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



Anderson, R., introduced :

H. F. No. 71, A bill for an act relating to the city of Fergus Falls; granting the city the powers of a port authority; requiring local approval.

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

Schafer, Miller, Tompkins, Thorson and McPherson introduced :

H. F. No. 72, A resolution memorializing Congress to call a constitutional convention to propose an amendment to the United States Constitution to require a balanced federal budget.

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

Schafer, Rees, Gutknecht, Thiede and Clausnitzer introduced :

H. F. No. 73, A bill for an act relating to education; prohibiting a school district from beginning the school year before Labor Day; amending Minnesota Statutes 1984, section 126.12.

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

Backlund and Simoneau introduced :

H. F. No. 74, A bill for an act relating to Independent School District Number 14, Fridley; allowing it to deposit certain excess proceeds from the sale of a building into the general fund.

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

Simoneau and Backlund introduced :

H. F. No. 75, A bill for an act relating to human services; expanding the definition of mentally retarded person; requiring the commissioner of human services to include autistic children and adults in programs; amending Minnesota Statutes 1984, section 252A.02, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 252A.

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

Staten and Greenfield introduced :

H. F. No. 76, A bill for an act relating to financial institutions; prohibiting fees for checks cashed by medical assistance recipients or elderly persons; proposing coding for new law in Minnesota Statutes, chapter 47.

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

Backlund and Schreiber introduced :

H. F. No. 77, A bill for an act relating to taxation; income; conforming to federal treatment of contributions to individual retirement plans and certain other pension plans; amending Minnesota Statutes 1984, section 290.01, subdivisions 20a and 20b.

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

Staten introduced :

H. F. No. 78, A bill for an act relating to crimes; defining the crime of owning or operating a disorderly house; requiring a mandatory fine for a person owning or operating a disorderly house; amending Minnesota Statutes 1984, section 609.33.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Schafer and Nelson, K., introduced :

H. F. No. 79, A bill for an act relating to education; increasing the weighting of kindergarten pupil units for those attending full day programs; amending Minnesota Statutes 1984, section 124.17, subdivision 1.

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

Cohen, Osthoff, McKasy, Seaberg and Kelly introduced :

H. F. No. 80, A bill for an act relating to the legislature; reducing the number of members of the senate and house of representatives; amending Minnesota Statutes 1984, sections 2.021; and 2.031, subdivision 1; and repealing Minnesota Statutes 1984, section 2.031, subdivision 2.

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

Cohen, Wynia, Long, Clark and Minne introduced :

H. F. No. 81, 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.

Valento, Becklin, McPherson, Stanius and McKasy introduced :

H. F. No. 82, A bill for an act relating to the legislature; requiring action on tax bills to be taken before the 50th legislative day and action on general appropriations must be taken after that; proposing coding for new law in Minnesota Statutes, chapter 3.

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

Forsythe, Halberg, Long, Ellingson and Kelly introduced :

H. F. No. 83, A bill for an act relating to courts; eliminating restrictions on the chief judge's ability to make assignments to juvenile court in Hennepin and Ramsey counties; amending Minnesota Statutes 1984, section 260.019, subdivision 3.

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

Simoneau introduced :

H. F. No. 84, A bill for an act relating to communications; providing for membership on the telecommunications council; amending Minnesota Statutes 1984, section 16C.01, subdivision 2.

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

Brinkman introduced :

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

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

Sparby introduced :

H. F. No. 86, A bill for an act relating to retirement; increasing survivor benefits payable by the Thief River Falls police relief association; amending Laws 1981, chapter 68, section 42, subdivision 1.

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

Staten introduced :

H. F. No. 87, A bill for an act relating to economic development; establishing a jobs program for unemployed youths; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 268.

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

Olsen, S.; Erickson; Wenzel and Schafer introduced :

H. F. No. 88, A bill for an act relating to education; removing the age limits on the apportionment of the school endowment fund; amending Minnesota Statutes 1984, section 124.09.

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

Dimler; Fjoslien; Osthoff; Anderson, G., and Richter introduced:

H. F. No. 89, A resolution memorializing 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.

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

Rose, Skoglund, Krueger, Clark and Bishop introduced:

H. F. No. 90, A bill for an act relating to state government; creating the Council on Asian-Pacific Minnesotans; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 3.

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

Shaver, Voss, Beard, Price and Quinn introduced:

H. F. No. 91, A bill for an act relating to elections; providing for the preparation and availability of correct precinct lists; amending Minnesota Statutes 1984, section 201.091, subdivision 2.

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

Forsythe; Segal; Nelson, K.; Olsen, S., and Erickson introduced:

H. F. No. 92, A bill for an act relating to school districts; authorizing a capital expenditure levy for surplus school buildings used for community purposes; amending Minnesota Statutes 1984, section 275.125, by adding a subdivision.

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

Redalen, Kalis, Dyke, Sparby and Valan introduced:

H. F. No. 93, A bill for an act relating to taxation; sales; including replacement parts in the definition of farm machinery; amending Minnesota Statutes 1984, section 297A.01, subdivision 15.

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

Redalen, Kalis, Waltman, Uphus and Tunheim introduced:

H. F. No. 94, A bill for an act relating to agriculture; changing certain soil and water conservation priorities; amending Minnesota Statutes 1984, sections 40.036, subdivision 1; and 40.038, subdivision 1.

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

Wenzel introduced:

H. F. No. 95, A bill for an act relating to taxation; property; changing the assessment ratios for commercial and industrial property; amending Minnesota Statutes 1984, section 273.13, subdivision 9.

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

Dimler, Brinkman, Kvam, Simoneau and Richter introduced:

H. F. No. 96, A bill for an act relating to taxation; exempting business equipment, including farm machinery, from the sales tax; amending Minnesota Statutes 1984, sections 297A.01, subdivision 15 and by adding a subdivision; 297A.14; 297A.25, subdivision 1; repealing Minnesota Statutes 1984, sections 297A.01, subdivisions 16 and 17; 297A.02, subdivision 2; and 297A.15, subdivision 5.

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

**Redalen introduced :**

H. F. No. 97, A bill for an act relating to liquor; authorizing farm winery licensees to sell cheese and cheese spreads; amending Minnesota Statutes 1984, section 340.435, subdivision 3.

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

**Knickerbocker and Simoneau introduced :**

H. F. No. 98, A bill for an act relating to retirement; expanding the availability of certain appropriations for actuarial services.

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

**Dimler, Dempsey, Neuenschwander, Tjornhom and Marsh introduced :**

H. F. No. 99, A bill for an act relating to taxation; sales; providing a reduced rate for business equipment, including farm machinery; amending Minnesota Statutes 1984, sections 297A.01, subdivision 15, and by adding a subdivision; 297A.02, subdivision 2; and 297A.14; repealing Minnesota Statutes 1984, sections 297A.01, subdivisions 16 and 17; and 297A.15, subdivision 5.

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

**Beard, Price and Schafer introduced :**

H. F. No. 100, A bill for an act relating to alcoholic beverages; increasing the age for licensing, sale, purchase, consumption, possession, and furnishing of alcoholic beverages; amending Minnesota Statutes 1984, sections 340.02, subdivision 8; 340.035, subdivision 1; 340.039; 340.119, subdivision 2; 340.13, subdivision 12; 340.403, subdivision 3; 340.73, subdivision 1; 340.731; 340.732; 340.79; and 340.80.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Simoneau, Begich, Rice, Pappas and Clark introduced:

H. F. No. 101, A bill for an act relating to health; establishing a system for the provision of health care services for unemployed workers; proposing coding for new law as Minnesota Statutes, chapter 62I.

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

Schafer, Quist, Beard, Gutknecht and Jennings, D., introduced:

H. F. No. 102, A bill for an act relating to alcoholic beverages; increasing the age for licensing, sale, consumption, possession, and furnishing; amending Minnesota Statutes 1984, 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; 340.732; 340.79; and 340.80.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Wenzel, Schoenfeld, Welle, Krueger and Brown introduced:

H. F. No. 103, A bill for an act relating to taxation; property; providing state paid refunds for homestead agricultural property.

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, Wenzel moved that the rule therein be suspended and an urgency be declared so that H. F. No. 103 be given its second and third readings and be placed upon its final passage.

A roll call was requested and properly seconded.

#### POINT OF ORDER

Levi raised a point of order pursuant to section 180 of "Mason's Manual of Legislative Procedure" that the Wenzel motion to suspend Article IV, Section 19, of the Constitution of the State



of Minnesota was out of order. The Speaker ruled the point of order well taken and the Wenzel motion out of order.

Anderson, G., appealed the decision of the Chair.

A roll call was requested and properly seconded.

#### POINT OF ORDER

Halberg raised a point of order pursuant to section 180, paragraph 3, of "Mason's Manual of Legislative Procedure" that the Anderson, G., appeal of the decision of the Chair was out of order. The Speaker ruled the point of order not well taken and the Anderson, G., appeal in order.

Levi moved to lay the Anderson, G., appeal of the decision of the Chair on the table.

A roll call was requested and properly seconded.

The question was taken on the Levi motion and the roll was called. There were 68 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dimler	Heap	Ozment	Stanius
Backlund	Dyke	Himle	Pauly	Sviggum
Becklin	Erickson	Johnson	Piepho	Thiede
Bennett	Fjoslien	Kiffmeyer	Poppenhagen	Thorson
Bishop	Forsythe	Knickerbocker	Quist	Tjornhom
Blatz	Frederick	Kvam	Redalen	Tompkins
Boerboom	Frederickson	Levi	Rees	Uphus
Boo	Frerichs	Marsh	Richter	Valan
Burger	Gruenes	McKasy	Rose	Valento
Carlson, D.	Gutknecht	McPherson	Schafer	Waltman
Carlson, J.	Halberg	Miller	Schreiber	Zaffke
Clausnitzer	Hartinger	Olsen, S.	Seaberg	Spk. Jennings, D.
Dempsey	Hartle	Omann	Shaver	
DenOuden	Haukoos	Onnen	Sherman	

Those who voted in the negative were:

Anderson, G.	Jacobs	McLaughlin	Peterson	Sparby
Battaglia	Jaros	Metzen	Piper	Staten
Beard	Jennings, L.	Minne	Price	Tomlinson
Begich	Kahn	Munger	Quinn	Tunheim
Brandl	Kalis	Murphy	Rest	Vanasek
Brinkman	Kelly	Nelson, D.	Riveness	Vellenga
Brown	Knuth	Neuenschwander	Rodosovich	Voss
Carlson, L.	Kostohryz	Norton	Sarna	Welle
Clark	Krueger	Ogren	Schoenfeld	Wenzel
Cohen	Lieder	Olson, E.	Segal	Wynia
Elioff	Long	Osthoff	Simoneau	
Ellingson	McDonald	Otis	Skoglund	
Greenfield	McEachern	Pappas	Solberg	

The motion prevailed and the appeal of the decision of the Chair was laid on the table.

H. F. No. 103 was referred to the Committee on Taxes.

### INTRODUCTION AND FIRST READING OF HOUSE BILLS, Continued

Wenzel and Quist introduced :

H. F. No. 104, A bill for an act relating to regulated industries ; authorizing certain organizations to conduct lawful gambling ; authorizing local units of government to regulate this activity ; amending Minnesota Statutes 1984, sections 340.14, subdivision 2 ; 349.13 ; 349.14 ; 349.31, subdivision 1 ; 609.75, subdivision 3 ; and 609.761 ; proposing coding for new law in Minnesota Statutes, chapter 349 ; repealing Minnesota Statutes 1984, sections 349.11 ; 349.12, subdivisions 13, 14, 15, 16, and 17 ; and 349.151 to 349.22.

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

Anderson, G. ; Kalis ; Lieder ; Vanasek and Piper introduced :

H. F. No. 105, A bill for an act relating to taxation ; property ; providing state paid refunds for homestead agricultural property.

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

Heap introduced :

H. F. No. 106, A bill for an act relating to alcoholic beverages ; increasing the age for licensing, sale, purchase, consumption, possession, and furnishing of alcoholic beverages ; amending Minnesota Statutes 1984, 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 ; 340.732 ; 340.79 ; and 340.80.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Sviggum, Dempsey, Onnen, Vanasek and Redalen introduced :

H. F. No. 107, A bill for an act relating to taxation; allowing an income tax credit for pollution control feedlot equipment purchased during tax years 1983 and 1984.

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

Sviggum; Dempsey; Olsen, S.; Neuenschwander and Redalen introduced :

H. F. No. 108, A bill for an act relating to taxation; sales and use; exempting admissions to school events; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

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

Himle, Tjornhom, Kiffmeyer and Becklin introduced :

H. F. No. 109, A bill for an act relating to taxation; income; conforming to federal treatment of contributions to individual retirement plans and certain other pension plans; amending Minnesota Statutes 1984, section 290.01, subdivisions 20a and 20b.

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

Knickerbocker introduced :

H. F. No. 110, A bill for an act relating to retirement; public employees retirement association; setting the salary range of the executive director; changing the membership of the board; providing qualifications for the executive director; requiring advice and consent of the senate for appointment of the executive director; providing that public employees retirement association is a state agency in the executive branch; defining the duties of the board; ending the terms of current board members; defining the duties of the executive director; amending Minnesota Statutes 1984, sections 15A.081, subdivision 1; 43A.02, subdivision 22; and 353.03, subdivisions 1, 1a, 2, 3, 3a, and 5; proposing coding for new law in Minnesota Statutes, chapter 353.

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

Svigum; Carlson, J., and Thiede introduced:

H. F. No. 111, A bill for an act relating to government operations; regulating salaries and benefits of legislators, constitutional officers, and judges; amending Minnesota Statutes 1984, sections 3.099, subdivision 2; and 3A.02, subdivision 1; repealing Minnesota Statutes 1984, section 15A.082.

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

REPORTS FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION

Levi 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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Carlson, J.	Frerichs	Kiffmeyer	Minne
Anderson, R.	Carlson, L.	Greenfield	Knickerbocker	Munger
Backlund	Clark	Gruenes	Knuth	Murphy
Battaglia	Clausnitzer	Gutknecht	Kostohryz	Nelson, D.
Beard	Cohen	Halberg	Krueger	Neuenschwander
Becklin	Dempsey	Hartinger	Kvam	Norton
Begich	DenOuden	Hartle	Levi	Ogren
Bishop	Dimler	Haukoos	Lieder	Olsen, S.
Blatz	Dyke	Heap	Long	Olson, E.
Boerboom	Elioff	Himle	Marsh	Omann
Boo	Ellingson	Jacobs	McDonald	Onnen
Brandl	Erickson	Jennings, L.	McEachern	Osthoff
Brinkman	Fjoslien	Johnson	McKasy	Otis
Brown	Forsythe	Kahn	McLaughlin	Ozment
Burger	Frederick	Kalis	McPherson	Pappas
Carlson, D.	Frederickson	Kelly	Metzen	Pauly

Peterson	Richter	Shaver	Thorson	Voss
Piepho	Riveness	Sherman	Tjornhom	Waltman
Piper	Rodosovich	Simoneau	Tomlinson	Welle
Poppenhagen	Rose	Skoglund	Tompkins	Wenzel
Price	Sarna	Solberg	Tunheim	Wynia
Quinn	Schafer	Sparby	Uphus	Zaffke
Quist	Schoenfeld	Stanius	Valan	Spk. Jennings, D.
Redalen	Schreiber	Staten	Valento	
Rees	Seaberg	Sviggum	Vanasek	
Rest	Segal	Thiede	Vellenga	

The motion prevailed and the resolution was adopted.

Levi 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 74th 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 73rd Legislative Session.

The question was taken on the adoption of the resolution and the roll was called. There were 126 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Krueger	Ozment	Solberg
Anderson, R.	Fjoslien	Kvam	Pappas	Sparby
Backlund	Forsythe	Levi	Pauly	Stanius
Battaglia	Frederick	Lieder	Peterson	Staten
Beard	Frederickson	Long	Piepho	Sviggum
Becklin	Frerichs	Marsh	Piper	Thiede
Begich	Greenfield	McDonald	Poppenhagen	Thorson
Bennett	Gruenes	McEachern	Price	Tjornhom
Bishop	Gutknecht	McKasy	Quinn	Tomlinson
Blatz	Halberg	McLaughlin	Quist	Tunheim
Boerboom	Hartinger	McPherson	Redalen	Uphus
Boo	Hartle	Metzen	Rees	Valan
Brandl	Haukoos	Miller	Rest	Valento
Brinkman	Heap	Minne	Richter	Vanasek
Brown	Himle	Munger	Riveness	Vellenga
Burger	Jacobs	Murphy	Rodosovich	Voss
Carlson, D.	Jaros	Nelson, D.	Rose	Waltman
Carlson, J.	Jennings, L.	Neuenschwander	Sarna	Welle
Carlson, L.	Johnson	Norton	Schafer	Wenzel
Clark	Kahn	Ogren	Schoenfeld	Wynia
Clausnitzer	Kalis	Olsen, S.	Schreiber	Zaffke
Dempsey	Kelly	Olsen, E.	Seaberg	Spk. Jennings, D.
DenOuden	Kiffmeyer	Omam	Segal	
Dyke	Knickerbocker	Onnen	Shaver	
Etioff	Knuth	Osthoff	Sherman	
Ellingson	Kostohryz	Otis	Simoneau	

Those who voted in the negative were:

Cohen                      Skoglund

The motion prevailed and the resolution was adopted.

Levi 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 1986.

The question was taken on the adoption of the resolution and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Knuth	Osthoff	Sherman
Anderson, R.	Ellingson	Kostohryz	Otis	Simoneau
Backlund	Erickson	Krueger	Ozment	Skoglund
Battaglia	Fjoslien	Kvam	Pappas	Solberg
Beard	Forsythe	Levi	Pauly	Sparby
Becklin	Frederick	Lieder	Peterson	Stanius
Begich	Frederickson	Long	Piepho	Staten
Bennett	Frerichs	Marsh	Piper	Sviggum
Bishop	Greenfield	McDonald	Poppenhagen	Thiede
Blatz	Gruenes	McEachern	Price	Thorson
Boerboom	Gutknecht	McKasy	Quinn	Tjornhom
Boo	Halberg	McLaughlin	Quist	Tomlinson
Brandl	Hartinger	McPherson	Redalen	Tompkins
Brinkman	Hartle	Metzen	Rees	Tunheim
Brown	Haukoos	Miller	Rest	Uphus
Burger	Heap	Minne	Richter	Valan
Carlson, D.	Himle	Munger	Riveness	Valento
Carlson, J.	Jacobs	Murphy	Rodosovich	Vanasek
Carlson, L.	Jaros	Neison, D.	Rose	Vellenga
Clark	Jennings, L.	Neuenschwander	Sarna	Voss
Clausnitzer	Johnson	Norton	Schafer	Waltman
Cohen	Kahn	Ogren	Schoenfeld	Welle
Dempsey	Kalis	Olsen, S.	Schreiber	Wenzel
DenOuden	Kelly	Olson, E.	Seaberg	Wynia
Dimler	Kiffmeyer	Omamn	Segal	Zaffke
Dyke	Knickerbocker	Onnen	Shaver	Spk. Jennings, D.

The motion prevailed and the resolution was adopted.

Levi 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 Representa-

tives 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 8½ by 11 letterheads and matching envelopes or 250 5½ by 4½ 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 10, 1985, 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, R.	Dimler	Kahn	Nelson, D.	Richter
Backlund	Dyke	Kalis	Neuenschwander	Riveness
Battaglia	Elioff	Kelly	Norton	Rodosovich
Beard	Ellingson	Kiffmeyer	Ogren	Rose
Becklin	Erickson	Knickerbocker	Olsen, S.	Sarna
Begich	Fjoslien	Knuth	Olson, E.	Schafer
Bennett	Forsythe	Kostohryz	Omann	Schoenfeld
Bishop	Frederick	Krueger	Onnen	Schreiber
Blatz	Frederickson	Kvam	Osthoff	Seaberg
Boerboom	Frerichs	Levi	Otis	Segal
Boo	Greenfield	Lieder	Ozment	Shaver
Brandl	Gruenes	Long	Pappas	Sherman
Brinkman	Gutknecht	Marsh	Pauly	Simoneau
Brown	Halberg	McDonald	Peterson	Skoglund
Burger	Harteringer	McEachern	Piepho	Solberg
Carlson, D.	Hartle	McKasy	Piper	Sparby
Carlson, J.	Haukoos	McLaughlin	Poppenhagen	Stanius
Carlson, L.	Heap	McPherson	Price	Staten
Clark	Himle	Metzen	Quinn	Sviggum
Clausnitzer	Jacobs	Miller	Quist	Thiede
Cohen	Jaros	Minne	Redalen	Thorson
Dempsey	Jennings, L.	Munger	Rees	Tjornhom
DenOuden	Johnson	Murphy	Rest	Tomlinson

Tompkins  
Tunheim  
Uphus

Valan  
Valento  
Vanasek

Vellenga  
Voss  
Waltman

Welle  
Wenzel  
Wynia

Zaffke  
Spk. Jennings, D.

The motion prevailed and the resolution was adopted.

## MOTIONS AND RESOLUTIONS

Uphus, Haukoos and Ozment introduced:

House Resolution No. 1, A house resolution extending condolences to the families and friends of the volunteer firefighters who died in a fire in Sauk Centre and indicating appreciation to all firefighters.

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

Staten, Piper and Greenfield introduced:

House Concurrent Resolution No. 1, A house concurrent resolution commemorating the life and work of Martin Luther King, Jr.

## SUSPENSION OF RULES

Staten 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 commemorating the life and work of Martin Luther King, Jr.

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

*Whereas*, his life was devoted to the elimination of segregation and prejudice against his people; and

*Whereas*, he sought to fulfill his goals exclusively by non-violent means; and

*Whereas*, his life and career were ended by assassination; and



*Whereas*, his life and work were typified by great personal sacrifice and devotion to the welfare of his fellow human beings; and

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

*Whereas*, the State of Minnesota wishes to recognize the great achievements in human and civil rights that were accomplished, in great part, through the efforts of Martin Luther King, Jr.; *Now, Therefore*,

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

*Be It Further Resolved* that the Chief Clerk of the House of Representatives is directed to enroll this resolution, to be authenticated by his signature and those of the Speaker of the House of Representatives, and the President of the Senate, and that it be presented to the Commissioner of Administration and to Coretta Scott King.

Staten moved that House Concurrent Resolution No. 1 be now adopted. The motion prevailed and House Concurrent Resolution No. 1 was adopted.

Olsen, S., moved that the name of Segal be added as an author on H. F. No. 13. The motion prevailed.

Neuenschwander moved that the name of Segal be added as an author on H. F. No. 24. The motion prevailed.

Piepho moved that the names of Jennings, D.; Rees; Valento and Tompkins be added as authors on H. F. No. 9. The motion prevailed.

Wenzel moved that the name of McEachern be added as an author on H. F. Nos. 15, 16 and 17. The motion prevailed.

Dimler moved that the name of Sparby be added as an author on H. F. No. 12. The motion prevailed.

Jacobs moved that the name of Otis be added as an author on H. F. No. 36. The motion prevailed.

Pauly moved that the name of Knuth be added as an author on H. F. No. 2. The motion prevailed.

ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, January 21, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, January 21, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



STATE OF MINNESOTA  
SEVENTY-FOURTH SESSION - 1985

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FIFTH DAY

SAINT PAUL, MINNESOTA, MONDAY, JANUARY 21, 1985

The House of Representatives convened at 2:00 p.m. and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Reverend Howard C. Gravrock, House Chaplain.

The roll was called and the following members were present:

Anderson, G.	Ellingson	Levi	Pappas	Solberg
Anderson, R.	Erickson	Lieder	Pauly	Sparby
Backlund	Forsythe	Long	Peterson	Stanius
Battaglia	Frederick	Marsh	Piper	Staten
Beard	Frederickson	McDonald	Poppenhagen	Sviggum
Becklin	Frerichs	McEachern	Price	Thiede
Begich	Greenfield	McKasy	Quinn	Thorson
Bennett	Gruenes	McLaughlin	Quist	Tjornhom
Bishop	Gutknecht	McPherson	Redalen	Tomlinson
Blatz	Halberg	Metzen	Rees	Tompkins
Boerboom	Hartle	Miller	Rest	Tunheim
Boo	Haukoos	Minne	Rice	Uphus
Brandl	Heap	Munger	Richter	Valan
Brinkman	Himle	Murphy	Riveness	Valento
Brown	Jacobs	Nelson, D.	Rodosovich	Vanasek
Burger	Jaros	Nelson, K.	Rose	Vellenga
Carlson, D.	Jennings, L.	Neuenschwander	Sarna	Voss
Carlson, J.	Johnson	Norton	Schafer	Waltman
Carlson, L.	Kahn	O'Connor	Scheid	Welle
Clark	Kalis	Ogren	Schoenfeld	Wenzel
Clausnitzer	Kelly	Olsen, S.	Schreiber	Wynia
Cohen	Kiffmeyer	Olson, E.	Seaberg	Zaffke
Dempsey	Knickerbocker	Omann	Segal	Spk. Jennings, D.
DenOuden	Knuth	Onnen	Shaver	
Dimler	Kostohryz	Osthoff	Sherman	
Dyke	Krueger	Otis	Simoneau	
Elioff	Kvam	Ozment	Skoglund	

A quorum was present.

Fjoslien, Hartinger 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 STANDING COMMITTEES

Schreiber from the Committee on Taxes to which was referred:

H. F. No. 2, A bill for an act relating to taxation; income; adopting federal changes relating to interest on mortgage subsidy bonds; amending Minnesota Statutes 1984, section 290.01, subdivision 20.

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

The report was adopted.

Fjoslien from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 89, A resolution memorializing 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.

Reported the same back with the following amendments:

Page 1, line 12, delete "2,490" and insert "2,483"

Page 1, line 12, delete "49" and insert "50"

Page 1, line 15, delete "men" and insert "Americans"

Page 1, line 22, delete "American servicemen" and insert "Americans"

Page 1, line 24, delete "men" and insert "Americans"

Page 2, line 4, delete "men" and insert "Americans"

Page 2, line 10, delete "American servicemen" and insert "Americans"

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

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

## POINT OF ORDER

Krueger raised a point of order pursuant to rule 5.2 relating to Introduction of Bills and Resolutions. The Speaker ruled the point of order not well taken.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced :

Sviggum, Osthoff, Kiffmeyer, Metzen and Fjoslien introduced :

H. F. No. 112, A bill for an act relating to veterans ; authorizing certain American Legion officers and employees to elect state employee benefit coverage at their own expense ; amending Minnesota Statutes 1984, section 43A.27, subdivision 2.

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

Thiede, Quist and Poppenhagen introduced :

H. F. No. 113, A bill for an act relating to initiative ; proposing an amendment to the Minnesota Constitution, article VII by adding a section ; authorizing initiative on laws ; providing a statute implementing the amendment ; providing for the manner of petitioning and voting on initiative measures ; providing for disclosure of campaign costs on ballot issues ; providing that expenditures to promote or defeat a measure may not be taken as a deduction or credit against income taxes ; providing for judicial review ; providing penalties ; amending Minnesota Statutes 1984, sections 10A.01, subdivision 15 ; 10A.20, by adding a subdivision ; 204B.32 ; 204C.19, subdivision 2 ; 204C.33, subdivisions 1 and 3 ; 204D.11, by adding a subdivision ; 204D.15 ; 204D.16 ; 290.09, subdivision 2 ; 290.21, subdivision 3 ; 645.02 ; proposing coding for new law in Minnesota Statutes, chapter 3B.

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

Knuth, by request, introduced :

H. F. No. 114, A bill for an act relating to game and fish; authorizing elderly hunters to take deer of either sex; amending Minnesota Statutes 1984, section 98.47, by adding a subdivision.

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

Carlson, D., introduced :

H. F. No. 115, A bill for an act relating to motor vehicles; taxation; accelerating distribution of motor vehicle excise tax by six months; amending Minnesota Statutes 1984, section 297B.09, subdivision 2.

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

Begich, Valento, Neuenschwander, Sviggum and Battaglia introduced :

H. F. No. 116, A bill for an act relating to local government; setting authority to regulate firearms and related matters; amending Minnesota Statutes 1984, sections 624.7132, subdivision 16; and 624.717; proposing coding for new law in Minnesota Statutes, chapter 471; repealing Minnesota Statutes 1984, section 624.718.

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

Battaglia and Begich introduced :

H. F. No. 117, A bill for an act relating to the town of Tofte; authorizing the establishment of a detached banking facility.

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

Vellenga ; Dimler ; Jennings, L., and Kalis introduced :

H. F. No. 118, A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1984, 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 Human Services.

Forsythe, Segal, McKasy, Bennett and Piper introduced :

H. F. No. 119, A bill for an act relating to traffic regulations; requiring the use of seat belts by motor vehicle drivers and passengers; amending Minnesota Statutes 1984, section 169.685, by adding subdivisions.

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

Minne, Elioff, Solberg, Battaglia and Begich introduced :

H. F. No. 120, A bill for an act relating to real property; providing that the mortgage and contract for deed moratorium become permanent law; applying moratorium to holders of any mortgage or contract for deed to homestead property; abolishing exclusionary provision; allowing mortgagor to petition for postponement of foreclosure sale for up to 12 months; abolishing sunset provision; amending Minnesota Statutes 1984, sections 47.20, subdivision 15; 559.21, subdivision 6; 580.031; 583.02; 583.03; 583.04; and Laws 1983, chapter 215, section 16, as amended.

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

Battaglia and Begich introduced :

H. F. No. 121, A bill for an act relating to taxation; authorizing imposition of sales tax on lodging in towns and unorganized territories; amending Minnesota Statutes 1984, section 477A.018.

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



Staten, Kahn, Otis, Clark and McLaughlin introduced :

H. F. No. 122, A bill for an act relating to state investment policy ; requiring divestiture of investments in banks, financial institutions, and companies doing business in or with South Africa or Namibia ; providing for reinvestment of proceeds from required sales in institutions or companies which invest or conduct business operations in Minnesota ; proposing coding for new law in Minnesota Statutes, chapter 11A.

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

Marsh, Boerboom, Hartinger, Poppenhagen and Kiffmeyer introduced :

H. F. No. 123, A resolution memorializing the United States Congress to propose an amendment to the United States Constitution to protect human life.

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

Thiede, DenOuden, Quist, Schafer and Poppenhagen introduced :

H. F. No. 124, A bill for an act proposing an amendment to the Minnesota Constitution, adding a section to article VIII ; providing for the recall of elected officials.

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

Blatz, Ellingson, Shaver, Halberg and Neuenschwander introduced :

H. F. No. 125, A bill for an act relating to real property ; eliminating the necessity of a court order before requiring registered land surveys ; authorizing the use of registered land surveys for multilevel tracts ; amending the provisions relating to corporate resolutions of dissolution and to instruments exe-

cuted by owners whose fee title is held in trust; amending the requirements for joint tenancy clearances; amending Minnesota Statutes 1984, sections 508.47, subdivisions 2 and 4; 508.61, subdivision 3; 508.62; 508.71, subdivision 5; 508A.47, subdivisions 2 and 4; 508A.61, subdivision 3; 508A.62; and 508A.71, subdivision 5.

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

**Blatz, Onnen, Quist, Elioff and Rodosovich introduced:**

H. F. No. 126, A bill for an act relating to human services; extending the community work experience program; amending Minnesota Statutes 1984, section 256.737.

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

**Solberg, Minne, Neuenschwander, Ogren and Brown introduced:**

H. F. No. 127, A bill for an act relating to taxation; exempting residential use of electricity from the sales tax; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

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

**Price, Beard, Knuth, Ogren and Welle introduced:**

H. F. No. 128, A bill for an act relating to taxation; sales and use; extending the definition of capital equipment to include replacement equipment; providing for reduced rates and exemption for sales of capital equipment; amending Minnesota Statutes 1984, sections 297A.01, subdivision 16; 297A.02, subdivision 2; 297A.14; proposing coding for new law in Minnesota Statutes, chapter 297A.

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

Skoglund, Greenfield, Cohen, Wynia and Vellenga introduced :

H. F. No. 129, A bill for an act relating to taxation; sales; exempting sales of child restraint systems; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

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

Minne, Voss, Begich, Segal and Riveness introduced :

H. F. No. 130, A bill for an act relating to taxation; motor vehicle excise; exempting sales of certain cars; amending Minnesota Statutes 1984, section 297B.03.

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

DenOuden, Sviggum and Gutknecht introduced :

H. F. No. 131, A bill for an act relating to unemployment compensation; providing for refunds of erroneous contributions; amending Minnesota Statutes 1984, section 268.16, subdivision 6.

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

Jaros introduced :

H. F. No. 132, A bill for an act relating to claims against the state; providing for payment of a claim for workers' compensation and attorney fees; appropriating money.

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

Marsh, Stanius, Clausnitzer, Hartinger and Valento introduced :

H. F. No. 133, A bill for an act relating to corrections; creating a corrections board; requiring inmates to satisfactorily participate in rehabilitative programs as a condition of accruing good time reduction in their sentences; requiring the sentencing

guidelines commission to amend the dispositional line on the sentencing guidelines grid and to change the severity level of certain offenses relating to controlled substances; authorizing bonds to be issued for increasing the cell capacity of correctional facilities; appropriating money; amending Minnesota Statutes 1984, sections 244.02; and 244.04, subdivision 1, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 241 and 244.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Uphus, Waltman and Tunheim introduced :

H. F. No. 134, A bill for an act relating to agriculture; providing for establishment of certain fees by rule; changing certain fees and procedures; appropriating money; amending Minnesota Statutes 1984, sections 17.714, subdivision 1; 17.715, subdivision 1; 17.717, subdivision 1; 17.718, subdivision 1; 17.725, subdivision 2; 25.39; and 25.40, subdivision 1; repealing Minnesota Statutes 1984, section 17.717, subdivisions 3, 4, 5, and 6.

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

Uphus, McDonald, Tunheim and Redalen introduced :

H. F. No. 135, A bill for an act relating to agriculture; changing requirements for certain adulterated milk or cream; providing a penalty; amending Minnesota Statutes 1984, section 32.21.

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

Tunheim, Munger, Thiede and Zaffke introduced :

H. F. No. 136, A bill for an act relating to taxation; providing for refunds of certain gasoline taxes paid by resorts; appropriating money; amending Minnesota Statutes 1984, section 296.421, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 296.

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

Himle, Hartle, Schreiber, Blatz and Carlson, J., introduced:

H. F. No. 137, A bill for an act relating to taxation; income; conforming to federal treatment of contributions to individual retirement plans and certain other pension plans; amending Minnesota Statutes 1984, section 290.01, subdivisions 20a and 20b.

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

Rose introduced:

H. F. No. 138, A bill for an act relating to appropriations; reducing appropriations to the pollution control agency for solid waste and hazardous waste pollution control; amending Laws 1983, chapter 301, section 25.

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

Blatz, Tjornhom, Hartinger, Ozment and Kiffmeyer introduced:

H. F. No. 139, A bill for an act relating to taxation; income; reducing rates for individuals, estates, and trusts; amending Minnesota Statutes 1984, section 290.06, subdivision 2c.

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

McKasy, Wynia, Voss, Dempsey and Halberg introduced:

H. F. No. 140, A bill for an act relating to financial institutions; providing for deposits by minors and deposits in multi-party accounts; regulating multi-party accounts; amending Minnesota Statutes 1984, sections 48.30; 52.13; 528.02, subdivisions 3, 6, 8, and 11; 528.04; 528.05; 528.06; 528.07; 528.08; 528.09; 528.10; 528.11; 528.13; and 528.15; proposing coding for new law in Minnesota Statutes, chapters 48, 51A, and 52; repealing Minnesota Statutes 1984, sections 51A.26; 51A.28; 528.02, subdivision 15; and 528.12.

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

Dempsey, Quinn and Halberg introduced:

H. F. No. 141, A bill for an act relating to real property; changing effective dates for provisions relating to validation of foreclosure sales; amending Minnesota Statutes 1984, section 582.27.

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

Jacobs introduced:

H. F. No. 142, 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.

Blatz introduced:

H. F. No. 143, A bill for an act relating to utilities; providing that gas and electric utilities may not seek compensation from landlords for delinquent bills incurred through a service agreement solely with the tenant; proposing coding for new law in Minnesota Statutes, chapter 216B.

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

Blatz, Halberg, Wynia and Jennings, D., introduced:

H. F. No. 144, A bill for an act relating to insurance; health and accident; requiring coverage for scalp hair prostheses in certain circumstances; amending Minnesota Statutes 1984, section 62E.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

Dimler; Nelson, D.; Pauly and Knuth introduced:

H. F. No. 145, A bill for an act relating to real property; local and metropolitan government; transportation; providing for acquisition and relocation assistance in cases of hardship to owners of homestead property located in a proposed state highway corridor; amending Minnesota Statutes 1984, sections 117.52, by adding a subdivision; and 473.167, subdivision 2.

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

Kelly, McKasy, Halberg, Rest and DenOuden introduced:

H. F. No. 146, A bill for an act relating to liquor; providing that an individual may not purchase, possess, or consume or be given or sold various alcoholic beverages until the age of 21; providing penalties; amending Minnesota Statutes 1984, 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; 340.732; 340.79; and 340.80.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Sviggum; Vanasek; Gutknecht; Anderson, G., and Heap introduced:

H. F. No. 147, A bill for an act relating to unemployment compensation; benefit requalification after voluntary quit or discharge for misconduct; amending Minnesota Statutes 1984, section 268.09, subdivision 1.

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

Olsen, S.; Jacobs; Tjornhom; Begich and Marsh introduced:

H. F. No. 148, A bill for an act relating to taxation; income; allowing spouses to apportion the federal tax deduction as they elect; amending Minnesota Statutes 1984, section 290.18, subdivision 2.

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

Quist, Schafer, Thiede, Zaffke and Kiffmeyer introduced :

H. F. No. 149, A bill for an act relating to energy; repealing the prohibition on installation of decorative residential gas lamps; repealing Minnesota Statutes 1984, section 116J.19, subdivisions 5 and 6.

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

Sviggum, Clausnitzer, Knickerbocker, Kelly and Ozment introduced :

H. F. No. 150, A bill for an act relating to retirement; guaranteeing public employees retirement benefits; proposing coding for new law in Minnesota Statutes, chapter 356.

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

Thiede and Quist introduced :

H. F. No. 151, A bill for an act relating to education; prohibiting a school district from commencing the school year prior to Labor Day; amending Minnesota Statutes 1984, section 126.12.

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

McPherson, Dimler, Ozment, Backlund and Dempsey introduced :

H. F. No. 152, A bill for an act relating to taxation; sales and use; exempting capital equipment and special tooling; amending Minnesota Statutes 1984, sections 297A.02, subdivision 2; 297A.14; and 297A.25, subdivision 1; repealing Minnesota Statutes 1984, section 297A.15, subdivision 5.

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

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

PATRICK E. FLAHAVER, Secretary of the Senate

## SUSPENSION OF RULES

Staten moved that the rules be so far suspended that Senate Concurrent Resolution No. 5 be now considered and be placed upon its adoption. The motion prevailed.

## SENATE CONCURRENT RESOLUTION NO. 5

A senate concurrent resolution commemorating the life and work of Martin Luther King, Jr.

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

*Whereas*, his life was devoted to the elimination of segregation and prejudice against his people; and

*Whereas*, he sought to fulfill his goals exclusively by nonviolent means; and

*Whereas*, his life and career were ended by assassination; and

*Whereas*, his life and work were typified by great personal sacrifice and devotion to the welfare of his fellow human beings; and

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

*Whereas*, the State of Minnesota wishes to recognize the great achievements in human and civil rights that were accomplished, in great part, through the efforts of Martin Luther King, Jr.;  
*Now, Therefore,*

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

*Be It Further Resolved* that the Secretary of the Senate is directed to enroll this resolution, to be authenticated by his signature and those of the President, the Speaker of the House of Representatives, and the Chief Clerk of the House of Representatives, and that it be presented to the Commissioner of Administration and to Coretta Scott King.

Staten moved that Senate Concurrent Resolution No. 5 be now adopted. The motion prevailed and Senate Concurrent Resolution No. 5 was adopted.

REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION

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

Resolved that the Permanent Rules of the House in effect at the conclusion of the Seventy-Third Session are adopted as the Permanent Rules of the Seventy-Fourth Session with the following amendments:

(1) Rule 4.9 is amended to read:

**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) *others* specifically authorized to be present by (A HOUSE MEMBER) *the Speaker*. 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.

(2) Rule 5.10 is added to read:

**5.10 BUDGET COMMITTEE RESOLUTIONS; EFFECT ON APPROPRIATION AND TAX BILLS.** *The House may neither receive a committee report nor take other action, other than introduction and referral to committee, on any bill described in rule 5.7 or 5.9 until a budget resolution is adopted by the House as provided in this rule.*

*The Committee on Budget shall hold any hearings necessary to determine a limitation on state taxes and appropriations for the coming fiscal biennium. The Committee shall then introduce budget resolutions that set, as a single amount, the maximum limitation on taxes and appropriations for the fiscal biennium. The resolutions must be in the form of a House resolution and a House concurrent resolution. The limitation in the House resolution is effective, if adopted, until the House adopts a different limitation in a later House resolution or until the House and Senate adopt a limitation in a concurrent resolution.*

*No bill or amendment may be considered by the House if, upon a point of order being raised, the Speaker determines that its approval would raise taxes or appropriations above the limitation adopted in the budget resolution. To make this determination, the Speaker may consider:*

(a) *whether the bill or amendment increases and decreases taxes or appropriations equally;*

(b) *the total amount of taxes or appropriations already law or in bills already passed by the legislature;*

(c) *whether the bill or amendment provides that costs incurred will be entirely offset by fees or other revenues; or*

(d) *other information reasonably related to the level of taxes or appropriations.*

*The current estimate of taxes and appropriations must be provided by the Chairman of the Committee on Taxes or the Committee on Appropriations.*

(3) 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: *Agriculture, Transportation, and Semi-State*  
*Education*  
 (HEALTH, WELFARE, CORRECTIONS)  
*Human Services*  
 (SEMI-STATE)  
 State Departments

*Budget*

Commerce and Economic Development

*Crime and Family Law*

Education

(DIVISION:)

Divisions: Education Finance  
*Higher Education*

(ENERGY)

Environment and Natural Resources

Financial Institutions and Insurance

General Legislation and Veterans Affairs

(DIVISION: GAMING)

Governmental Operations

Health and (WELFARE) *Human Services*

Judiciary

(DIVISION: CRIMINAL JUSTICE)

Labor-Management Relations

Division: *Unemployment Insurance and Workers'*  
*Compensation*

Local and Urban Affairs

(DIVISION: STATE-LOCAL FISCAL AFFAIRS)

Regulated Industries and *Energy*

Rules and Legislative Administration

Taxes

(DIVISIONS: ECONOMIC DEVELOPMENT  
 TAX LAWS)

Division: *Local Government Finance*

Transportation

(4) 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 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.)

(5) 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 (1984) *an odd-numbered year* except after (SATURDAY, APRIL 14,) ..... a written copy of a report of a conference committee shall be placed on the desk of each member of the House twelve hours before action on the report by the House. If the report has been reprinted in the Journal of the House for a preceding day and is available to the members, the Journal copy shall serve as the written report.

(6) Rule 7.2 is amended to read:

7.2 SPEAKER PRO TEM. The Speaker (MAY CALL) shall appoint a member to preside, *whenever the Speaker is absent*, as Speaker pro tempore (, BUT SUCH TEMPORARY APPOINTMENT SHALL NOT EXTEND BEYOND ADJOURNMENT FOR THE DAY). In the absence of the Speaker and Speaker pro tempore, the Committee on Rules and Legislative Administration shall select a member to preside until the return of the Speaker or Speaker pro tempore.

(7) Rule 7.5 is amended to read:

7.5 BUDGET AND PURCHASING. The (HOUSE ADMINISTRATOR) Director of the Office of Legislative Management 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) Director shall be the agent of the House of Representatives for the purchase of supplies. (HE) The Director shall seek the lowest possible prices and shall file timely reports of expenditures made with the Committee on Rules and Legislative Administration.

(8) Rule 7.6 is stricken.

(9) Rule 9.3 is amended to read:

9.3 DEADLINES. In (1984) *odd-numbered years*, committee reports on bills favorably acted upon by a committee in the house of origin after (FRIDAY, MARCH 30) ..... and committee reports on bills originating in the other house favorably acted upon by a committee after (MONDAY, APRIL 9) ..... shall be referred in the House of Representatives to the Committee on Rules and Legislative Administration for disposition. *However*, referral is not required (WHEN A COMMITTEE) after (FRIDAY, MARCH 30 AND) *the first deadline when*, by (MONDAY, APRIL 9) *the second deadline*, a committee acts on a bill that is a companion to

a bill that has then been acted upon by (FRIDAY, MARCH 30) *the first deadline* in the Senate. This rule does not apply in the House Committees on Appropriations and on Taxes.

(10) Rule 9.6 is amended to read :

**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, *or established custom and usage.*

Levi moved that the report of the Committee on Rules and Legislative Administration on the proposed Permanent Rules of the House for the Seventy-Fourth Session be printed in the Journal for today and be laid over until Thursday, January 24, 1985. The motion prevailed.

#### MOTIONS AND RESOLUTIONS

Simoneau moved that the name of Clark be added as an author on H. F. No. 33. The motion prevailed.

Jacobs moved that the names of Olsen, S.; Quinn and Segal be added as authors on H. F. No. 36. The motion prevailed.

Jacobs moved that the names of Quinn and Segal be added as authors on H. F. No. 37. The motion prevailed.

Redalen moved that the names of Metzen and Sviggum be added as authors on H. F. No. 39. The motion prevailed.

Uphus moved that the name of DenOuden be added as an author on H. F. No. 40. The motion prevailed.

Johnson moved that the name of Sparby be added as an author on H. F. No. 44. The motion prevailed.

Johnson moved that the name of Haukoos be added as an author on H. F. Nos. 44 and 45. The motion prevailed.

Johnson moved that the names of Tunheim and Miller be added as authors on H. F. No. 45. The motion prevailed.

Johnson moved that the name of Segal be added as an author on H. F. No. 46. The motion prevailed.

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

Simoneau moved that the name of Clark be added as an author on H. F. No. 75. The motion prevailed.

Simoneau moved that the name of Vellenga be added as an author on H. F. No. 75. The motion prevailed.

Staten moved that the name of Clark be added as an author on H. F. No. 76. The motion prevailed.

Staten moved that the name of Segal be added as an author on H. F. No. 76. The motion prevailed.

Backlund moved that the name of Blatz be added as an author on H. F. No. 77. The motion prevailed.

Staten moved that the name of Clark be added as an author on H. F. No. 87. The motion prevailed.

Olsen, S., moved that the name of Kostohryz be added as an author on H. F. No. 88. The motion prevailed.

Wenzel moved that the names of McDonald, Zaffke and Peterson be added as authors on H. F. No. 104. The motion prevailed.

Heap moved that the name of McKasy be added as an author on H. F. No. 106. The motion prevailed.

Knickerbocker moved that the name of Knuth be added as an author on H. F. No. 110. The motion prevailed.

Sviggum moved that the names of Valento and Thorson be added as authors on H. F. No. 111. The motion prevailed.

Dempsey moved that H. F. No. 10 be recalled from the Committee on Local and Urban Affairs and be re-referred to the Committee on Governmental Operations. The motion prevailed.

Halberg moved that H. F. No. 21 be recalled from the Committee on Judiciary and be re-referred to the Committee on Crime and Family Law. The motion prevailed.

**McDonald introduced:**

House Concurrent Resolution No. 2, A house concurrent resolution concurring with need for joint regional action to resolve the crisis in farming.

#### SUSPENSION OF RULES

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



## HOUSE CONCURRENT RESOLUTION NO. 2

A house concurrent resolution concurring with need for joint regional action to resolve the crisis in farming.

*Whereas*, the State of Minnesota's economic prosperity is closely linked with the vitality of the agriculture industry; and

*Whereas*, the agriculture industry is currently in the worst economic slump in recent years because of stresses created by a combination of scarce credit, high interest rates, falling land and equipment values, and low prices; and

*Whereas*, a single state government can do little to protect its farmers and ranchers from such conditions because the problems in agriculture exist nationwide; and

*Whereas*, agricultural policy for the nation is determined in Washington, D.C., by the Administration, the Congress, and the Department of Agriculture; and

*Whereas*, the nation's farmers and ranchers have not shared in the benefits of the recovery that other sectors of the nation's economy have enjoyed; and

*Whereas*, the agricultural policymakers in the federal government have not developed effective solutions to the problems of scarce credit, high interest rates, falling values, and low prices to effect a recovery in the agriculture industry; and

*Whereas*, the Nebraska Legislature has called for a cooperative effort of midwestern agricultural states to look for solutions to our common problems; *Now, Therefore*,

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

(1) the Minnesota Legislature should join in a cooperative effort with the states of Nebraska, Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, North Dakota, South Dakota and Wisconsin to seek solutions to our common problems;

(2) the Minnesota Legislature should join in the efforts of these agricultural states to alert our federal officials to the severity of agriculture's problems and the economic stresses that burden our nation's farmers and ranchers; and

(3) the Minnesota Legislature should join in the demand of these agricultural states that the Administration and Congress make solutions to agriculture's problems a principal goal of the coming session of Congress.

McDonald moved that House Concurrent Resolution No. 2 be now adopted.

A roll call was requested and properly seconded.

Wenzel moved to amend House Concurrent Resolution No. 2, as follows:

Page 2, line 14, delete "and"

Page 2, line 18, before the period insert: "; and

(4) that the Minnesota Legislature request the President and Congress pass into law a stronger and better four year, 1985 United States Farm Bill to protect the family farm unit as the basic unit of agriculture"

The motion prevailed and the amendment was adopted.

Krueger moved to amend House Concurrent Resolution No. 2, as amended, as follows:

Page 1, after line 7, insert:

"Whereas, the state of Minnesota is committed to the preservation of the traditional and productive family farm, and"

The motion prevailed and the amendment was adopted.

Schoenfeld moved to amend House Concurrent Resolution No. 2, as amended, as follows:

Page 1, delete lines 12 to 14

A roll call was requested and properly seconded.

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

Those who voted in the affirmative were:

Anderson, G.	Jaros	Minne	Peterson	Skoglund
Battaglia	Jennings, L.	Munger	Piper	Solberg
Beard	Kahn	Murphy	Price	Sparby
Begich	Kalis	Nelson, D.	Quinn	Staten
Brinkman	Kelly	Nelson, K.	Rest	Tomlinson
Brown	Knuth	Neuenschwander	Rice	Tunheim
Carlson, L.	Kostohryz	Norton	Riveness	Vanasek
Clark	Krueger	O'Connor	Rodosovich	Vellenga
Cohen	Lieder	Ogren	Sarna	Voss
Elioff	Long	Olson, E.	Scheid	Welle
Ellingson	McEachern	Osthoff	Schoenfeld	Wenzel
Greenfield	McLaughlin	Otis	Segal	Wynia
Jacobs	Metzen	Pappas	Simoncau	

Those who voted in the negative were:

Anderson, R.	DenOuden	Heap	Ormann	Stanius
Backlund	Dimler	Himle	Onnen	Sviggun
Becklin	Dyke	Johnson	Ozment	Thiede
Bennett	Erickson	Kiffmeyer	Pauly	Thorson
Bishop	Forsythe	Knickerbocker	Poppenhagen	Tjornhom
Blatz	Frederick	Kvam	Redalen	Tompkins
Boerboom	Frederickson	Levi	Rees	Uphus
Boo	Frerichs	Marsh	Richter	Valan
Burger	Gruenes	McDonald	Rose	Valento
Carlson, D.	Gutknecht	McKasy	Schafer	Waltman
Carlson, J.	Halberg	McPherson	Schreiber	Zaffke
Clausnitzer	Hartle	Miller	Seaberg	Spk. Jennings, D.
Dempsey	Haukoos	Olsen, S.	Shaver	

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

Wenzel moved to amend House Concurrent Resolution No. 2, as amended, as follows:

Page 1, line 12, delete "can do little" and insert "is limited in its powers"

The motion prevailed and the amendment was adopted.

The question was taken on House Concurrent Resolution No. 2, as amended, and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Kvam	Otis	Sherman
Anderson, R.	Erickson	Levi	Ozment	Simoneau
Backlund	Forsythe	Lieder	Pappas	Skoglund
Battaglia	Frederick	Long	Pauly	Solberg
Beard	Frederickson	Marsh	Peterson	Sparby
Becklin	Frerichs	McDonald	Piper	Stanius
Begich	Greenfield	McEachern	Poppenhagen	Staten
Bennett	Gruenes	McKasy	Price	Sviggun
Bishop	Gutknecht	McLaughlin	Quinn	Thiede
Blatz	Halberg	McPherson	Quist	Thorson
Boerboom	Hartle	Metzen	Redalen	Tjornhom
Boo	Haukoos	Miller	Rees	Tomlinson
Brandl	Heap	Minne	Rest	Tompkins
Brown	Himle	Munger	Rice	Tunheim
Burger	Jacobs	Murphy	Richter	Uphus
Carlson, D.	Jaros	Nelson, D.	Riveness	Valan
Carlson, J.	Jennings, L.	Nelson, K.	Rodosovich	Valento
Carlson, L.	Johnson	Neuenschwander	Rose	Vanasek
Clark	Kahn	Norton	Sarna	Vellenga
Clausnitzer	Kalis	O'Connor	Schafer	Voss
Cohen	Kelly	Ogren	Scheid	Waltman
Dempsey	Kiffmeyer	Olsen, S.	Schoenfeld	Welle
DenOuden	Knickerbocker	Olson, E.	Schreiber	Wenzel
Dimler	Knuth	Ormann	Seaberg	Wynia
Dyke	Kostohryz	Onnen	Segal	Zaffke
Elioff	Krueger	Osthoff	Shaver	Spk. Jennings, D.

The motion prevailed and House Concurrent Resolution No. 2, as amended, was adopted.

Krueger introduced:

House Resolution No. 2, A house resolution proclaiming April 20, 1985, to be Jessica Lange Day in Minnesota.

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

#### SUSPENSION OF RULES

Pursuant to rule 1.12, Brinkman moved that the rules be so far suspended that H. F. No. 8 be recalled from the Committee on Taxes, be given its second and third readings and be placed upon its final passage.

A roll call was requested and properly seconded.

Levi moved that H. F. No. 8 be recalled from the Committee on Taxes and be re-referred to the Committee on Budget.

A roll call was requested and properly seconded.

#### POINT OF ORDER

Voss raised a point of order pursuant to section 187 of "Mason's Manual of Legislative Procedure" relating to the Levi motion. The Speaker ruled the point of order not well taken and the Levi motion in order.

The question recurred on the Levi motion and the roll was called. There were 64 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dimler	Himle	Onnen	Sherman
Backlund	Dyke	Johnson	Ozment	Stanius
Becklin	Erickson	Kiffmeyer	Pauly	Sviggum
Bennett	Forsythe	Knickerbocker	Poppenhagen	Thiede
Bishop	Frederick	Kvam	Quist	Thorson
Blatz	Frederickson	Levi	Redalen	Tjornhom
Boerboom	Frerichs	Marsh	Rees	Tompkins
Boo	Gruenes	McDonald	Richter	Uphus
Burger	Gutknecht	McKasy	Rose	Valento
Carlson, D.	Halberg	McPherson	Schafer	Waltman
Carlson, J.	Hartle	Miller	Schreiber	Zaffke
Clausnitzer	Haukoos	Olsen, S.	Seaberg	Spk. Jennings, D.
Dempsey	Heap	Omann	Shaver	

Those who voted in the negative were:

Anderson, G.	Brandl	Clark	Greenfield	Kahn
Battaglia	Brinkman	Cohen	Jacobs	Kalis
Beard	Brown	Elioff	Jaros	Kelly
Begich	Carlson, L.	Ellingson	Jennings, L.	Knuth

Kostohryz	Murphy	Otis	Rodosovich	Staten
Krueger	Nelson, D.	Pappas	Sarna	Tomlinson
Lieder	Nelson, K.	Peterson	Scheid	Tunheim
Long	Neuenschwander	Piper	Schoenfeld	Vanasek
McEachern	Norton	Price	Segal	Vellenga
McLaughlin	O'Connor	Quinn	Simoneau	Voss
Metzen	Ogren	Rest	Skoglund	Welle
Minne	Olson, E.	Rice	Solberg	Wenzel
Munger	Osthoff	Riveness	Sparby	Wynia

The motion did not prevail.

#### POINT OF ORDER

Skoglund raised a point of order pursuant to section 101, paragraph 4, of "Mason's Manual of Legislative Procedure." The Speaker ruled the point of order not well taken.

#### POINT OF ORDER

Tomlinson raised a point of order pursuant to section 121, paragraph 5, of "Mason's Manual of Legislative Procedure." The Speaker ruled the point of order not well taken.

#### POINT OF ORDER

Wynia raised a point of order pursuant to section 121, paragraph 5, of "Mason's Manual of Legislative Procedure." The Speaker ruled the point of order not well taken.

#### POINT OF ORDER

Thiede raised a point of order pursuant to section 121, paragraph 5, of "Mason's Manual of Legislative Procedure." The Speaker ruled the point of order not well taken.

The question recurred on the Brinkman motion and the roll was called. There were 71 yeas and 56 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jaros	Metzen	Piper	Sparby
Battaglia	Jennings, L.	Minne	Price	Staten
Beard	Kahn	Munger	Quinn	Tomlinson
Begich	Kalis	Murphy	Rees	Tunheim
Brinkman	Kelly	Nelson, D.	Rest	Uphus
Brown	Kiffmeyer	Nelson, K.	Rice	Vanasek
Carlson, L.	Knuth	Neuenschwander	Riveness	Voss
Clark	Kostohryz	Norton	Rodosovich	Waltman
Cohen	Krueger	O'Connor	Sarna	Welle
Dyke	Lieder	Ogren	Scheid	Wenzel
Elioff	Long	Olson, E.	Schoenfeld	Wynia
Ellingson	McDonald	Osthoff	Segal	
Greenfield	McEachern	Otis	Simoneau	
Hartle	McLaughlin	Pappas	Skoglund	
Jacobs	McPherson	Peterson	Solberg	

Those who voted in the negative were :

Anderson, R.	Dempsey	Himle	Pauly	Thiede
Backlund	Dimler	Johnson	Poppenhagen	Thorson
Becklin	Erickson	Knickerbocker	Quist	Tjornhom
Bennett	Forsythe	Kvam	Richter	Tompkins
Bishop	Frederick	Levi	Rose	Valan
Blatz	Frederickson	Marsh	Schafer	Valento
Boerboom	Frerichs	McKasy	Schreiber	Zaffke
Boo	Gruenes	Miller	Seaberg	Spk. Jennings, D.
Burger	Gutknocht	Olsen, S.	Shaver	
Carlson, D.	Halberg	Omann	Sherman	
Carlson, J.	Haukoos	Onnen	Stanius	
Clausnitzer	Heap	Ozment	Svigium	

The motion did not prevail.

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

#### SUSPENSION OF RULES

Pursuant to rule 1.12, Wenzel moved that the rules be so far suspended that H. F. No. 103 be recalled from the Committee on Taxes, be given its second and third readings and be placed upon its final passage. The motion did not prevail.

Pursuant to rule 1.15, Brinkman moved that H. F. No. 8 be recalled from the Committee on Taxes, be given its second reading and be advanced to General Orders.

A roll call was requested and properly seconded.

#### POINT OF ORDER

Levi raised a point of order pursuant to section 180 of "Mason's Manual of Legislative Procedure" that the Brinkman motion was out of order. The Speaker ruled the point of order well taken and the Brinkman motion out of order.

Pursuant to Rule 1.15, Wenzel moved that H. F. No. 103 be recalled from the Committee on Taxes, be given its second reading and be advanced to General Orders.

A roll call was requested and properly seconded.

#### POINT OF ORDER

Levi raised a point of order pursuant to section 180 of "Mason's Manual of Legislative Procedure" that the Wenzel motion was out of order. The Speaker ruled the point of order well taken and the Wenzel motion out of order.

## ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, January 24, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, January 24, 1985.

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

STATE OF MINNESOTA  
SEVENTY-FOURTH SESSION - 1985

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SIXTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, JANUARY 22, 1985

The Senate met on Tuesday, January 22, 1985, which was the Sixth Legislative Day of the Seventy-fourth Session of the Minnesota State Legislature. The House of Representatives did not meet on this date.





STATE OF MINNESOTA  
SEVENTY-FOURTH SESSION - 1985

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SEVENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, JANUARY 24, 1985

The House of Representatives convened at 2:00 p.m. and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Dr. Morris Vaasgenes, Jr., North Heights Lutheran Church, Roseville, Minnesota.

The roll was called and the following members were present:

Anderson, G.	Erickson	Levi	Pappas	Skoglund
Anderson, R.	Forsythe	Lieder	Pauly	Solberg
Backlund	Frederick	Long	Peterson	Sparby
Battaglia	Frederickson	Marsh	Piepho	Stanius
Beard	Frerichs	McDonald	Piper	Staten
Becklin	Greenfield	McEachern	Poppenhagen	Sviggum
Begich	Gruenes	McKasy	Price	Thiede
Bennett	Gutknecht	McLaughlin	Quinn	Thorson
Blatz	Halberg	McPherson	Quist	Tjornhom
Boerboom	Hartinger	Metzen	Redalen	Tomlinson
Boo	Hartle	Miller	Rees	Tompkins
Brandl	Haukoos	Minne	Rest	Tunheim
Brinkman	Heap	Munger	Rice	Uphus
Brown	Himle	Murphy	Richter	Valan
Burger	Jacobs	Nelson, D.	Riveness	Valento
Carlson, D.	Jaros	Nelson, K.	Rodosovich	Vanasek
Carlson, J.	Jennings, L.	Neuenschwander	Rose	Vallenga
Carlson, L.	Johnson	Norton	Sarna	Voss
Clark	Kahn	O'Connor	Schafer	Waltman
Clausnitzer	Kalis	Ogren	Scheid	Welle
Cohen	Kelly	Olsen, S.	Schoenfeld	Wenzel
Dempsey	Kiffmeyer	Olson, E.	Schreiber	Wynia
DenOuden	Knickerbocker	Omann	Seaberg	Zaffke
Dimler	Knuth	Onnen	Segal	Spk. Jennings, D.
Dyke	Kostohryz	Osthoff	Shaver	
Elioff	Krueger	Otis	Sherman	
Ellingson	Kvam	Ozment	Simoneau	

A quorum was present.

Bishop and Fjoslien 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. No. 2 have been placed in the members' files.

## PETITIONS AND COMMUNICATIONS

The following communication was received :

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

January 11, 1985

The Honorable David M. Jennings  
Speaker of the House

Dear Sir :

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

Ellen G. Sampson, 1415 Bayard Avenue, Saint Paul, Ramsey County, has been appointed by me, effective January 16, 1985, for a term expiring the first Monday in January, 1989.

Sincerely,

RUDY PERPICH  
Governor

The communication relating to the State Ethical Practices Board was referred to the Committee on General Legislation and Veterans Affairs.

## REPORTS OF STANDING COMMITTEES

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

H. F. No. 111, A bill for an act relating to government operations; regulating salaries and benefits of legislators, constitutional officers, and judges; amending Minnesota Statutes 1984, sections 3.099, subdivision 2; and 3A.02, subdivision 1; repealing Minnesota Statutes 1984, section 15A.082.

Reported the same back with the following amendments :

Page 1, line 20, after "(1)" insert "*Either*

(a)"

Page 1, line 20, after "Who" insert "*first serves after the effective date of sections 1 to 4, and*"

Page 1, line 25, strike "and" and insert "*or*"

*(b) Who first served before the effective date of sections 1 to 4, and has served at least six full years, without regard to the application of section 3A.10, subdivision 2, or who has served during all or part of four regular sessions as a member of the legislature, which service need not be continuous, but must have been after January 1, 1965, except as hereinafter provided;"*

Page 1, line 26, strike "and"

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

The report was adopted.

#### POINT OF ORDER

Otis raised a point of order pursuant to rule 6.2 relating to committee membership. The Speaker ruled the point of order not well taken.

Otis appealed the decision of the Chair.

A roll call was requested and properly seconded.

#### CALL OF THE HOUSE

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

Anderson, G.	Cohen	Heap	McEachern	Osthoff
Backlund	Dempsey	Himle	McKasy	Otis
Battaglia	DenOuden	Jaros	McLaughlin	Ozment
Beard	Dimler	Jennings, L.	McPherson	Pappas
Becklin	Dyke	Johnson	Metzen	Pauly
Begich	Elioff	Kahn	Miller	Peterson
Bennett	Ellingson	Kalis	Minne	Piepho
Blatz	Erickson	Kelly	Munger	Piper
Boerboom	Forsythe	Kiffmeyer	Murphy	Poppenhagen
Boo	Frederick	Knickerbocker	Nelson, D.	Price
Brandl	Frederickson	Knuth	Nelson, K.	Quinn
Brinkman	Frerichs	Kostohryz	Neuenschwander	Quist
Brown	Greenfield	Krueger	Norton	Redalen
Burger	Gruenes	Kvam	O'Connor	Rees
Carlson, D.	Gutknecht	Levi	Ogren	Rest
Carlson, J.	Halberg	Lieder	Olsen, S.	Rice
Carlson, L.	Hartinger	Long	Olson, E.	Richter
Clark	Hartle	Marsh	Omann	Riveness
Clausnitzer	Haukoos	McDonald	Onnen	Rodosovich

Rose	Shaver	Staten	Tunheim	Waltman
Sarna	Sherman	Sviggum	Uphus	Welle
Schafer	Simoneau	Thiede	Valan	Wenzel
Scheid	Skoglund	Thorson	Valento	Wynia
Schreiber	Solberg	Tjornhom	Vanasek	Zaffke
Seaberg	Sparby	Tomlinson	Vellenga	Spk. Jennings, D.
Segal	Stanius	Tompkins	Voss	

Levi 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 vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 66 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Erickson	Kiffmeyer	Picpho	Thiede
Backlund	Forsythe	Knickerbocker	Popenhagen	Thorson
Becklin	Frederick	Kvam	Quist	Tjornhom
Bennett	Frederickson	Levi	Redalen	Tompkins
Blatz	Frerichs	Marsh	Rees	Uphus
Boerboom	Gruenes	McDonald	Richter	Valan
Burger	Gutknecht	McKasy	Rose	Valento
Carlson, D.	Halberg	McPherson	Schafer	Waltman
Carlson, J.	Hartinger	Miller	Schreiber	Zaffke
Clausnitzer	Hartle	Olsen, S.	Seaberg	Spk. Jennings, D.
Dempsey	Haukoos	Omann	Shaver	
DenOuden	Heap	Onnen	Sherman	
Dimler	Himle	Ozment	Stanius	
Dyke	Johnson	Pauly	Sviggum	

Those who voted in the negative were:

Anderson, G.	Jennings, L.	Murphy	Quinn	Staten
Battaglia	Kahn	Nelson, D.	Rest	Tomlinson
Beard	Kalis	Nelson, K.	Rice	Tunheim
Begich	Kelly	Neuenschwander	Rivness	Vanasek
Brandl	Knuth	Norton	Rodosovich	Vellenga
Brinkman	Kostohryz	O'Connor	Sarna	Voss
Brown	Krueger	Ogren	Scheid	Welle
Carlson, L.	Lieder	Olson, E.	Schoenfeld	Wenzel
Clark	Long	Otis	Segal	Wynia
Cohen	McEachern	Pappas	Simoneau	
Elioff	McLaughlin	Peterson	Skoglund	
Ellingson	Metzen	Piper	Solberg	
Greenfield	Minne	Price	Sparby	

So it was the judgment of the House that the decision of the Speaker should stand.

#### POINT OF ORDER

Skoglund raised a point of order pursuant to rule 2.5 relating to every unexcused member to vote. The Speaker ruled the point of order not well taken.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Osthoff; Scheid; Bennett; Anderson, R., and Kostohryz introduced:

H. F. No. 153, A bill for an act proposing an amendment to the Minnesota Constitution, article XIII, section 5; allowing the legislature to authorize lotteries operated by the state with net revenues dedicated to tax relief and lotteries operated by non-profit organizations for charitable purposes.

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

Kelly, Tomlinson, Redalen, Himle and Valento introduced:

H. F. No. 154, A bill for an act relating to motor vehicles; exempting purchase or use of a motor vehicle manufactured prior to 1936 from the motor vehicle excise tax; amending Minnesota Statutes 1984, section 297B.03.

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

Carlson, D., and Neuenschwander introduced:

H. F. No. 155, A bill for an act relating to weights and measures; specifying the contents of a cord of freshly cut rough green aspen; amending Minnesota Statutes 1984, section 239.33.

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

Olsen, S.; Valento; Rose; Poppenhagen and Redalen introduced:

H. F. No. 156, A bill for an act relating to hazardous waste; establishing a hazardous substance compensation trust account; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115B.

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

Waltman introduced :

H. F. No. 157, A bill for an act relating to elections; requiring that a candidate for school district office be a qualified voter; amending Minnesota Statutes 1984, section 123.32, subdivision 4.

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

Solberg and Neuenschwander introduced :

H. F. No. 158, A bill for an act relating to taxation; increasing the amount statutory cities and towns may levy for a public cemetery; amending Minnesota Statutes 1984, section 471.24.

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

McLaughlin; Anderson, R.; Anderson, G., and Carlson, D., introduced :

H. F. No. 159, A bill for an act relating to the employment and economic development act (MEED III); giving priority to persons eligible for aid to families with dependent children and certain farm households; limiting eligible applicants in certain service delivery areas; increasing authorized expenditures; increasing job placements in permanent private jobs; providing for temporary nonprofit jobs; providing incentives; appropriating money; amending Minnesota Statutes 1984, sections 268.671; 268.672, subdivisions 2 and 11; 268.673, subdivisions 1 and 2; 268.674, subdivision 1; 268.675, subdivision 1; 268.676, subdivisions 1 and 2; 268.677; 268.678, subdivision 2; 268.679, subdivision 1; 268.68; 268.681, subdivisions 3 and 4; 268.83; and 268.685; repealing Minnesota Statutes 1984, section 268.686; Laws 1983, chapter 312, article 7, section 16; and Laws 1984, chapter 654, article 5, section 50.

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

Staten introduced :

H. F. No. 160, A bill for an act relating to affirmative action; providing for affirmative action review in state government; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 43A.

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

Kelly, Voss and Brinkman introduced:

H. F. No. 161, A bill for an act relating to no-fault automobile insurance; clarifying legislative intent concerning stacking of insurance policies; coordinating the priority of applicability of security for payment of certain benefits; increasing residual liability benefits; increasing certain uninsured benefits; establishing tort threshold limitations on uninsured motorist coverage; amending Minnesota Statutes 1984, sections 65B.47, by adding subdivisions; and 65B.49, subdivisions 3 and 4.

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

Simoneau, by request, introduced:

H. F. No. 162, A bill for an act relating to public utilities; requiring single zone for telephone service in metropolitan area; proposing coding for new law in Minnesota Statutes, chapter 237.

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

Krueger, Wenzel and Anderson, G., introduced:

H. F. No. 163, A resolution memorializing the President and Congress to design the 1985 farm bill to preserve the family farm system.

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

Solberg, Sparby, Begich, McLaughlin and Brown introduced:

H. F. No. 164, A bill for an act relating to taxation; sales and use; eliminating accelerated payment of liability; amending Minnesota Statutes 1984, section 297A.27, subdivision 1; repealing Minnesota Statutes 1984, section 297A.275.

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



Stanius, Valento, Johnson, Ozment and Poppenhagen introduced:

H. F. No. 165, A bill for an act relating to taxation; income; conforming to federal treatment of contributions to individual retirement plans and certain other pension plans; amending Minnesota Statutes 1984, section 290.01, subdivisions 20a and 20b.

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

Tomlinson, Brandl and Osthoff introduced:

H. F. No. 166, A bill for an act relating to finance; adopting federal taxable income for income tax purposes; simplifying income tax law; increasing the budget reserve account; amending Minnesota Statutes 1984, sections 10A.31, subdivisions 1 and 3; 13.04, subdivision 2; 16A.15, subdivision 6; 41.55; 117.55; 270.68, subdivision 4; 290.01, subdivisions 19, 20, 20a, 20b, and 20d; 290.032, subdivision 2; 290.05, subdivision 3; 290.06, subdivisions 2c, 2d, and 3f; 290.068, subdivisions 1, 3, and 4; 290.069, subdivisions 4b, 5, 6, and 7; 290.08, subdivision 1; 290.09, subdivisions 1 and 7; 290.091; 290.095, subdivisions 7, 9, and 11; 290.10; 290.12, subdivisions 1 and 2; 290.14; 290.16, subdivision 1a; 290.23, subdivisions 3 and 5; 290.311, subdivision 1; 290.37, subdivisions 1 and 3; 290.38; 290.41, subdivision 2; 290.46; 290.49, subdivision 10; 290.50, subdivisions 5 and 6; 290.92, subdivisions 2a, 5, 18, 19, and 21; 290.93, subdivision 10; 290.9726, subdivision 1; 290.974; 290A.03, subdivision 3; repealing Minnesota Statutes 1984, sections 10A.32, subdivision 3b; 41.58, subdivision 3; 41.59, subdivisions 2 and 3; 62E.03, subdivision 2; 290.01, subdivisions 20c, 20f, and 26; 290.012; 290.06, subdivisions 2f, 3d, 3e, 3g, 11, 14, 16, 17, 18, and 19; 290.067; 290.069, subdivisions 4 and 4a; 290.077, subdivision 4; 290.08, subdivisions 23, 24, and 26; 290.088; 290.089; 290.09, subdivision 29; 290.101; 290.17, subdivision 1a; 290.18, subdivisions 2 and 4; 290.39, subdivisions 1a and 2; 290.41, subdivision 5; 290.9726, subdivisions 5 and 6; and Laws 1982, chapter 523, article 7, section 3.

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

Olsen, S.; Schreiber; Scheid; Pauly and Halberg introduced:

H. F. No. 167, A bill for an act relating to taxation; income; allowing a final deduction in 1985 for certain taxes paid in 1981 or 1982 tax year; amending Minnesota Statutes 1984, section 290.18, subdivision 2.

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

DenOuden, Miller, Frerichs and McPherson introduced :

H. F. No. 168, A bill for an act proposing an amendment to the Minnesota Constitution, article IV ; providing that neither house of the legislature may consider appropriations until after all tax bills have been passed.

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

Heap, McPherson, Miller and Rose introduced :

H. F. No. 169, A bill for an act relating to the legislature ; reducing the number of members of the senate and house of representatives ; amending Minnesota Statutes 1984, sections 2.021 ; and 2.031, subdivision 1 ; and repealing Minnesota Statutes 1984, section 2.031, subdivision 2 .

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

Welle ; Kvam ; Anderson, R. ; Brandl and Onnen introduced :

H. F. No. 170, A bill for an act relating to health ; encouraging philanthropic support of nonprofit hospitals and nursing homes ; providing that funds derived from specified types of gifts or grants shall not be deducted from the operating costs of a nursing home ; proposing coding for new law in Minnesota Statutes 1984, chapter 144.

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

Krueger and Vellenga introduced :

H. F. No. 171, A resolution memorializing the United States Congress to propose an amendment to the Constitution to abolish the electoral college and replace it with direct popular election of the President.

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

Jaros, Rest, Blatz, Knickerbocker and Jennings, L., introduced:

H. F. No. 172, A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 2; providing for a senate of 33 members and a house of representatives of 66 members.

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

Krueger, Bishop, Omann, Brown and Carlson, D., introduced:

H. F. No. 173, A bill for an act relating to taxation; providing an exemption from sales tax for the gross receipts from sales of tangible personal property, admission charges, and sales of food, meals, or drinks at certain events sponsored by certain nonprofit organizations; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

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

Neuenschwander; Solberg; Carlson, D.; Thiede and Battaglia introduced:

H. F. No. 174, A bill for an act relating to game and fish; exempting hunters on licensed game farms in the northern portion of the state from the requirement of a pheasant stamp; amending Minnesota Statutes 1984, section 97.4843, subdivision 2.

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

Neuenschwander, Elioff, Omann, Solberg and Erickson introduced:

H. F. No. 175, A bill for an act relating to education; prohibiting school districts from beginning the school year before Labor Day; amending Minnesota Statutes 1984, section 126.12.

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

Kvam, Redalen, Dyke, Miller and Carlson, J., introduced :

H. F. No. 176, A bill for an act relating to taxation; property, changing property tax payments, settlement, and distribution dates; amending Minnesota Statutes 1984, sections 276.09; 276.10; 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.

Valento, Stanius, Elioff, Osthoff and Pauly introduced :

H. F. No. 177, A bill for an act relating to veterans; directing the commissioner of veterans affairs to place a memorial to veterans of the Korean conflict in the Court of Honor; appropriating money.

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

Frederick and Kalis introduced :

H. F. No. 178, A bill for an act relating to education; authorizing Independent School District No. 79 to transfer money from the bus purchase account to the capital expenditure fund.

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

Johnson introduced :

H. F. No. 179, A bill for an act relating to taxation; motor fuels; expanding definition of qualified service station for purposes of the excise tax on gasoline; amending Minnesota Statutes 1984, section 296.02, subdivision 1.

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

McDonald introduced :

H. F. No. 180, A bill for an act relating to Independent School District Number 108 (Norwood-Young America); authorizing a permanent fund transfer.

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

Ogren and Otis introduced :

H. F. No. 181, A bill for an act relating to energy; requiring legislative approval for construction of a nuclear fission electrical generating plant in Minnesota; amending Minnesota Statutes 1984, section 216B.243, by adding a subdivision.

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

Ogren introduced :

H. F. No. 182, A bill for an act relating to education; pupil transportation; authorizing Independent School District No. 1, Aitkin, to transfer moneys appropriated for bus purchases to the unappropriated fund balance account of the transportation fund; providing for local approval.

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

Himle; Bennett; Jennings, D.; Brinkman and Cohen introduced :

H. F. No. 183, A bill for an act relating to commerce; modifying the finance charge on certain open end credit sales; amending Minnesota Statutes 1984, section 334.16.

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

Simoneau introduced :

H. F. No. 184, A resolution memorializing Congress to balance the federal budget.

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

Redalen, Osthoff, Miller, Boerboom and Minne introduced :

H. F. No. 185, A bill for an act relating to utilities; prescribing membership on the public utilities commission; amending Minnesota Statutes 1984, section 216A.03, subdivision 1.

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

Sherman, Gruenes, Onnen, Segal and Elioff introduced :

H. F. No. 186, A bill for an act relating to mental health services; authorizing interstate contracts for mental health services; proposing coding for new law in Minnesota Statutes, chapter 245.

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

Hartle introduced :

H. F. No. 187, A bill for an act relating to Independent School District Number 202, Dodge Center; permitting a permanent fund transfer; requiring local approval.

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

The Speaker called Halberg to the Chair.

REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION

Levi moved that the report of the Committee on Rules and Legislative Administration and the proposed Permanent Rules of the House for the 74th Session which were reported in the Journal of the House on Monday, January 21, 1985, and which were laid over until today be now adopted.

Levi moved to amend the proposed Permanent Rules of the House as printed in the Journal of the House for Monday, January 21, 1985, as follows :

Page 1, after line 7, insert :

“(1) 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 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 (MONDAY, APRIL 16, 1984) . . . . ., 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.

(2) 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 (1984) *an odd-numbered year*, notice of intention to move reconsideration shall not be in order after (MONDAY, APRIL 9) . . . . .”

Renumber the remaining paragraphs in order.

The motion prevailed and the amendment was adopted.

Levi moved to amend the proposed Permanent Rules of the House as printed in the Journal of the House for Monday, January 21, 1985, as follows:

Page 2, line 33, after "*amendment*" insert "*, other than a conference committee report,*"

The motion prevailed and the amendment was adopted.

Knickerbocker moved to amend the proposed Permanent Rules of the House as printed in the Journal of the House for Monday, January 21, 1985, as follows:

Page 5, line 15, restore the stricken language

Page 5, line 16, before "(OR)", restore the stricken language

A roll call was requested and properly seconded.

Ogren moved to amend the Knickerbocker amendment, as follows:

In the next to the last line, delete "before "(OR)","

#### POINT OF ORDER

Onnen raised a point of order pursuant to rule 3.13 relating to the motion to rescind. Speaker pro tempore Halberg ruled the point of order not well taken.

#### POINT OF ORDER

Olsen, S., raised a point of order pursuant to section 396, paragraph 1, of "Mason's Manual of Legislative Procedure" that the Ogren amendment to the Knickerbocker amendment was out of order. Speaker pro tempore Halberg ruled the point of order not well taken and the amendment to the amendment in order.

The question recurred on the Ogren amendment to the Knickerbocker amendment.

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

The Speaker resumed the Chair.

The question recurred on the Knickerbocker amendment to the proposed rules and the roll was called.



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

There were 66 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Erickson	Kiffmeyer	Piepho	Thiede
Backlund	Forsythe	Knickerbocker	Poppenhagen	Thorson
Becklin	Frederick	Kvam	Quist	Tjornhom
Bennett	Frederickson	Levi	Redalen	Tompkins
Blatz	Frerichs	Marsh	Rees	Uphus
Boerboom	Cruenes	McDonald	Richter	Valan
Boo	Gutknecht	McKasy	Rose	Valento
Burger	Halberg	McPherson	Schafer	Waltman
Carlson, J.	Hartinger	Miller	Schreiber	Zaffka
Clausnitzer	Hartle	Olsen, S.	Seaberg	Spk. Jennings, D.
Dempsey	Haukoos	Omann	Shaver	
DenOuden	Heap	Onnen	Sherman	
Dimler	Himle	Ozment	Stanius	
Dyke	Johnson	Pauly	Sviggun	

Those who voted in the negative were:

Anderson, G.	Jacobs	Metzen	Pappas	Simoneau
Battaglia	Jaros	Minne	Peterson	Skoglund
Beard	Jennings, L.	Munger	Piper	Solberg
Begich	Kahn	Murphy	Price	Sparby
Brandl	Kalis	Nelson, D.	Quinn	Staten
Brinkman	Kelly	Nelson, K.	Rest	Tomlinson
Brown	Knuth	Neuenschwander	Rice	Tunheim
Carlson, L.	Kostohryz	Norton	Riveness	Vanasek
Clark	Krueger	O'Connor	Rodosovich	Vellenga
Cohen	Lieder	Ogren	Sarna	Voss
Elioff	Long	Olson, E.	Scheid	Welle
Ellingson	McEachern	Osthoff	Schoenfeld	Wenzel
Greenfield	McLaughlin	Otis	Segal	Wynia

The motion prevailed and the amendment was adopted.

Norton moved to amend the proposed Permanent Rules of the House as printed in the Journal of the House for Monday, January 21, 1985, as follows:

Page 2, delete lines 33 to 36

Page 3, delete lines 1 to 12

A roll call was requested and properly seconded.

#### POINT OF ORDER

Halberg raised a point of order pursuant to section 96 of "Mason's Manual of Legislative Procedure" relating to the right of the presiding officer to the floor. The Speaker ruled the point of order well taken.

The Speaker called Halberg to the Chair.

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

The Speaker resumed the Chair.

#### POINT OF ORDER

Voss raised a point of order pursuant to sections 130 and 132 of "Mason's Manual of Legislative Procedure." The Speaker ruled the point of order not well taken.

#### POINT OF ORDER

Norton raised a point of order pursuant to established custom and usage of the House. The Speaker ruled the point of order not well taken.

The question recurred on the Norton amendment to the proposed rules and the roll was called. There were 64 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jaros	Minne	Peterson	Skoglund
Battaglia	Jennings, L.	Munger	Piper	Solberg
Beard	Kahn	Murphy	Price	Sparby
Begich	Kalis	Nelson, D.	Quinn	Staten
Brandl	Kelly	Nelson, K.	Rest	Tomlinson
Brown	Knuth	Neuenschwander	Rice	Tunheim
Carlson, L.	Kostohryz	Norton	Riveness	Vanasek
Clark	Krueger	O'Connor	Rodosovich	Vellenga
Cohen	Lieder	Ogren	Sarna	Voss
Elioff	Long	Olson, E.	Scheid	Welle
Ellingson	McEachern	Osthoff	Schoenfeld	Wenzel
Greenfield	McLaughlin	Otis	Segal	Wynia
Jacobs	Metzen	Pappas	Simoneau	

Those who voted in the negative were:

Anderson, R.	Dyke	Johnson	Pauly	Sviggum
Backlund	Erickson	Kiffmeyer	Piepho	Thiede
Becklin	Forsythe	Knickerbocker	Poppenhagen	Thorson
Bennett	Frederick	Kvam	Quist	Tjornhom
Blatz	Frederickson	Levi	Redalen	Tompkins
Boerboom	Frerichs	Marsh	Rees	Uphus
Boo	Gruenes	McDonald	Richter	Valan
Burger	Gutknecht	McKasy	Rose	Valento
Carlson, D.	Halberg	McPherson	Schafer	Waltman
Carlson, J.	Hartinger	Miller	Schreiber	Zaffke
Clausnitzer	Hartle	Olsen, S.	Seaberg	Spk. Jennings, D.
Dempsey	Haukoos	Omann	Shaver	
DenOuden	Heap	Onnen	Sherman	
Dimler	Himle	Ozment	Stanius	

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

Tomlinson moved to amend the proposed Permanent Rules of the House as printed in the Journal of the House for Monday, January 21, 1985, as follows:

Page 2, line 36, after the period, insert "*However, upon the demand of fifteen members, the bill or amendment must be considered.*"

A roll call was requested and properly seconded.

The question was taken on the Tomlinson amendment to the proposed rules and the roll was called.

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

There were 64 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jaros	Minne	Peterson	Skoglund
Battaglia	Jennings, L.	Munger	Piper	Solberg
Beard	Kahn	Murphy	Price	Sparby
Begich	Kalis	Nelson, D.	Quinn	Staten
Brandl	Kelly	Nelson, K.	Rest	Tomlinson
Brown	Knuth	Neuenschwander	Rice	Tunheim
Carlson, L.	Kostohryz	Norton	Riveness	Vanasek
Clark	Krueger	O'Connor	Rodosovich	Vellenga
Cohen	Lieder	Ogren	Sarna	Voss
Elioff	Long	Olson, E.	Scheid	Welle
Ellingson	McEachern	Osthoff	Schoenfeld	Wenzel
Greenfield	McLaughlin	Otis	Segal	Wynia
Jacobs	Metzen	Pappas	Simoneau	

Those who voted in the negative were:

Anderson, R.	Dyke	Johnson	Pauly	Sviggum
Backlund	Erickson	Kiffmeyer	Piepho	Thiede
Becklin	Forsythe	Knickerbocker	Poppenhagen	Thorson
Bennett	Frederick	Kvam	Quist	Tjornhom
Blatz	Frederickson	Levi	Redalen	Tompkins
Boerboom	Frerichs	Marsh	Rees	Uphus
Boo	Gruenes	McDonald	Richter	Valan
Burger	Gutknecht	McKasy	Rose	Valento
Carlson, D.	Halberg	McPherson	Schafer	Waltman
Carlson, J.	Hartinger	Miller	Schreiber	Zafike
Clausnitzer	Hartle	Olsen, S.	Seaberg	Spk. Jennings, D.
Dempsey	Haukoos	Omann	Shaver	
DenOuden	Heap	Onnen	Sherman	
Dimler	Himle	Ozment	Stanuis	

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

Wynia moved to amend the proposed Permanent Rules of the House as printed in the Journal of the House for Monday, January 21, 1985, as follows:

Page 2, after line 32, insert:

*"Upon objection by any member that approval of a bill or amendment would raise taxes or appropriations above the limita-*

*tion adopted in the budget resolution, the House shall proceed immediately, without debate or any other action, to decide by roll call vote whether the objection shall be sustained. A majority vote of the whole House is required to sustain the objection. No bill or amendment to which an objection has been raised and sustained may be considered by the House."*

Page 2, delete lines 33 to 36

Page 3, delete lines 1 to 9

A roll call was requested and properly seconded.

Levi moved that the Wynia amendment be re-referred to the Committee on Rules and Legislative Administration.

A roll call was requested and properly seconded.

#### POINT OF ORDER

Wynia raised a point of order pursuant to section 388, paragraph 2, of "Mason's Manual of Legislative Procedure" that the Levi motion to re-refer was out of order. The Speaker ruled the point of order not well taken and the Levi motion to re-refer in order.

Wynia appealed the decision of the Chair.

A roll call was requested and properly seconded.

Vanasek moved to lay over the Wynia appeal of the decision of the Chair and the proposed Permanent Rules of the House, as amended.

A roll call was requested and properly seconded.

The Speaker ruled that the Vanasek motion was not in order.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called.

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

There were 68 yeas and 58 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Bennett	Boo	Carlson, D.	Dempsey
Backlund	Blatz	Brandl	Carlson, J.	DenOuden
Becklin	Boerboom	Burger	Clausnitzer	Dimler

Dyke	Haukoos	McPherson	Rees	Thorson
Erickson	Heap	Miller	Richter	Tjornhom
Forsythe	Himle	Olsen, S.	Rose	Tompkins
Frederick	Johnson	Omann	Schafer	Uphus
Frederickson	Kiffmeyer	Onnen	Schreiber	Valan
Frerichs	Knickerbocker	Ozment	Seaberg	Valento
Gruenes	Kvam	Pauly	Shaver	Waltman
Gutknecht	Levi	Piepho	Sherman	Zaffke
Halberg	Marsh	Poppenhagen	Staniam	Spk. Jennings, D.
Hartinger	McDonald	Quist	Sviggum	
Hartle	McKasy	Redalen	Thiede	

**Those who voted in the negative were:**

Anderson, G.	Jennings, L.	Murphy	Piper	Solberg
Battaglia	Kahn	Nelson, D.	Price	Sparby
Beard	Kalis	Nelson, K.	Rest	Staten
Begich	Knuth	Neuenschwander	Rice	Tomlinson
Brown	Kostohryz	Norton	Riveness	Tunheim
Carlson, L.	Krueger	O'Connor	Rodosovich	Vanasek
Clark	Lieder	Ogren	Sarna	Vellenga
Cohen	Long	Olson, E.	Scheid	Voss
Elioff	McEachern	Osthoff	Schoenfeld	Welle
Ellingson	McLaughlin	Otis	Segal	Wynia
Greenfield	Metzen	Pappas	Simoneau	
Jacobs	Minne	Peterson	Skoglund	

So it was the judgment of the House that the decision of the Speaker should stand.

Levi withdrew her motion to re-refer the Wynia amendment to the Committee on Rules and Legislative Administration.

The question recurred on the Wynia amendment to the proposed rules and the roll was called.

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

There were 64 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jaros	Minne	Peterson	Skoglund
Battaglia	Jennings, L.	Munger	Piper	Solberg
Beard	Kahn	Murphy	Price	Sparby
Begich	Kalis	Nelson, D.	Quinn	Staten
Brandl	Kelly	Nelson, K.	Rest	Tomlinson
Brown	Knuth	Neuenschwander	Rice	Tunheim
Carlson, L.	Kostohryz	Norton	Riveness	Vanasek
Clark	Krueger	O'Connor	Rodosovich	Vellenga
Cohen	Lieder	Ogren	Sarna	Voss
Elioff	Long	Olson, E.	Scheid	Welle
Ellingson	McEachern	Osthoff	Schoenfeld	Wenzel
Greenfield	McLaughlin	Otis	Segal	Wynia
Jacobs	Metzen	Pappas	Simoneau	

Those who voted in the negative were:

Anderson, R.	Erickson	Kiffmeyer	Piepho	Thiede
Backlund	Forsythe	Knickerbocker	Poppenhagen	Thorson
Becklin	Frederick	Kvam	Quist	Tjornhom
Bennett	Frederickson	Levi	Redalen	Tompkins
Blatz	Frerichs	Marsh	Rees	Uphus
Boerboom	Gruenes	McDonald	Richter	Valan
Boo	Gutknecht	McKasy	Rose	Valento
Burger	Halberg	McPherson	Schafer	Waltman
Carlson, J.	Hartinger	Miller	Schreiber	Zaffke
Clausnitzer	Hartle	Olsen, S.	Seaberg	Spk. Jennings, D.
Dempsey	Haukoos	Omann	Shaver	
DenOuden	Heap	Onnen	Sherman	
Dimler	Himle	Ozment	Stanius	
Dyke	Johnson	Pauly	Swiggum	

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

Long moved to amend the proposed Permanent Rules of the House as printed in the Journal of the House for Monday, January 21, 1985, as follows:

Page 2, line 36, delete "*To make*" and insert "*In making*"

Page 3, line 1, delete "*may*" and insert "*must*"

Page 3, line 1, after "*consider*" insert "*only*"

Page 3, line 5, after the semicolon, insert "*and*"

Page 3, line 7, delete "*; or*" and insert a period

Page 3, delete lines 8 and 9

A roll call was requested and properly seconded.

The question was taken on the Long amendment to the proposed rules and the roll was called.

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

There were 63 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Carlson, D.	Jacobs	Knuth	McLaughlin
Battaglia	Carlson, L.	Jaros	Kostohryz	Metzen
Beard	Cohen	Jennings, L.	Krueger	Minne
Begich	Elioff	Kahn	Lieder	Munger
Brandl	Ellingson	Kalis	Long	Murphy
Brown	Greenfield	Kelly	McEachern	Nelson, D.

Nelson, K.	Otis	Rice	Simoneau	Vanasek
Neuenschwander	Peterson	Riveness	Skoglund	Vellenga
Norton	Piper	Rodosovich	Solberg	Voss
O'Connor	Price	Sarna	Sparby	Welle
Ogren	Quinn	Scheid	Staten	Wynia
Olson, E.	Redalen	Schoenfeld	Tomlinson	
Osthoff	Rest	Segal	Tunheim	

Those who voted in the negative were:

Anderson, R.	Erickson	Kiffmeyer	Piepho	Thorson
Backlund	Forsythe	Knickerbocker	Poppenhagen	Tjornhom
Becklin	Frederick	Kvam	Quist	Tompkins
Bennett	Frederickson	Levi	Rees	Uphus
Blatz	Frerichs	Marsh	Richter	Valan
Boerboom	Gruenes	McDonald	Rose	Valento
Boo	Gutknecht	McKasy	Schafer	Waltman
Burger	Halberg	McPherson	Schreiber	Wenzel
Carlson, J.	Hartinger	Miller	Seaberg	Zaffke
Clausnitzer	Hartle	Olsen, S.	Shaver	Spk. Jennings, D.
Dempsey	Haukoos	Omann	Sherman	
DenOuden	Heap	Onnen	Stanius	
Dimler	Himle	Ozment	Sviggum	
Dyke	Johnson	Pauly	Thiede	

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

Carlson, L., moved to amend the proposed Permanent Rules of the House as printed in the Journal of the House for Monday, January 21, 1985, as follows:

Page 3, after line 9, insert:

*"When the Speaker rules that a bill or amendment may not be considered under this rule, the bill or the amendment is automatically referred to the Budget Committee. If an amendment is referred, debate may continue on the bill and other amendments. However, no final action may be taken until the Budget Committee has reported the amendment. The Budget Committee shall meet and must report the bill or amendment back with its recommendations, together with any minority report, to the House at the beginning of the next daily session. The bill shall be a Special Order for that day. The amendment that caused the referral to the Budget Committee may then be considered."*

A roll call was requested and properly seconded.

The question was taken on the Carlson, L., amendment to the proposed rules and the roll was called.

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

There were 62 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jaros	Minne	Peterson	Skoglund
Battaglia	Jennings, L.	Munger	Piper	Solberg
Beard	Kahn	Murphy	Price	Sparby
Begich	Kalis	Nelson, D.	Quinn	Staten
Brandl	Kelly	Nelson, K.	Rest	Tomlinson
Brown	Knuth	Neuenschwander	Rice	Tunheim
Carlson, L.	Kostohryz	Norton	Riveness	Voss
Clark	Krueger	O'Connor	Rodosovich	Welle
Cohen	Lieder	Ogren	Sarna	Wenzel
Elioff	Long	Olson, E.	Scheid	Wynia
Ellingson	McEachern	Osthoff	Schoenfeld	
Greenfield	McLaughlin	Otis	Segal	
Jacobs	Metzen	Pappas	Simoneau	

Those who voted in the negative were:

Anderson, R.	Dyke	Johnson	Pauly	Sviggum
Backlund	Erickson	Kiffmeyer	Piepho	Thiede
Becklin	Forsythe	Knickerbocker	Poppenhagen	Thorson
Bennett	Frederick	Kvam	Quist	Tjornhom
Blatz	Frederickson	Levi	Redalen	Tompkins
Boerboom	Frerichs	Marsh	Rees	Uphus
Boo	Gruenes	McDonald	Richter	Valan
Burger	Gutknecht	McKasy	Rose	Valento
Carlson, D.	Halberg	McPherson	Schafer	Waltman
Carlson, J.	Hartinger	Miller	Schreiber	Zaffke
Clausnitzer	Hartle	Olsen, S.	Seaberg	Spk. Jennings, D.
Dempsey	Haukoos	Omann	Shaver	
DenOuden	Heap	Onnen	Sherman	
Dimler	Himle	Ozment	Stanius	

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

Ogren moved to amend the proposed Permanent Rules of the House as printed in the Journal of the House for Monday, January 21, 1985, as follows:

Page 1, delete lines 8 to 25

Page 2, delete lines 1 to 15

Renumber the remaining paragraphs in order

A roll call was requested and properly seconded.

The question was taken on the Ogren amendment to the proposed rules and the roll was called.

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

There were 67 yeas and 64 nays as follows:



Those who voted in the affirmative were:

Anderson, G.	Jacobs	Minne	Piper	Solberg
Battaglia	Jaros	Munger	Price	Sparby
Beard	Jennings, L.	Murphy	Quinn	Staten
Begich	Kahn	Nelson, D.	Redalen	Tomlinson
Brandl	Kalis	Nelson, K.	Rest	Tunheim
Brown	Kelly	Neuenschwander	Rice	Vanasek
Carlson, D.	Knuth	Norton	Riveness	Vellenga
Carlson, L.	Kostohryz	O'Connor	Rodosovich	Voss
Clark	Krueger	Ogren	Sarna	Welle
Cohen	Lieder	Olson, E.	Scheid	Wenzel
Elioff	Long	Osthoff	Schoenfeld	Wynia
Ellingson	McEachern	Otis	Segal	
Erickson	McLaughlin	Pappas	Simoneau	
Greenfield	Metzen	Peterson	Skoglund	

Those who voted in the negative were:

Anderson, R.	Dyke	Johnson	Ozment	Stanius
Backlund	Forsythe	Kiffmeyer	Pauly	Sviggum
Becklin	Frederick	Knickerbocker	Piepho	Thiede
Bennett	Frederickson	Kvam	Poppenhagen	Thorson
Blatz	Frerichs	Levi	Quist	Tjornhom
Boerboom	Gruenes	Marsh	Rees	Tompkins
Boo	Gutknecht	McDonald	Richter	Uphus
Burger	Halberg	McKasy	Rose	Valan
Carlson, J.	Hartinger	McPherson	Schafer	Valento
Clausnitzer	Hartle	Miller	Schreiber	Waltman
Dempsey	Haukoos	Olsen, S.	Seaberg	Zaffke
DenOuden	Heap	Omann	Shaver	Spk. Jennings, D.
Dindler	Himle	Onnen	Sherman	

The motion prevailed and the amendment was adopted.

Riveness moved to amend the proposed Permanent Rules of the House as printed in the Journal of the House for Monday, January 21, 1985, as follows:

Page 4, delete lines 15 to 36

Page 5, delete lines 1 to 7

Renumber the remaining paragraphs in order

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

Norton moved to amend the proposed Permanent Rules of the House as printed in the Journal of the House for Monday, January 21, 1985, as follows:

Page 4, after line 14, insert:

“(4) Rule 6.2 is amended to read:

**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 *and the proposed number of members for each committee* proposed for the session. He shall also designate the number of *majority and minority* members to be appointed to each committee (AND MAY REQUIRE GENERAL MEMBERSHIP GUIDELINES TO BE FOLLOWED IN THE SELECTION OF COMMITTEE MEMBERS). *The ratio of majority to minority members designated for each committee must equal the ratio of majority to minority members in the whole House. The ratio for each committee shall be rounded to the nearest whole number. If the calculation of the ratio results in an equal number of majority and minority members on any committee, then the Speaker may appoint one additional member to the committee.*

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, *then the Speaker shall make (SUCH PROPOSED) the assignments (WITH THE PURPOSE OF ATTAINING PROPORTIONATE REPRESENTATION ON THE COMMITTEES FOR THE MINORITY GROUP) submitted by the minority leader.*

No committee of the House shall have exclusive membership from any one profession, occupation or vocation."

Renumber the remaining paragraphs in order.

A roll call was requested and properly seconded.

The question was taken on the Norton amendment to the proposed rules and the roll was called.

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

There were 62 yeas and 67 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Jaros	Munger	Price	Sparby
Battaglia	Kahn	Murphy	Quinn	Staten
Beard	Kalis	Nelson, D.	Rest	Tomlinson
Begich	Kelly	Nelson, K.	Rice	Tunheim
Brandl	Knuth	Norton	Rivness	Vanasek
Brown	Kostohryz	O'Connor	Rodosovich	Vellenga
Carlson, L.	Krueger	Ogren	Sarna	Voss
Clark	Lieder	Olson, E.	Scheid	Welle
Cohen	Long	Osthoff	Schoenfeld	Wenzel
Elioff	McEachern	Otis	Segal	Wynia
Ellingson	McLaughlin	Pappas	Simoneau	
Greenfield	Metzen	Peterson	Skoglund	
Jacobs	Minne	Piper	Solberg	

Those who voted in the negative were:

Anderson, R.	Dyke	Jennings, L.	Pauly	Sviggum
Backlund	Erickson	Johanson	Piepho	Thiede
Becklin	Forsythe	Kiffmeyer	Poppenhagen	Thorson
Bennett	Frederick	Knickerbocker	Quist	Tjornhom
Blatz	Frederickson	Kvam	Redalen	Tompkins
Boerboom	Frerichs	Levi	Rees	Uphus
Boo	Gruenes	Marsh	Richter	Valan
Burger	Gutknecht	McDonald	Rose	Valento
Carlson, D.	Halberg	McKasy	Schafer	Waltman
Carlson, J.	Hartinger	McPherson	Schreiber	Zaffke
Clausnitzer	Hartle	Miller	Seaberg	Spk. Jennings, D.
Dempsey	Haukoos	Olsen, S.	Shaver	
DenOuden	Heap	Omann	Sherman	
Dimler	Himle	Onnen	Stanis	

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

Scheid moved to amend the proposed Permanent Rules of the House as printed in the Journal of the House for Monday, January 21, 1985, as follows:

Page 2, line 17, after "COMMITTEE" insert "; MEMBER-SHIP;"

Page 2, line 17, after "EFFECT" insert "OF RESOLUTIONS"

Page 2, line 18, after the period, insert:

*"The ratio of majority to minority members appointed to the Budget Committee must equal the ratio of majority to minority members in the whole House, rounded to the nearest whole number. If the calculation of the ratio results in an equal number of majority and minority members on the committee, then the Speaker may appoint one additional member to the committee."*

A roll call was requested and properly seconded.

The question was taken on the Scheid amendment to the proposed rules and the roll was called.

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

There were 62 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Brandl	Cohen	Jacobs	Kelly
Battaglia	Brown	Elioff	Jaros	Knuth
Beard	Carlson, L.	Ellingson	Kahn	Kostohryz
Begich	Clark	Greenfield	Kalis	Krueger

Lieder	Nelson, K.	Piper	Schoenfeld	Vanasek
Long	Norton	Price	Segal	Vellenga
McEachern	O'Connor	Quinn	Simoneau	Voss
McLaughlin	Ogren	Rest	Skoglund	Welle
Metzen	Olson, E.	Rice	Solberg	Wenzel
Minne	Osthoff	Riveness	Sparby	Wynia
Munger	Otis	Rodosovich	Staten	
Murphy	Pappas	Sarna	Tomlinson	
Nelson, D.	Peterson	Scheid	Tunheim	

Those who voted in the negative were:

Anderson, R.	Erickson	Johnson	Pauly	Sviggum
Backlund	Forsythe	Kiffmeyer	Piepho	Thiede
Becklin	Fredrick	Knickerbocker	Poppenhagen	Thorson
Bennett	Frederickson	Kvam	Quist	Tjornhom
Blatz	Frerichs	Levi	Redalen	Tompkins
Boerboom	Gruenes	Marsh	Rees	Uphus
Boo	Gutknecht	McDonald	Richter	Valan
Burger	Halberg	McKasy	Rose	Valento
Carlson, D.	Hartinger	McPherson	Schafer	Waltman
Carlson, J.	Hartle	Miller	Schreiber	Zaffke
Clausnitzer	Haukoos	Olsen, S.	Seaberg	Spk. Jennings, D.
Dempsey	Heap	Omann	Shaver	
DenOuden	Himle	Onnen	Sherman	
Dyke	Jennings, L.	Ozment	Stanis	

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

Wynia moved to amend the proposed Permanent Rules of the House as printed in the Journal of the House for Monday, January 21, 1985, as follows:

Page 2, after line 15, insert:

“(2) Rule 5.2 is amended to read:

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.

*No omnibus appropriations bill may either amend permanent law or contain riders that limit or expand provisions of permanent law not requiring an appropriation.”*

Renumber the remaining paragraphs in order

A roll call was requested and properly seconded.

The question was taken on the Wynia amendment to the proposed rules and the roll was called. There were 65 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jacobs	Metzen	Pappas	Simoneau
Battaglia	Jaros	Minne	Peterson	Skoglund
Beard	Jennings, L.	Munger	Piper	Solberg
Begich	Kahn	Murphy	Price	Sparby
Brandl	Kalis	Nelson, D.	Quinn	Staten
Brown	Kelly	Nelson, K.	Rest	Tomlinson
Carlson, D.	Knuth	Neuenschwander	Rice	Tunheim
Carlson, L.	Kostohryz	Norton	Riveness	Vanasek
Clark	Krueger	O'Connor	Rodosovich	Vellenga
Cohen	Lieder	Ogren	Sarna	Voss
Elioff	Long	Olson, E.	Scheid	Welle
Ellingson	McEachern	Osthoff	Schoenfeld	Wenzel
Greenfield	McLaughlin	Otis	Segal	Wynia

Those who voted in the negative were:

Anderson, R.	Erickson	Kiffmeyer	Piepho	Thiede
Backlund	Forsythe	Knickerbocker	Poppenhagen	Thorson
Becklin	Frederick	Kvam	Quist	Tjornhom
Bennett	Frederickson	Levi	Redalen	Tompkins
Blatz	Frerichs	Marsh	Rees	Uphus
Boerboom	Gruenes	McDonald	Richter	Valan
Boo	Gutknecht	McKasy	Rose	Valento
Burger	Halberg	McPherson	Schafer	Waltman
Carlson, J.	Hartinger	Miller	Schreiber	Zaffke
Clausnitzer	Hartle	Olsen, S.	Seaberg	Spk. Jennings, D.
Dempsey	Haukoos	Omamm	Shaver	
DenOuden	Heap	Onnen	Sherman	
Dimler	Himle	Ozment	Stanius	
Dyke	Johnson	Pauly	Sviggum	

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

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

Skoglund moved to amend the proposed Permanent Rules of the House as printed in the Journal of the House for Monday, January 21, 1985, as follows:

Page 5, after line 23, insert:

*"The House membership on all conference committees shall be appointed by a committee on conference committees. The membership of the committee on conference committees consists of: the Speaker, the minority leader, and one other member of the House. That other member of the House shall be elected by a two-thirds vote of the House."*

A roll call was requested and properly seconded.

The question was taken on the Skoglund amendment to the proposed rules and the roll was called.

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

There were 53 yeas and 68 nays as follows :

Those who voted in the affirmative were :

Battaglia	Kahn	Nelson, K.	Quinn	Sparby
Brandl	Kalis	Neuenschwander	Rest	Staten
Brown	Knuth	Norton	Rice	Tomlinson
Carlson, L.	Kostohryz	O'Connor	Riveness	Tunheim
Clark	Krueger	Ogren	Rodosovich	Vanasek
Cohen	Lieder	Olson, E.	Scheid	Vellenga
Elioff	Long	Otis	Schoenfeld	Voss
Ellingson	McLaughlin	Pappas	Segal	Wenzel
Greenfield	Minne	Peterson	Simoneau	Wynia
Jacobs	Munger	Piper	Skoglund	
Jaros	Nelson, D.	Price	Solberg	

Those who voted in the negative were :

Anderson, G.	Dimler	Jennings, L.	Osthoff	Sherman
Anderson, R.	Dyke	Johnson	Ozment	Stanius
Backlund	Erickson	Kiffmeyer	Pauly	Thiede
Becklin	Forsythe	Knickerbocker	Piepho	Thorson
Bennett	Frederick	Kvam	Poppenhagen	Tjornhom
Blatz	Frederickson	Levi	Quist	Tompkins
Boerboom	Frerichs	Marsh	Redalen	Uphus
Boo	Gruenes	McDonald	Rees	Valan
Burger	Gutknecht	McKasy	Richter	Valento
Carlson, D.	Hartinger	McPherson	Rose	Waltman
Carlson, J.	Hartle	Miller	Schafer	Zaffke
Clausnitzer	Haukoos	Olsen, S.	Schreiber	Spk. Jennings, D.
Dempsey	Heap	Omann	Seaberg	
DenOuden	Himle	Onnen	Shaver	

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

Kahn moved to amend the proposed Permanent Rules of the House as printed in the Journal of the House for Monday, January 21, 1985, as follows :

Page 5, delete lines 17 and 18 and insert :

“(IN 1984 EXCEPT AFTER SATURDAY, APRIL 14,) A written copy of a”

A roll call was requested and properly seconded.

The question was taken on the Kahn amendment to the proposed rules and the roll was called.

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

There were 61 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jaros	Minne	Piper	Sparby
Battaglia	Jennings, L.	Munger	Price	Staten
Beard	Kahn	Nelson, D.	Quinn	Tomlinson
Begich	Kalis	Nelson, K.	Rest	Tunheim
Brandl	Kelly	Neuenschwander	Rice	Vanasek
Brown	Knuth	Norton	Riveness	Vellenga
Carlson, L.	Kostohryz	O'Connor	Rodosovich	Voss
Clark	Krueger	Ogren	Sarna	Welle
Cohen	Lieder	Olson, E.	Scheid	Wynia
Elioff	Long	Osthoff	Segal	
Ellingson	McEachern	Otis	Simoneau	
Greenfield	McLaughlin	Pappas	Skoglund	
Jacobs	Metzen	Peterson	Solberg	

Those who voted in the negative were:

Anderson, R.	Dyke	Johnson	Pauly	Thiede
Backlund	Erickson	Kiffmeyer	Poppenhagen	Thorson
Becklin	Forsythe	Knickerbocker	Quist	Tjornhom
Bennett	Frederick	Kvam	Redalen	Tompkins
Blatz	Frederickson	Levi	Rees	Uphus
Boerboom	Frerichs	Marsh	Richter	Valan
Boo	Gruenes	McDonald	Rose	Valento
Burger	Gutknecht	McKasy	Schafer	Waltman
Carlson, D.	Halberg	McPherson	Schreiber	Wenzel
Carlson, J.	Hartinger	Miller	Seaberg	Zaffke
Clausnitzer	Hartle	Olsen, S.	Shaver	Spk. Jennings, D.
Dempsey	Haukoos	Omann	Sherman	
DenOuden	Heap	Onnen	Stanisus	
Dimler	Himle	Ozment	Sviggum	

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

O'Connor and Tunheim were excused for the remainder of today's session.

Voss moved to amend the proposed Permanent Rules of the House as printed in the Journal of the House for Monday, January 21, 1985, as follows:

Page 6, delete lines 23 to 29, and insert:

“(10) Rule 9.6 is deleted and the following inserted:

**9.6 PRECEDENCE OF PARLIAMENTARY PROCEDURE.**  
*The House procedure shall be governed by the rules from the following sources:*

- (1) *Minnesota Constitution;*
- (2) *Minnesota Statutes;*
- (3) *Permanent Rules of the House;*
- (4) *Joint Rules of the Senate and House of Representatives;*
- (5) *Mason's Manual of Legislative Procedure; and*
- (6) *Custom and Usage.*

*Whenever there is a conflict between rules from different sources, the lower numbered source shall prevail. Whenever there is conflict within the same source, then the specific rule shall prevail over the general rule."*

A roll call was requested and properly seconded.

The question was taken on the Voss amendment to the proposed rules and the roll was called.

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

There were 60 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jacobs	McLaughlin	Pappas	Segal
Battaglia	Jaros	Metzen	Peterson	Simoneau
Beard	Jennings, L.	Minne	Piper	Skoglund
Begich	Kahn	Munger	Price	Solberg
Brandl	Kalis	Nelson, D.	Quinn	Sparby
Brown	Kelly	Nelson, K.	Rest	Staten
Carlson, L.	Knuth	Neuenschwander	Rice	Tomlinson
Clark	Kostohryz	Norton	Riveness	Vanasek
Cohen	Krueger	Ogren	Rodosovich	Vellenga
Elioff	Lieder	Olson, E.	Sarna	Voss
Ellingson	Long	Osthoff	Scheid	Welle
Greenfield	McEachern	Otis	Schoenfeld	Wynia

Those who voted in the negative were:

Anderson, R.	Clausnitzer	Cruenes	Knickerbocker	Onnen
Backlund	Dempsey	Gutknecht	Kvam	Ozment
Becklin	DenOuden	Halberg	Levi	Pauly
Bennett	Dimler	Hartinger	Marsh	Piepho
Blatz	Dyke	Hartle	McDonald	Poppenhagen
Boerbcorn	Erickson	Haukoos	McKasy	Quist
Boo	Forsythe	Heap	McPherson	Redalen
Burger	Frederick	Himle	Miller	Rees
Carlson, D.	Frederickson	Johnson	Olsen, S.	Richter
Carlson, J.	Frerichs	Kiffmeyer	Omamn	Rose



Schafer  
Schreiber  
Seaberg  
Shaver

Sherman  
Stanius  
Sviggum  
Thiede

Thorson  
Tjornhom  
Tompkins

Valan  
Valento  
Waltman

Wenzel  
Zaffke  
Spk. Jennings, D.

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

Knuth moved to amend the proposed Permanent Rules of the House as printed in the Journal of the House for Monday, January 21, 1985, as follows:

Page 5, after line 23, insert:

“(6) Rule 7.1 is amended to read:

**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.

*The Speaker may not participate in debate from the chair. The Speaker may assign the chair to the Speaker pro tempore, or other member as provided by rule 7.2, and then participate in debate from the floor. “Participation in debate” includes the statement of facts or opinions relating to the matter being debated.*

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.”

Renumber the remaining paragraphs in sequence.

A roll call was requested and properly seconded.

The question was taken on the Knuth amendment to the proposed rules and the roll was called.

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

There were 52 yeas and 66 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Jacobs	McLaughlin	Peterson	Skoglund
Battaglia	Jaros	Minne	Piper	Sparby
Beard	Jennings, L.	Munger	Price	Staten
Begich	Kahn	Nelson, D.	Quinn	Tomlinson
Brown	Kalis	Nelson, K.	Rest	Vanasek
Carlson, L.	Kelly	Neuenschwander	Rice	Voss
Clark	Knuth	Norton	Riveness	Welle
Cohen	Kostohryz	Ogren	Scheid	Wynia
Elioff	Krueger	Olson, E.	Schoenfeld	
Ellingson	Lieder	Osthoff	Segal	
Greenfield	Long	Otis	Simoneau	

Those who voted in the negative were :

Anderson, R.	Erickson	Knickerbocker	Poppenhagen	Thorson
Becklin	Forsythe	Kvam	Quist	Tjornhom
Bennett	Frederick	Levi	Redalen	Tompkins
Blatz	Frederickson	Marsh	Rees	Uphus
Boerboom	Frerichs	McDonald	Richter	Valan
Boo	Gruenes	McKasy	Rose	Valento
Burger	Gutknecht	McPherson	Schafer	Waltman
Carlson, D.	Halberg	Miller	Schreiber	Wenzel
Carlson, J.	Hartinger	Olsen, S.	Seaberg	Zaffke
Clausnitzer	Hartle	Omannon	Shaver	Spk. Jennings, D.
Demsey	Haukoos	Onnen	Sherman	
DenOuden	Himle	Ozment	Stanisus	
Dimler	Johnson	Pauly	Stiggum	
Dyke	Kiffmeyer	Piepho	Thiede	

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

Skoglund moved to amend the proposed Permanent Rules of the House as printed in the Journal of the House for Monday, January 21, 1985, as follows :

Page 1, after line 7, insert :

“(1) Rule 3.14 is amended to read :

3.14 *ADOPTION, SUSPENSION, OR AMENDMENT OF THE RULES. Permanent Rules of the House are adopted by a vote of a majority of the whole House.*

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."

Renumber the remaining paragraphs in sequence

A roll call was requested and properly seconded.

The question was taken on the Skoglund amendment to the proposed rules and the roll was called.

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

There were 58 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jaros	Munger	Price	Solberg
Battaglia	Jennings, L.	Nelson, D.	Quinn	Sparby
Beard	Kahn	Nelson, K.	Rest	Staten
Begich	Kalis	Neuenschwander	Rice	Tomlinson
Brown	Kelly	Norton	Riveness	Vanasek
Carlson, L.	Knuth	Ogren	Rodosovich	Vellenga
Clark	Krueger	Olson, E.	Sarna	Voss
Cohen	Lieder	Osthoff	Scheid	Wellc
Elioff	Long	Otis	Schoenfeld	Wenzel
Ellingson	McLaughlin	Pappas	Segal	Wynia
Greenfield	Metzen	Peterson	Simoneau	
Jacobs	Minne	Piper	Skoglund	

Those who voted in the negative were:

Anderson, R.	Dyke	Johnson	Pauly	Sviggum
Backlund	Erickson	Kiffmeyer	Piepho	Thiede
Becklin	Forsythe	Knickerbocker	Poppenhagen	Thorsen
Bennett	Frederick	Kvam	Quist	Tjornhom
Blatz	Frederickson	Levi	Redalen	Tompkins
Boerboom	Frerichs	Marsh	Recs	Uphus
Boo	Cruenes	McDonald	Richter	Valan
Burger	Gutknecht	McKasy	Rose	Valento
Carlson, D.	Halberg	McPherson	Schafer	Waltman
Carlson, J.	Hartinger	Miller	Schreiber	Zafke
Clausnitzer	Hartle	Olsen, S.	Scaberg	Spk. Jennings, D.
Dempsey	Haukoos	Omman	Shaver	
DenOuden	Heap	Onnen	Sherman	
Dimler	Himle	Ozment	Stanius	

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

Staten moved to amend the proposed Permanent Rules of the House as printed in the Journal of the House for Monday, January 21, 1985, as follows:

Page 6, after line 29, insert:

“(11) Rule 9.7 is added to read:

*It is the intention of the Minnesota House of Representatives to remove any vestiges of discrimination that may impede full compliance with equal employment opportunity in the legislative branch of state government.*

*The House Rules and Legislative Administration Committee shall hire an affirmative action officer at a salary consistent with the salary of similarly responsible staff positions in the legislature. At the direction of the Committee, the officer shall prepare, for adoption by the House of Representatives, an affirmative action program; assist in the implementation of the program adopted by the House; recruit qualified members of protected groups for House staff positions; provide educational programs for representatives and House staff on their need for and proper response to affirmative action; and any other activities in furtherance of equal employment opportunity in the House.*

*The House of Representatives shall adopt and, as necessary, periodically revise a House of Representatives affirmative action plan. The plan shall consist of:*

- (a) objectives, goals, and policies;*
- (b) procedures, standards, and assumptions used by the legislature in preparing the plan;*
- (c) timetables for accomplishing the goals;*
- (d) a requirement for the periodic submission of affirmative action progress reports to the legislature and the public; and*
- (e) other relevant information.*

*The plan must comply with all federal and state laws on equal employment opportunity and affirmative action regardless of whether or not those laws exempt the legislative branch of state government. The plan must recognize the legitimate necessary distinction between employment by the legislative branch and employment by other state governmental employers or private employers.*

*All representatives and House staff shall facilitate the work of the Director of Equal Employment Opportunity. Information shall be provided to the director on all vacant positions or new*

*positions established. The House shall advertise vacant or new positions and solicit applications in manners calculated to reach protected class members. Any referrals by the director of qualified applicants for the vacant or new positions shall be considered equally with applicants received by the usual application route."*

A roll call was requested and properly seconded.

The question was taken on the Staten amendment to the proposed rules and the roll was called.

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

There were 61 yeas and 65 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Jaros	Minne	Price	Sparby
Battaglia	Jennings, L.	Munger	Quinn	Staten
Beard	Kahn	Nelson, D.	Rest	Tomlinson
Begich	Kalis	Nelson, K.	Rice	Vanasek
Brandl	Kelly	Neuenschwander	Riveness	Vellenga
Brown	Knuth	Norton	Rodosovich	Voss
Carlson, L.	Kostohryz	Ogren	Sarna	Welle
Clark	Krueger	Olson, E.	Scheid	Wenzel
Cohen	Lieder	Osthoff	Schoenfeld	Wynia
Elioff	Long	Otis	Segal	
Ellingson	McEachern	Pappas	Simoneau	
Greenfield	McLaughlin	Peterson	Skoglund	
Jacobs	Metzen	Piper	Solberg	

Those who voted in the negative were :

Anderson, R.	Dyke	Himle	Ozment	Sherman
Backlund	Erickson	Johnson	Pauly	Stanius
Becklin	Forsythe	Kiffmeyer	Picpho	Svigum
Bennett	Frederick	Knickerbocker	Poppenhagen	Thiede
Blatz	Frederickson	Kvam	Quist	Thorson
Boerboom	Frerichs	Levi	Redalen	Tjornhom
Boo	Gruenes	Marsh	Rees	Tompkins
Burger	Gutknecht	McDonald	Richter	Uphus
Carlson, J.	Halberg	McKasy	Rose	Valan
Clausnitzer	Hartinger	McPherson	Schafer	Valento
Demnsey	Hartle	Miller	Schreiber	Waltman
DenOuden	Haukoos	Omann	Seaberg	Zaffke
Dimler	Heap	Onnen	Shaver	Spk. Jennings, D.

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

Skoglund moved to amend the proposed Permanent Rules of the House as printed in the Journal of the House for Monday, January 21, 1985, as follows :

Page 6, after line 29, insert :

“(11) Rule 9.7 is adopted as follows:

**9.7 LOBBYIST REGISTRATION.** *Any governmental lobbyist must register with the Chief Clerk. The term “governmental lobbyist” means any person who is a lobbyist, as defined by Minnesota Statutes, chapter 10A, and who is also under contract, agreement, or understanding with any state department, county, home rule charter or statutory city, or any subdivisions of those governmental units to perform lobbying of the Minnesota House of Representatives. The term does not include employees of those governmental units. Each registration statement must disclose the lobbyist’s name, the name of each client, and the amount of compensation to be paid for lobbying by each client. The registration must be completed before undertaking any lobbying activity. Registration statements are public information.*

*The requirements of this rule are in addition to the requirements of Minnesota Statutes, chapter 10A.”*

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

Price moved to amend the proposed Permanent Rules of the House as printed in the Journal of the House for Monday, January 21, 1985, as follows:

Page 2, line 25, after the period, insert: *“Rule 6.3 notwithstanding, in addition to other necessary meetings, the committee shall meet daily, Monday through Friday, at 7:00 p.m. so that the public may provide input into matters before the committee.”*

A roll call was requested and properly seconded.

The question was taken on the Price amendment to the proposed rules and the roll was called.

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

There were 50 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Metzen	Peterson	Segal
Battaglia	Jaros	Minne	Piper	Simoneau
Beard	Jennings, L.	Nelson, K.	Price	Skoglund
Begich	Kahn	Neuenschwander	Quinn	Solberg
Brown	Kalis	Norton	Rest	Sparby
Carlson, L.	Knuth	Ogren	Rice	Staten
Clark	Kostohryz	Olson, E.	Rodosovich	Voss
Cohen	Lieder	Osthoff	Sarna	Welle
Elioff	McEachern	Otis	Scheid	Wenzel
Ellingson	McLaughlin	Pappas	Schoenfeld	Wynia

Those who voted in the negative were:

Anderson, R.	Erickson	Johnson	Onnen	Shaver
Backlund	Forsythe	Kelly	Ozment	Sherman
Becklin	Frederick	Kiffmeyer	Pauly	Stanius
Bennett	Frederickson	Knickerbocker	Piepho	Swiggum
Blatz	Frerichs	Krueger	Poppenhagen	Thiede
Boerboom	Gruenes	Kvam	Quist	Thorson
Boo	Gutknecht	Levi	Redalen	Tjornhom
Burger	Halberg	Marsh	Rees	Tomlinson
Carlson, J.	Hartinger	McDonald	Richter	Tompkins
Clausnitzer	Hartle	McKasy	Riveness	Valan
Dempsey	Haukoos	McPherson	Rose	Valento
DenOuden	Heap	Miller	Schafer	Waltman
Dimler	Himle	Olsen, S.	Schreiber	Zaffke
Dyke	Jacobs	Omann	Seaberg	Spk. Jennings, D.

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

Long moved to amend the proposed Permanent Rules of the House as printed in the Journal of the House for Monday, January 21, 1985, as follows:

Page 1, after line 7, insert:

“(1) Rule 2.2 is amended to read:

**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. *Once the call of the House is imposed, no roll call vote may be closed until all members have either voted or been excused from voting.* A call of the House may be lifted by a majority vote of the whole House.”

Renumber the remaining paragraphs in order

A roll call was requested and properly seconded.

The question was taken on the Long amendment to the proposed rules and the roll was called.

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

There were 57 yeas and 66 nays as follows:

## Those who voted in the affirmative were:

Battaglia	Jaros	Metzen	Peterson	Solberg
Beard	Jennings, L.	Minne	Piper	Sparby
Begich	Kahn	Munger	Price	Staten
Boo	Kalis	Nelson, D.	Quinn	Tomlinson
Brandl	Kelly	Nelson, K.	Rest	Vanasek
Brown	Knuth	Neuenschwander	Riveness	Vellenga
Carlson, L.	Kostohryz	Norton	Rodosovich	Voss
Clark	Krueger	Ogren	Scheid	Welle
Cohen	Lieder	Olson, E.	Schoenfeld	Wynia
Elioff	Long	Osthoff	Segal	
Ellingson	McEachern	Otis	Simoneau	
Greenfield	McLaughlin	Pappas	Skoglund	

## Those who voted in the negative were:

Anderson, R.	Forsythe	Kiffmeyer	Poppenhagen	Thorson
Backlund	Frederick	Knickerbocker	Quist	Tjornhom
Becklin	Frederickson	Levi	Redalen	Tompkins
Bennett	Frerichs	Marsh	Rees	Uphus
Blatz	Gruenes	McDonald	Richter	Valan
Boerboom	Gutknecht	McKasy	Rose	Valento
Burger	Halberg	McPherson	Schafer	Waltman
Carlson, J.	Hartinger	Miller	Schreiber	Wenzel
Clausnitzer	Hartle	Olsen, S.	Seaberg	Zaffke
Dempsey	Haukoos	Omann	Shaver	Spk. Jennings, D.
DenOuden	Heap	Onnen	Sherman	
Dimler	Himle	Ozment	Stanisus	
Dyke	Jacobs	Pauly	Swiggum	
Erickson	Johnson	Piepho	Thiede	

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

Levi moved that the report of the Committee on Rules and Legislative Administration and the proposed Permanent Rules of the House for the Seventy-fourth Session which were reported in the Journal of the House on Monday, January 21, 1985, and which were laid over until today be now adopted, as amended.

The roll was called.

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

There were 72 yeas and 55 nays as follows:

## Those who voted in the affirmative were:

Anderson, R.	Carlson, D.	Frederick	Heap	Marsh
Backlund	Carlson, J.	Frederickson	Himle	McDonald
Becklin	Clausnitzer	Frerichs	Jacobs	McKasy
Bennett	Dempsey	Gruenes	Johnson	McPherson
Blatz	DenOuden	Gutknecht	Kiffmeyer	Miller
Boerboom	Dimler	Halberg	Knickerbocker	Olsen, S.
Boo	Dyke	Hartinger	Kvam	Olson, E.
Brown	Erickson	Hartle	Levi	Omann
Burger	Forsythe	Haukoos	Lieder	Onnen



Ozment	Rees	Seaberg	Thorson	Waltman
Pauly	Rest	Shaver	Tjornhom	Zaffke
Piepho	Richter	Sherman	Tompkins	Spk. Jennings, D.
Poppenhagen	Rose	Stanius	Uphus	
Quist	Schafer	Sviggum	Valan	
Redalen	Schreiber	Thiede	Valento	

Those who voted in the negative were:

Anderson, G.	Jaros	Minne	Piper	Skoglund
Battaglia	Jennings, L.	Munger	Price	Solberg
Beard	Kahn	Nelson, D.	Quinn	Sparby
Begich	Kalis	Nelson, K.	Rice	Staten
Brandl	Kelly	Neuenschwander	Rivencs	Tomlinson
Carlson, L.	Knuth	Norton	Rodosovich	Vanasek
Clark	Kostohryz	Ogren	Sarna	Vellenga
Cohen	Krueger	Osthoff	Scheid	Voss
Elioff	McEachern	Otis	Schoenfeld	Welle
Ellingson	McLaughlin	Pappas	Segal	Wenzel
Greenfield	Metzen	Peterson	Simoneau	Wynia

The motion prevailed and the Permanent Rules of the House for the Seventy-fourth Session, as amended, 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 re-produced 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. 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 . . . . ., 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 an odd-numbered year, notice of intention to move reconsideration shall not be in order after .....

**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 CHIEF CLERK'S DESK. No member or other person shall remain by the Chief 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.

**5.10 BUDGET COMMITTEE RESOLUTIONS; EFFECT ON APPROPRIATION AND TAX BILLS.** The House may neither receive a committee report nor take other action, other than introduction and referral to committee, on any bill described in Rule 5.7 or 5.9 until a budget resolution is adopted by the House as provided in this rule.

The Committee on Budget shall hold any hearings necessary to determine a limitation on state taxes and appropriations for the coming fiscal biennium. The Committee shall then introduce budget resolutions that set, as a single amount, the maximum limitation on taxes and appropriations for the fiscal biennium. The resolutions must be in the form of a House resolution and a House concurrent resolution. The limitation in the House resolution is effective, if adopted, until the House adopts a different limitation in a later House resolution or until the House and Senate adopt a limitation in a concurrent resolution.

No bill or amendment, other than a conference committee report, may be considered by the House if, upon a point of order being raised, the Speaker determines that its approval would raise taxes or appropriations above the limitation adopted in the budget resolution. To make this determination, the Speaker may consider:

- (a) whether the bill or amendment increases and decreases taxes or appropriations equally;
- (b) the total amount of taxes or appropriations already law or in bills already passed by the legislature;
- (c) whether the bill or amendment provides that costs incurred will be entirely offset by fees or other revenue; or

(d) other information reasonably related to the level of taxes or appropriations.

The current estimate of taxes and appropriations must be provided by the Chairman of the Committee on Taxes or the Committee on Appropriations.

#### 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: Agriculture, Transportation, and Semi-State  
Education  
Human Services  
State Departments

Budget

Commerce and Economic Development

Crime and Family Law

Education

Divisions: Education Finance  
Higher Education

Environment and Natural Resources

Financial Institutions and Insurance

General Legislation and Veterans Affairs

Governmental Operations

Health and Human Services

Judiciary

Labor-Management Relations

Division: Unemployment Insurance and  
Workers' Compensation

Local and Urban Affairs

Regulated Industries and Energy

Rules and Legislative Administration

Taxes

Division: Local Government Finance

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.

**6.5 SUBCOMMITTEES.** The chairman of a committee shall appoint the chairman and members of each subcommittee. The chairman or the committee may refer bills to subcommittee. Any subcommittee may make such investigation or exercise such authority as is delegated to it by the chairman or the committee.

**6.6 COMMITTEE RECORDS.** The chairman or acting chairman of each standing committee shall cause a record to be kept, in the

form prescribed by the Committee on Rules and Legislative Administration, which shall include the record of each bill referred to the committee and the minutes of the committee. The minutes shall include:

- a. The time and place of each hearing or meeting of the committee;
- b. Committee members present;
- c. The name and address of each person appearing before the committee, together with the name and address of the person, association, firm or corporation in whose behalf the appearance is made;
- d. The language of each motion, the name of the committee member making the motion, and the result of any vote taken upon the motion, including the ayes and nays whenever a roll call is demanded;
- e. The date on which any subcommittee is created, the names of its members and the bills referred to it;
- f. The record of each subcommittee meeting, including the time and place of the meeting; members present; the name of each person appearing before the subcommittee, together with the name of the person, association, firm or corporation in whose behalf the appearance is made; and the language of each motion, together with the name of the member making the motion, and the result of any vote taken upon the motion, including the ayes and nays whenever a roll call is demanded;
- g. Other important matters related to the work of the committee.

The minutes shall be approved at the next regular meeting of the committee.

Copies of the minutes, after approval by the committee, shall be filed with the Chief Clerk and shall be open to public inspection in the Chief Clerk's office. At the end of the biennium they shall be delivered, together with the other committee records, to the Director of the Legislative Reference Library, where they shall remain open for public inspection during regular office hours. A copy of any page of any committee minutes may be obtained upon payment of a fee determined by the Chief Clerk to be adequate to cover the cost of preparing the copy.

The magnetic tape recording of any committee meetings shall be retained by the chairman until the minutes of that meeting have been approved by the committee. The recording or a copy of the recording shall then be filed with the Director of the Legislative Reference Library, where it shall be maintained for a period of two years from the date of filing for use by any person in accordance with the rules of the Legislative Reference Library. After expiration of the two-year period the recording may be erased and the tape may be reused.



Any person may obtain a copy of such tape during the period in which it is maintained in the Legislative Reference Library upon payment of a fee determined by the Chief Clerk to be sufficient to cover the cost of the copy. Testimony and discussion preserved under this rule is not intended to be admissible in any court or administrative proceeding on an issue of legislative intent.

**6.7 COMMITTEE REPORTS.** The chairman of a standing committee reporting to the House the action taken by his committee upon any bill or resolution referred to it shall do so upon the form provided for such reports. Each bill or resolution shall be reported separately and the report shall be adopted or rejected without amendment.

The report shall contain the action taken by the committee and the date of such action and shall be authenticated by the signature of the chairman.

Before a committee reports favorably upon a bill or resolution, the chairman shall see that the form of the bill or resolution conforms to the Joint Rules of the House and Senate and these Rules.

Except during the last seven legislative days in any year, the committee report and any minority report shall be placed in the hands of the Chief Clerk at least four hours prior to the convening of the daily session.

The Committee on Rules and Legislative Administration may report at any time.

If a majority of the members of a standing committee finds a bill referred to the committee to be of a non-controversial nature, the report to the House may recommend that the bill be placed upon a separate calendar to be known as the Consent Calendar.

**6.8 COMMITTEE BILLS.** Any standing or special committee of the House may introduce a bill as a committee bill on any subject within its purview.

**6.9 SUBSTITUTION OF BILLS.** No standing or special committee nor any of its members shall report a substitute for any bill referred to the committee if the substitute relates to a different subject, is intended to accomplish a different purpose, or would require a title essentially different from that of the original bill. Whenever the House is advised that a substitute bill reported to the House is in violation of this rule, the report shall not be adopted.

**6.10 SPECIAL COMMITTEES.** Any special committee to which a matter has been referred shall in all cases report to the House a statement of facts and its opinions and conclusions thereon.

**6.11 CONFERENCE COMMITTEES.** A conference committee may report at any time. No committee except a conference com-

mittee 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.

In an odd-numbered year except after . . . . ., 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 TEMPORE.** The Speaker shall appoint a member to preside, whenever the Speaker is absent, as Speaker pro tempore. In the absence of the Speaker and Speaker pro tempore, the Committee on Rules and Legislative Administration shall select a member to preside until the return of the Speaker or Speaker pro tempore.

**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 Director of the Office of Legislative Management 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 Director shall be the agent of the House of Representatives for the purchase of supplies. The Director shall seek the lowest possible prices and shall file timely reports of expenditures made with the Committee on Rules and Legislative Administration.

**7.6 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.

7.7 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.

7.8 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 odd-numbered years, committee reports on bills favorably acted upon by a committee in the house of origin after ..... and committee reports on bills originating in the other house favorably acted upon by a committee after ..... shall be referred in the House of Representatives to the Committee on Rules and Legislative Administration for disposition. However, referral is not required after the first deadline when, by the second deadline, a committee acts on a bill that is a companion to a bill that has then been acted upon by the first deadline 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, the Joint Rules of the Senate and House of Representatives, or established custom and usage.

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 54.

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. 122.

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. 90.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 54, A bill for an act relating to agriculture; providing a mechanism to aid restructuring existing farm loans; providing an interest reimbursement program to qualified banks; appropriating money.

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

S. F. No. 122, A bill for an act relating to retirement; public employees retirement association; setting the salary range of the executive director; changing the membership of the board; providing qualifications for the executive director; requiring advice and consent of the senate for appointment of the execu-

tive director; defining the duties of the board; ending the terms of current board members; defining the duties of the executive director; amending Minnesota Statutes 1984, sections 15A.081, subdivision 1; 43A.10, subdivision 6; and 353.03, subdivisions 1, 1a, 2, 3, 3a, and 5; proposing coding for new law in Minnesota Statutes, chapter 353.

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

S. F. No. 90, A resolution memorializing 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.

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, Dimler moved that the rule therein be suspended and an urgency be declared so that S. F. No. 90 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Dimler moved that the rules of the House be so far suspended that S. F. No. 90 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 90 was read for the second time.

S. F. No. 90, A resolution memorializing 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.

The bill was read for the third 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, G.	Begich	Brown	Cohen	Ellingson
Anderson, R.	Bennett	Burger	Dempsey	Erickson
Backlund	Blatz	Carlson, J.	DenOuden	Forsythe
Battaglia	Boerboom	Carlson, L.	Dimler	Frederick
Beard	Boo	Clark	Dyke	Frederickson
Becklin	Brandl	Clausnitzer	Elioff	Frerichs

Greenfield	Kvam	Omann	Riveness	Thiede
Gruenes	Levi	Onnen	Rodosovich	Thorson
Gutknecht	Lieder	Osthoff	Rose	Tjornhom
Hartinger	Long	Otis	Sarna	Tomlinson
Hartle	Marsh	Ozment	Schafer	Tompkins
Haukoos	McDonald	Pappas	Scheid	Uphus
Heap	McEachern	Pauly	Schoenfeld	Valan
Himle	McKasy	Peterson	Schreiber	Valento
Jacobs	McLaughlin	Piepho	Seaberg	Vanasek
Jaros	McPherson	Piper	Segal	Vellenga
Jennings, L.	Metzen	Poppenhagen	Shaver	Vosa
Johnson	Miller	Price	Sherman	Waltman
Kahn	Minne	Quinn	Simoneau	Welle
Kalis	Munger	Quist	Skoglund	Wenzel
Kiffmeyer	Nelson, D.	Redalen	Solberg	Wynia
Knickerbocker	Nelson, K.	Rees	Sparby	Zaffke
Knuth	Neuenschwander	Rest	Stanius	Spk. Jennings, D.
Kostohryz	Norton	Rice	Staten	
Krueger	Ogren	Richter	Sviggum	

The bill was passed and its title agreed to.

#### CALL OF THE HOUSE LIFTED

Bennett moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

#### GENERAL ORDERS

Levi moved that the bill on General Orders for today be continued one day. The motion prevailed.

#### MOTIONS AND RESOLUTIONS

Wenzel moved that the name of Beard be added as an author on H. F. No. 16. The motion prevailed.

Kvam moved that the name of Miller be added as an author on H. F. No. 41. The motion prevailed.

Johnson moved that the name of Olsen, S., be added as an author on H. F. No. 46. The motion prevailed.

Lieder moved that the name of McEachern be added as an author on H. F. No. 47. The motion prevailed.

Staten moved that the name of McLaughlin be added as an author on H. F. No. 76. The motion prevailed.

Backlund moved that the name of Bennett be added as an author on H. F. No. 77. The motion prevailed.

Staten moved that the name of McLaughlin be added as an author on H. F. No. 78. The motion prevailed.



Thiede moved that the name of Valento be added as an author on H. F. No. 113. The motion prevailed

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

DenOuden moved that the names of Stanius and Miller be added as authors on H. F. No. 131. The motion prevailed.

Tunheim moved that the name of Neuenschwander be added as an author on H. F. No. 136. The motion prevailed.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following changes in committee assignments:

**Judiciary:** Remove the name of Brown and add the name of Schoenfeld.

**Labor-Management Relations:** Remove the name of Schoenfeld and add the name of Brown. Remove the name of Boerboom and add the name of Hartle.

**Transportation:** Remove the name of Hartle and add the name of Boerboom.

#### ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, January 28, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, January 28, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTY-FOURTH SESSION - 1985

## EIGHTH DAY

SAINT PAUL, MINNESOTA, MONDAY, JANUARY 28, 1985

The House of Representatives convened at 2:00 p.m. and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Father Robert J. Fitzpatrick, St. John the Evangelist Catholic Church, Little Canada, Minnesota.

The roll was called and the following members were present:

Anderson, G.	Ellingson	Kvam	Pauly	Solberg
Anderson, R.	Erickson	Levi	Peterson	Sparby
Backlund	Forsythe	Lieder	Piepho	Stanius
Battaglia	Frederick	Long	Piper	Staten
Beard	Frederickson	Marsh	Poppenhagen	Sviggum
Becklin	Frerichs	McDonald	Price	Thiede
Begich	Greenfield	McEachern	Quinn	Thorson
Bennett	Gruenes	McKasy	Quist	Tjornhom
Bishop	Gutknecht	McLaughlin	Redalen	Tomlinson
Blatz	Halberg	McPherson	Rees	Tompkins
Boerboom	Hartinger	Metzen	Rest	Tunheim
Boo	Hartle	Miller	Rice	Uphus
Brandl	Haukoos	Minne	Richter	Valan
Brinkman	Heap	Munger	Riveness	Valento
Brown	Himle	Murphy	Rodosovich	Vanasek
Burger	Jacobs	Nelson, D.	Rose	Vellenga
Carlson, D.	Jaros	Nelson, K.	Sarna	Voss
Carlson, J.	Jennings, L.	Norton	Schafer	Waltman
Carlson, L.	Johnson	O'Connor	Scheid	Welle
Clark	Kahn	Ogren	Schoenfeld	Wenzel
Clausnitzer	Kalis	Olsen, S.	Schreiber	Wynia
Cohen	Kelly	Omann	Seaberg	Zaffke
Dempsey	Kiffmeyer	Onnen	Segal	Spk. Jennings, D.
DenOuden	Knickerbocker	Osthoff	Shaver	
Dimler	Knuth	Otis	Sherman	
Dyke	Kostohryz	Ozment	Simoneau	
Elioff	Krueger	Pappas	Skoglund	

A quorum was present.

Fjoslien, Neuenschwander and Olson, E., 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. Nos. 54, 122 and 90 have been placed in the members' files.

## PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

January 28, 1985

The Honorable David M. Jennings  
Speaker of the House  
Minnesota House of Representatives  
State Capitol  
St. Paul, Minnesota 55155

Dear Mr. Jennings:

I am transmitting today my budget for the 1985-87 biennium, as required by statute.

Attached herewith is a copy of a budget summary book being provided to all members of the Legislature. This includes my message to the Legislature and the people of Minnesota. Detailed budget materials have been provided to the House Appropriations Committee.

I look forward to working with the members of the House during the coming months on all matters of budget and public policy for the benefit of the citizens of Minnesota.

Sincerely,

RUDY PERPICH  
Governor

The communication relating to the 1985-87 budget was referred to the Committee on Appropriations.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Vellenga, Wynia and Brandl introduced:

H. F. No. 188, A bill for an act relating to children; allowing name changes for minor children; amending Minnesota Statutes 1984, section 259.11.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Begich, Solberg, Minne, Elioff and Battaglia introduced:

H. F. No. 189, A bill for an act relating to libraries; permitting Arrowhead Library System cities to reduce their budgets for public library service; amending Minnesota Statutes 1984, section 134.34, by adding a subdivision.

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

Begich, Battaglia, Solberg, Minne and Elioff introduced:

H. F. No. 190, A bill for an act relating to animals; providing for forfeiture of animals abused by their owners; proposing coding for new law in Minnesota Statutes, chapter 343.

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

Piepho, Ogren, Valento, Jacobs and Bennett introduced:

H. F. No. 191, A bill for an act relating to local government; requiring prompt payment of local government bills; proposing coding for new law in Minnesota Statutes, chapter 471.

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

Piepho, Ogren, Bennett, Valento and Jacobs introduced:

H. F. No. 192, A bill for an act relating to state government; requiring state agencies to calculate interest due on late payments of bills; amending Minnesota Statutes 1984, section 16A.124, subdivision 5.

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

Elioff, Minne, Bennett, Battaglia and Begich introduced:

H. F. No. 193, A bill for an act relating to liquor; authorizing St. Louis county to issue one off-sale liquor license.

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

Anderson, R., introduced:

H. F. No. 194, A bill for an act relating to state government: appropriating interest from the budget reserve account for debt retirement only; amending Minnesota Statutes 1984, section 16A.15, subdivision 6.

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

Welle and DenOuden introduced:

H. F. No. 195, A bill for an act relating to drainage; changing the definition of the term "repair" for ditch systems; amending Minnesota Statutes 1984, section 106.471, subdivision 1.

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

Knickerbocker, Minne, Boo, Forsythe and Clausnitzer introduced:

H. F. No. 196, A bill for an act relating to human services; establishing limits on payments to vendors of services in the medical assistance and general assistance programs; amending Minnesota Statutes 1984, section 256.967.

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

Stanisus and Becklin introduced:

H. F. No. 197, A bill for an act relating to game and fish; closing of lakes to taking of fish by angling and spearing; prohibiting spearing in designated muskellunge lakes; amending Minnesota Statutes 1984, sections 97.48, subdivision 1; and 101.475, subdivision 1.

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

Kahn, Long, Greenfield, Vellenga and Piper introduced :

H. F. No. 198, A bill for an act relating to boxing; prohibiting boxing; providing a penalty; amending Minnesota Statutes 1984, section 214.01, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 341; repealing Minnesota Statutes 1984, sections 341.01 to 341.15.

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

DenOuden, Dyke and Richter introduced :

H. F. No. 199, A bill for an act relating to taxation; providing state paid credits for homestead agricultural property.

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

Backlund introduced :

H. F. No. 200, A bill for an act relating to insurance; workers' compensation; requiring notice of premium increases to insureds; proposing coding for new law in Minnesota Statutes, chapter 79.

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

Nelson, D.; Gruenes; Tunheim; McEachern and Piepho introduced :

H. F. No. 201, A bill for an act relating to education; establishing an incentive program to attract talented teachers into critical need subject areas; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 125.

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

**Minne introduced:**

H. F. No. 202, A bill for an act relating to elections; providing for a presidential primary election; regulating the selection of convention delegates; providing major political party registration for voting the presidential primary ballot; changing the primary date and certain related dates; providing the manner of changing major political party preference for the presidential primary; specifying application information for absentee ballot requests; providing certain procedures for verifying right to vote, marking ballots, and reconciliation of the number of ballots cast; requiring certain information on certain election reports; providing for the preparation of a presidential primary ballot for each major political party; providing certain requirements for municipalities using voting machines or electronic voting systems for a presidential primary; amending Minnesota Statutes 1984, sections 201.071, subdivision 1, and by adding a subdivision; 201.091, subdivision 1; 203B.06, subdivisions 1, 3, and 4; 203B.12, by adding a subdivision; 203B.17, subdivision 2; 203B.24, by adding a subdivision; 204B.09, subdivision 1; 204B.-21, subdivision 1; 204B.33; 204C.10, subdivision 1; 204C.13, subdivisions 1 and 3; 204C.18, subdivision 1; 204C.20, by adding a subdivision; 204C.24, subdivision 1; 204C.26, subdivision 3; 204C.32, subdivision 1; 204D.03, subdivision 1, and by adding a subdivision; 204D.05, subdivision 3, and by adding a subdivision; 204D.06; 204D.08, by adding a subdivision; 204D.09; 204D.10, by adding a subdivision; 206.82, subdivision 2; and 208.03; proposing coding for new law in Minnesota Statutes, chapter 204D.

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

**Krueger and Wenzel introduced:**

H. F. No. 203, A bill for an act relating to game and fish; priority of certain landowners in drawings for doe permits; amending Minnesota Statutes 1984, section 97.48, subdivision 24.

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

**Piepho; Gruenes; Nelson, D.; Carlson, L., and Erickson introduced:**

H. F. No. 204, A bill for an act relating to higher education; creating a student advisory council to the higher education coordinating board; amending Minnesota Statutes 1984, section 136A.02, subdivisions 1 and 1a, and by adding a subdivision.

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

Begich, Solberg, Minne, Elioff and Battaglia introduced :

H. F. No. 205, A bill for an act relating to unemployment compensation; eliminating the waiting week; amending Minnesota Statutes 1984, section 268.08, subdivision 1.

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

Olsen, S.; Blatz; Schreiber; Rose and Jennings, D., introduced :

H. F. No. 206, A bill for an act relating to property taxation; discontinuing the revenue equity aid and levy formula; changing the basic maintenance mill rate to 20 mills; amending Minnesota Statutes 1984, sections 124.2138, subdivision 2; 124A.02, subdivision 7; 124A.03, subdivision 3; 124A.037; and 275.125, subdivision 5b; repealing Minnesota Statutes 1984, sections 124.2138, subdivision 2; and 124A.037.

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

Sviggum, Levi, Heap and Nelson, K., introduced :

H. F. No. 207, A bill for an act relating to public employee labor relations; regulating public employee mediation; regulating mediation and strikes concerning teachers; providing for arbitration awards in principal and assistant principal disputes; amending Minnesota Statutes 1984, sections 179A.14, subdivision 1; 179A.15; 179A.16, subdivision 7; 179A.17, subdivision 1; 179A.18, subdivisions 2 and 3; and 179A.20, subdivision 3.

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

Sviggum, Dimler, Waltman, Brinkman and Kalis introduced :

H. F. No. 208, A bill for an act relating to agriculture; changing requirements for state livestock weighing services; removing the limitation on certain fees; amending Minnesota Statutes 1984, sections 17A.10, subdivision 2; and 17A.11.

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



**Redalen introduced :**

H. F. No. 209, A bill for an act relating to taxation; income; providing for exclusions from gross income for deposits in or interest earned on certain accounts used to provide agricultural loans; amending Minnesota Statutes 1984, sections 290.01, subdivisions 20a and 20b; and 290.08, by adding subdivisions.

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

**Heap, Bennett, Halberg and Ogren introduced :**

H. F. No. 210, A bill for an act relating to corporations; providing for the shareholder vote required to amend articles of incorporation in certain cases; amending Minnesota Statutes 1984, section 302A.135, subdivision 4.

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

**Segal introduced :**

H. F. No. 211, A bill for an act relating to education; removing revenue equity aid subtraction; repealing Minnesota Statutes 1984, section 124A.037.

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

**Voss and Quinn introduced :**

H. F. No. 212, A bill for an act relating to education; authorizing the payment of referendum levy equalization aid to school districts; amending Minnesota Statutes 1984, section 124A.01; proposing coding for new law in Minnesota Statutes, chapter 124A.

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

Stanius and Valento introduced:

H. F. No. 213, A bill for an act relating to crimes; authorizing parents of children in day care facilities to be informed of abuse reports under the reporting of maltreatment of minors act; amending Minnesota Statutes 1984, section 626.556, subdivision 10.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Begich, Solberg, Minne, Elioff and Battaglia introduced:

H. F. No. 214, A bill for an act relating to state government; regulating application deadlines for certain state jobs; proposing coding for new law in Minnesota Statutes, chapter 43A.

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

Kahn, McLaughlin, Long, Wynia and Pappas introduced:

H. F. No. 215, A resolution memorializing the United States Congress to again propose an amendment to the United States Constitution providing for equal rights for women.

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

Halberg, Vellenga, McKasy and Brinkman introduced:

H. F. No. 216, A bill for an act relating to financial institutions; credit unions; specifying certain powers; amending Minnesota Statutes 1984, section 52.04, subdivision 1; repealing Minnesota Statutes 1984, section 52.04, subdivision 2.

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

Solberg; Jennings, D.; Forsythe and Minne introduced:

H. F. No. 217, A bill for an act relating to public welfare; authorizing the establishment of employment demonstration projects for recipients of public assistance; granting rule-making authority; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

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

Quist, Quinn, Schafer, Dempsey and McEachern introduced:

H. F. No. 218, A bill for an act relating to insurance; accident and health; providing for the extraterritorial application of mandated maternity benefits for unmarried women; amending Minnesota Statutes 1984, section 62A.041.

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

Staten, Blatz, Segal, Kelly and Greenfield introduced:

H. F. No. 219, A bill for an act relating to crime; defining "mentally impaired"; amending Minnesota Statutes 1984, sections 609.341, subdivisions 6 and 11; 609.342; 609.343; 609.344; and 609.345.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Seaberg introduced:

H. F. No. 220, A bill for an act relating to judges; providing for the manner of filling vacancies in the office of judge; proposing coding for new law in Minnesota Statutes, chapter 480B.

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

Kalis; Carlson, D.; Frederickson; Munger and Forsythe introduced:

H. F. No. 221, A bill for an act relating to highways; designating the George Mann Memorial Highway; amending Minnesota Statutes 1984, section 161.14, by adding a subdivision.

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

Kalis; Tunheim; Lieder; Jennings, L., and Brown introduced:

H. F. No. 222, A bill for an act relating to taxation; property, changing property tax payments, settlement, and distribution dates; amending Minnesota Statutes 1984, sections 276.09; 276.10; 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.

Metzen; Beard; Carlson, L.; O'Connor and Price introduced:

H. F. No. 223, A bill for an act relating to the legislature; reducing the number of members of the senate and house of representatives; amending Minnesota Statutes 1984, sections 2.021; and 2.031, subdivision 1; and repealing Minnesota Statutes 1984, section 2.031, subdivision 2.

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

Gutknecht, Poppenhagen, Marsh, Miller and Schoenfeld introduced:

H. F. No. 224, A bill for an act relating to unemployment compensation; changing the requirements for quarterly reporting of wages; amending Minnesota Statutes 1984, section 268.12, subdivision 8; repealing Minnesota Statutes 1984, section 268.121.

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

Erickson; Haukoos; Carlson, L.; Munger and Boo introduced:

H. F. No. 225, A bill for an act relating to the collection and dissemination of data; classifying names of finalists for position of president of the University of Minnesota as private data; amending Minnesota Statutes 1984, section 13.43, by adding a subdivision.

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

Riveness; Nelson, D.; Knuth; Rose and Pauly introduced:

H. F. No. 226, A bill for an act relating to taxation; gasoline tax; reducing the excise tax on unleaded gasoline and raising the excise tax on leaded gasoline; amending Minnesota Statutes 1984, sections 296.01, by adding subdivisions; 296.02, subdivisions 1b, 6, 7, and 8; 296.025, subdivisions 1, 2, and 6; 296.12, subdivision 9; and 296.14, subdivision 1.

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

Minne, Elioff, Brown, Frerichs and Redalen introduced:

H. F. No. 227, A bill for an act relating to horse racing; providing for racing days at county fairs; amending Minnesota Statutes 1984, section 240.14, subdivision 3.

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

Schafer and McDonald introduced:

H. F. No. 228, A bill for an act relating to agriculture; providing for agricultural limited partnerships of limited duration; preserving their eligibility for classification as homesteads; providing for nonrecognition of gain from the discharge of farm indebtedness in certain instances; abolishing farm loss modifications; amending Minnesota Statutes 1984, sections 273.13, subdivision 6a; 290.01, subdivisions 20a, 20b, and 20f; 290.05, sub-

division 3; 290.09, subdivisions 1 and 7; 290.091; 290.095, subdivisions 7 and 11; 290.16, by adding a subdivision; 290A.03, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 322; repealing Minnesota Statutes 1984, section 290.09, subdivision 29.

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

#### HOUSE ADVISORIES

The following House Advisory was introduced:

DenOuden, McDonald, Poppenhagen and Richter introduced:

H. A. No. 1, A proposal to study responsibilities of parties connected with transactions/transfers of secured properties.

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

#### GENERAL ORDERS

Levi moved that the bill on General Orders for today be continued one day. The motion prevailed.

#### MOTIONS AND RESOLUTIONS

Wenzel moved that the name of Beard be added as an author on H. F. No. 11. The motion prevailed.

Nelson, K., moved that the names of Clark and Nelson, D., be added as authors on H. F. No. 64. The motion prevailed.

Blatz moved that the name of Rodosovich be stricken and the name of Solberg be added as an author on H. F. No. 126. The motion prevailed.

Jacobs moved that the names of Sarna and O'Connor be added as authors on H. F. No. 142. The motion prevailed.

Kelly moved that the name of Rees be added as an author on H. F. No. 161. The motion prevailed.

Krueger moved that the name of Sparby be added as an author on H. F. No. 163. The motion prevailed.

Krueger moved that the names of Nelson, K.; Clark and Beard be added as authors on H. F. No. 171. The motion prevailed.

Ogren moved that the name of Clark be added as an author on H. F. No. 181. The motion prevailed.

Simoneau moved that the name of Neuenschwander be added as an author on H. F. No. 184. The motion prevailed.

Jennings, D., introduced:

House Resolution No. 3, A house resolution setting the maximum limit on taxes and appropriations for the biennium.

The resolution was referred to the Committee on Budget.

Knickerbocker, Halberg and Sviggum introduced:

House Resolution No. 4, A house resolution urging the Senate to hold the increase in appropriations from the current to the next biennium to the rate of inflation.

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

#### ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, January 31, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, January 31, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTY-FOURTH SESSION - 1985

## NINTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, JANUARY 31, 1985

The House of Representatives convened at 2:00 p.m. and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Dr. Joel O. Rustad, St. Matthew's Lutheran Church, St. Paul, Minnesota.

The roll was called and the following members were present:

Anderson, G.	Ellingson	Krueger	Otis	Sherman
Anderson, R.	Erickson	Kvam	Ozment	Simoneau
Backlund	Forsythe	Levi	Pappas	Skoglund
Battaglia	Frederick	Lieder	Pauly	Solberg
Beard	Frederickson	Long	Peterson	Sparby
Becklin	Frerichs	Marsh	Piepho	Stanius
Begich	Greenfield	McDonald	Piper	Staten
Bennett	Gruenes	McEachern	Poppenhagen	Sviggum
Bishop	Gutknecht	McKasy	Price	Thiede
Blatz	Halberg	McLaughlin	Quinn	Thorson
Boerboom	Hartinger	McPherson	Quist	Tjornhom
Boo	Hartle	Metzen	Redalen	Tomlinson
Brandl	Hankooos	Miller	Rest	Tompkins
Brinkman	Heap	Minne	Rice	Tunheim
Brown	Himle	Munger	Richter	Uphus
Burger	Jacobs	Murphy	Riveness	Valan
Carlson, D.	Jaros	Nelson, D.	Rodosovich	Valento
Carlson, J.	Jennings, L.	Nelson, K.	Rose	Vanasek
Carlson, L.	Johnson	Norton	Sarna	Vellenga
Clark	Kahn	O'Connor	Schafer	Voss
Clausnitzer	Kalis	Ogren	Scheid	Waltman
Cohen	Kelly	Olsen, S.	Schoenfeld	Welle
DenOuden	Kiffmeyer	Olson, E.	Schreiber	Wenzel
Dimler	Knickerbocker	Omann	Seaberg	Wynia
Dyke	Knuth	Onnen	Segal	Zaffke
Elioff	Kostohryz	Osthoff	Shaver	Spk. Jennings, D.

A quorum was present.

Dempsey, Fjoslien, Neuenschwander and Rees were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Frerichs 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

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 83, A bill for an act relating to courts; eliminating restrictions on the chief judge's ability to make assignments to juvenile court in Hennepin and Ramsey counties; amending Minnesota Statutes 1984, section 260.019, subdivision 3.

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. No. 83 was read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Dempsey, Simoneau, Knickerbocker, Gutknecht and Norton introduced:

H. F. No. 229, A bill for an act relating to retirement; early retirement without reduction in annuities; amending Minnesota Statutes 1984, section 356.70, subdivision 1.

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

Ozment introduced:

H. F. No. 230, A bill for an act relating to state lands; authorizing the sale of certain surplus state land in Dakota county to the city of Hastings.

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

Boo introduced:

H. F. No. 231, A bill for an act relating to St. Louis county; authorizing a private sale of certain tax-forfeited land.

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

Schafer introduced :

H. F. No. 232, A bill for an act relating to taxation; motor vehicles; accelerating distribution of motor vehicle excise tax proceeds; amending Minnesota Statutes 1984, section 297B.09, subdivision 2.

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

Elioff, Battaglia, Begich, Minne and Bennett introduced :

H. F. No. 233, A bill for an act relating to retirement; changing the method for computing benefits for members of the Buhl police relief association; amending Laws 1984, chapter 574, section 18.

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

Begich and Battaglia introduced :

H. F. No. 234, 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.

McKasy, Brinkman, Metzen, Valan and Knickerbocker introduced :

H. F. No. 235, A bill for an act relating to the regulation of securities; modifying fees payable on certain security registrations; amending Minnesota Statutes 1984, section 80A.28, subdivisions 1 and 3.

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

Kelly, Staten, Greenfield, Seaberg and Marsh introduced :

H. F. No. 236, A bill for an act relating to public safety; requiring the commissioner of public safety to administer an automated fingerprint identification network system; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299C.

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

Boo, Jaros and Simoneau introduced :

H. F. No. 237, A bill for an act relating to retirement; authorizing state aid for the University of Minnesota police department; amending Minnesota Statutes 1984, section 69.011, subdivision 1.

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

Redalen, Valan, Sparby and Waltman introduced :

H. F. No. 238, A bill for an act relating to agriculture; changing requirements for a soil conservation tillage program; appropriating money; amending Minnesota Statutes 1984, section 40.075.

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

Redalen and Uphus introduced :

H. F. No. 239, A bill for an act relating to agriculture; regulating milk handling equipment installers; requiring a license; setting a fee; appropriating money; amending Minnesota Statutes 1984, section 32.394, by adding a subdivision.

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

Schafer introduced :

H. F. No. 240, A bill for an act relating to taxation; sales and use; reducing the general rate to five percent; amending Minnesota Statutes 1984, sections 297A.02, subdivision 1; 297A.03, subdivision 2; 297A.14; 297B.02; and 297B.08.

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

Dempsey, Bennett, Sarna, Sparby and Marsh introduced :

H. F. No. 241, A bill for an act relating to commerce; modifying certain motor vehicle sale and distribution regulations; amending Minnesota Statutes 1984, sections 80E.03, subdivision 11; 80E.04, subdivision 4; 80E.06, subdivision 1; 80E.10, subdivision 5; 80E.12; and 80E.14, subdivision 1.

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

Bennett, Sparby, Sarna, Himle and Marsh introduced :

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

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

Metzen and McEachern introduced :

H. F. No. 243, A bill for an act relating to taxation; income; conforming to federal treatment of contributions to individual retirement plans and certain other pension plans; amending Minnesota Statutes 1984, section 290.01, subdivisions 20a and 20b.

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

Metzen, Kostohryz, Quinn, O'Connor and Beard introduced :

H. F. No. 244, A bill for an act relating to veterans; authorizing the American Veterans to use space in the veterans service building; amending Minnesota Statutes 1984, section 197.58.

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

Segal, Blatz, Staten and Kelly introduced :

H. F. No. 245, A bill for an act relating to crimes; clarifying elements of the crime of depriving another of custodial or parental rights; amending Minnesota Statutes 1984, section 609.26, subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

McKasy, Schreiber, Skoglund, Redalen and Brandl introduced :

H. F. No. 246, A bill for an act relating to taxation; income; allowing individuals who do not itemize deductions a deduction for charitable contributions; amending Minnesota Statutes 1984, section 290.089, subdivision 1, and by adding a subdivision.

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

Olsen, S.; Valento; McEachern; Pauly and Segal introduced:

H. F. No. 247, A bill for an act relating to local government; providing conditions for the adoption or amendment of comprehensive municipal plans; amending Minnesota Statutes 1984, section 462.355, subdivision 3.

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

Olsen, S.; Valento; McKasy; Dimler and Pauly introduced:

H. F. No. 248, A bill for an act relating to taxation; income; repealing the suspension of inflation adjustments; repealing Minnesota Statutes 1984, section 290.06, subdivision 2f.

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

Sherman, Erickson and Quinn introduced:

H. F. No. 249, A bill for an act relating to education; establishing criteria for a post-secondary student to be considered independent of parental support; clarifying the intent of scholarships and grants-in-aid; amending Minnesota Statutes 1984, sections 136A.101, by adding a subdivision; 136A.121, subdivisions 4 and 5; and Laws 1983, chapter 258, section 41.

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

Skoglund introduced:

H. F. No. 250, A bill for an act relating to retirement; requiring certain payments by the metropolitan airports commission to the Minneapolis employees retirement fund; amending Minnesota Statutes 1984, section 422A.101, subdivision 3, and by adding a subdivision.

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

Johnson and Waltman introduced :

H. F. No. 251, A bill for an act relating to farm loans; eliminating the adoption of federal limitation on the gross receipts of those farms eligible for economic development loans; amending Minnesota Statutes 1984, section 116M.03, subdivision 4.

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

Dempsey introduced :

H. F. No. 252, A bill for an act relating to health; authorizing an additional rural doctor for the Springfield service area.

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

Solberg, Begich, Minne, Elioff and Welle introduced :

H. F. No. 253, A bill for an act relating to taxation; motor vehicle excise; exempting certain sales of motor vehicles; redefining "purchase price"; amending Minnesota Statutes 1984, sections 297B.01, subdivision 8; and 297B.03.

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

Krueger introduced :

H. F. No. 254, A bill for an act relating to elections; prohibiting certain campaign activities; requiring certain expenditures to be allocated to candidates; amending Minnesota Statutes 1984, section 10A.29; proposing coding for new law in Minnesota Statutes, chapters 10A and 210A.

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

Dempsey, Metzen, McKasy, Sherman and O'Connor introduced :

H. F. No. 255, A bill for an act relating to courts; practice and procedure in dram shop actions; amending Minnesota Statutes 1984, sections 340.95 and 340.951.

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

Bennett, Dempsey, Ozment, Welle and Krueger introduced :

H. F. No. 256, A bill for an act relating to motor vehicles; defining terms; regulating van-type motor homes; amending Minnesota Statutes 1984, sections 168.011, subdivision 25, and by adding subdivisions; and 168.27, subdivisions 2 and 10.

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

Onnen, Jacobs, Schreiber, Vanasek and Dempsey introduced :

H. F. No. 257, A bill for an act relating to taxation; sales and use; exempting certain sales by nonprofit organizations; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

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

Schoenfeld, Kalis, Johnson and Anderson, G., introduced :

H. F. No. 258, A bill for an act relating to agriculture; providing for restructuring of farm and small business debt; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 17C.

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

Heap and Forsythe introduced :

H. F. No. 259, A bill for an act relating to state government; requiring selected state agencies to undergo a periodic zero-based budget review; creating a legislative committee to select an independent evaluator; proposing coding for new law in Minnesota Statutes, chapter 16A.

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

Onnen and Schafer introduced :

H. F. No. 260, A bill for an act relating to game and fish; discharge of firearms and access to agricultural lands; amending Minnesota Statutes 1984, section 100.273, subdivisions 5 and 7.

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

**Onnen and Schafer introduced :**

H. F. No. 261, A bill for an act relating to taxation ; providing for the computation of interest on tax overpayments ; amending Minnesota Statutes 1984, sections 270A.07, subdivision 5 ; 271.12 ; 290.50, subdivision 1 ; 290.92, subdivisions 11 and 13 ; 290.93, subdivision 9 ; 290.936 ; 290A.07, subdivisions 2a and 3 ; 291.18 ; 294.09, subdivision 1 ; 297A.35, subdivision 1 ; 298.09, subdivision 4 ; and 299.05 ; proposing coding for new law in Minnesota Statutes, chapter 270.

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

**Onnen introduced :**

H. F. No. 262, A bill for an act relating to taxation ; providing for timely payment of certain income tax withholding and sales and use taxes ; amending Minnesota Statutes 1984, sections 290.-92, subdivision 6 ; 297A.26, subdivision 1 ; and 297A.27, subdivision 1 ; repealing Minnesota Statutes 1984, section 297A.26, subdivision 3.

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

**Tunheim introduced :**

H. F. No. 263, A bill for an act relating to education ; directing the commissioner to grant a capital loan to Independent School District No. 690, Warroad.

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

**Heap, Blatz, McPherson and Hartinger introduced :**

H. F. No. 264, A bill for an act relating to crimes ; imposing criminal liability on persons who cause the death of another by permitting an animal, known to have caused prior bodily harm, to be unconfined or improperly confined ; imposing a penalty ; proposing coding for new law in Minnesota Statutes, chapter 609.

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



## HOUSE ADVISORIES

The following House Advisory was introduced :

Johnson and Bishop introduced :

H. A. No. 2, A proposal to study state user fees and revenue dedication.

The advisory was referred to the Committee on Appropriations.

## GENERAL ORDERS

Levi moved that the bill on General Orders for today be continued one day. The motion prevailed.

## MOTIONS AND RESOLUTIONS

Thiede moved that the names of Schafer and Wenzel be added as authors on H. F. No. 151. The motion prevailed.

DenOuden moved that the name of Gutknecht be added as an author on H. F. No. 168. The motion prevailed.

Anderson, R., moved that the name of Osthoff be added as an author on H. F. No. 194. The motion prevailed.

Krueger moved that the names of Peterson and Uphus be added as authors on H. F. No. 203. The motion prevailed.

Seaberg moved that the name of Bennett be added as an author on H. F. No. 220. The motion prevailed.

Piepho moved that H. F. No. 191 be recalled from the Committee on Local and Urban Affairs and be re-referred to the Committee on Commerce and Economic Development. The motion prevailed.

Redalen moved that H. F. No. 104 be recalled from the Committee on Regulated Industries and Energy and be re-referred to the Committee on General Legislation and Veterans Affairs. The motion prevailed.

Uphus and Olsen, S., introduced :

House Resolution No. 5, A house resolution commemorating Sinclair Lewis upon the 100th anniversary of his birth.

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

## ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, February 4, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, February 4, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



## STATE OF MINNESOTA

## SEVENTY-FOURTH SESSION - 1985

## TENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 4, 1985

The House of Representatives convened at 2:00 p.m. and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Reverend Ronald W. Jobe, Trinity Lutheran Church, Elgin, Minnesota.

The roll was called and the following members were present:

Anderson, G.	Elioff	Knuth	Otis	Simoneau
Anderson, R.	Ellingson	Krueger	Ozment	Skoglund
Backlund	Erickson	Kvam	Pappas	Solberg
Battaglia	Fjoslien	Levi	Pauly	Sparby
Beard	Forsythe	Lieder	Peterson	Stanius
Becklin	Frederick	Long	Piepho	Staten
Begich	Frederickson	McDonald	Poppenhagen	Svigum
Bernett	Frerichs	McEachern	Price	Thiede
Bishop	Greenfield	McKasy	Quinn	Thorson
Blatz	Gruenes	McLaughlin	Quist	Tjornhom
Boerboom	Gutknecht	McPherson	Redalen	Tomlinson
Boo	Halberg	Metzen	Rees	Tompkins
Brandl	Hartinger	Miller	Rest	Tunheim
Brinkman	Hartle	Minne	Richter	Uphus
Brown	Haukoos	Munger	Riveness	Valan
Burger	Heap	Nelson, D.	Rodosovich	Valento
Carlson, D.	Himle	Nelson, K.	Rose	Vanasek
Carlson, J.	Jacobs	Neuenschwander	Sarna	Vellenga
Carlson, L.	Jaros	Norton	Schafer	Voss
Clark	Jennings, L.	O'Connor	Scheid	Waltman
Clausnitzer	Johnson	Ogren	Schoenfeld	Welle
Cohen	Kahn	Olsen, S.	Schreiber	Wenzel
Dempsey	Kalis	Olson, E.	Seaberg	Wynia
DenOuden	Kelly	Omann	Segal	Zaffke
Dimler	Kiffmeyer	Onnen	Shaver	Spk. Jennings, D.
Dyke	Knickerbocker	Osthoff	Sherman	

A quorum was present.

Kostohryz, Marsh, Murphy, Piper and Rice were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Bishop 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. 83 have been placed in the members' files.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced :

Kvam and Bennett, by request, introduced :

H. F. No. 265, A bill for an act relating to insurance; dramshop liability; authorizing annual aggregate policy limits; amending Minnesota Statutes 1984, section 340.11, subdivision 21.

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

Marsh, Rose and Lieder introduced :

H. F. No. 266, A bill for an act relating to arrest; providing indemnification for off-duty peace officers who make arrests outside their jurisdiction; specifying the circumstances under which peace officers, constables, and part-time peace officers may make on or off-duty arrests outside their jurisdictions; amending Minnesota Statutes 1984, sections 3.736, subdivision 1, and by adding a subdivision; 629.34, subdivision 1; and 629.40.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Solberg, Elioff, Battaglia and Carlson, D., introduced :

H. F. No. 267, A bill for an act relating to local governments; authorizing political subdivisions to enter into certain joint insurance arrangements; amending Minnesota Statutes 1984, section 471.61, subdivision 1.

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

Sviggunn; Jennings, D.; Rose; Carlson, D., and Voss introduced:

H. F. No. 268, A bill for an act relating to the environment; removing statutory provisions for joint and several liability and causation for personal injury; changing the date when liability applies; removing additional defense for abnormally dangerous activity; stating effect of removing certain provisions; amending Minnesota Statutes 1984, sections 115B.05, subdivision 1; and 115B.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1984, sections 115B.06, subdivision 2; and 115B.07.

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

Krueger and Uphus introduced:

H. F. No. 269, A bill for an act relating to waters; limiting appeals from determinations that certain waters are public waters; amending Minnesota Statutes 1984, section 105.391, subdivision 1.

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

Minne introduced:

H. F. No. 270, A bill for an act relating to the city of Hibbing; fixing the term of mayor.

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

Wenzel introduced:

H. F. No. 271, A bill for an act relating to taxation; requiring payment of property tax refunds to personal representatives of deceased claimants; amending Minnesota Statutes 1984, section 290A.18.

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

Knickerbocker; Knuth; Stanius; Nelson, K., and Pauly introduced:

H. F. No. 272, A bill for an act relating to metropolitan government; providing for various standards and procedures of metropolitan commissions; providing for the appointment and removal of certain officers of metropolitan commissions; requiring reports and plans; regulating duties of the regional transit board; amending Minnesota Statutes 1984, sections 473.129, by adding a subdivision; 473.141, subdivisions 3, 5, 13, and by adding a subdivision; 473.163, by adding a subdivision; 473.245; 473.373, subdivisions 2, 3, and 7; and 473.375, subdivisions 1 and 16.

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

McKasy, Boo, Knickerbocker, Skoglund and Osthoff introduced:

H. F. No. 273, A bill for an act relating to commerce; making permanent the time price differential rate on certain motor vehicles; amending Minnesota Statutes 1984, section 168.72, subdivision 1; repealing Minnesota Statutes 1984, section 168.72, subdivision 2.

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

Ozment; Miller; Nelson, K.; Haukoos and Piepho introduced:

H. F. No. 274, A bill for an act relating to crimes; defining "dangerous weapon" to include flammable liquids; amending Minnesota Statutes 1984, section 609.02, subdivision 6.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Levi; Blatz; Nelson, K.; Greenfield and Kiffmeyer introduced:

H. F. No. 275, A bill for an act relating to crimes; reporting maltreatment of minors; defining "person responsible for the child's care"; providing for concise summaries of disposition of reports; making technical changes; prescribing penalties; amending Minnesota Statutes 1984, sections 388.051, subdivision 2; and 626.556, subdivisions 2, 3, 4, 5, 6, and 9.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

McDonald, Redalen, Battaglia and Sparby introduced :

H. F. No. 276, 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.

McEachern introduced :

H. F. No. 277, A bill for an act relating to health; permitting the county coroner to remove the pituitary gland from a body under certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 390.

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

Kostohryz; Knuth; Carlson, L., and Gruenes introduced :

H. F. No. 278, A bill for an act relating to education; increasing state aid for school district programs for gifted and talented students; appropriating money; amending Minnesota Statutes 1984, section 124.247, subdivision 3; repealing Minnesota Statutes 1984, section 124.247, subdivision 6.

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

McEachern, Krueger, Rest, Lieder and Price introduced :

H. F. No. 279, A bill for an act relating to education; changing the basic maintenance mill rate to 20 mills; amending Minnesota Statutes 1984, section 124A.02, subdivision 7.

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



Onnen introduced :

H. F. No. 280, 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 coding for new law in Minnesota Statutes, chapter 289A.

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

Uphus; Solberg; Carlson, D., and Krueger introduced :

H. F. No. 281, A bill for an act relating to game and fish; requiring the commissioner of natural resources to issue moose hunting licenses by lottery; amending Minnesota Statutes 1984, section 100.271, subdivision 1.

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

Nelson, K.; Levi; McEachern; Erickson and Olsen, S., introduced :

H. F. No. 282, A bill for an act relating to education; declaring the mission of public elementary and secondary education in Minnesota; proposing coding for new law in Minnesota Statutes, chapter 120.

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

Erickson, Backlund, Tompkins, Segal and Nelson, K., introduced :

H. F. No. 283, A bill for an act relating to education; increasing aid for gifted and talented students; appropriating money; amending Minnesota Statutes 1984, section 124.247, subdivision 3.

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

**Heap, Zaffke, Clausnitzer and Brinkman introduced:**

**H. F. No. 284, A bill for an act relating to labor; regulating the tip credit for minimum wage purposes; amending Minnesota Statutes 1984, sections 177.24, subdivision 2; 177.28, subdivision 4; repealing Minnesota Statutes 1984, section 177.295.**

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

**Beard, Price, Levi and McPherson introduced:**

**H. F. No. 285, A bill for an act relating to Washington county; providing for approval of condominium floor plans by the county surveyor; prescribing fees; amending Laws 1971, chapter 820, section 1.**

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

**Beard, Price, Levi and McPherson introduced:**

**H. F. No. 286, A bill for an act relating to Washington county; providing that condominium floor plans must be signed by the county auditor to ensure no delinquent taxes are due and by the county treasurer to ensure that current taxes have been paid.**

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

**Price and Beard introduced:**

**H. F. No. 287, A bill for an act relating to Washington county; providing that condominium floor plans must be signed by the county auditor to ensure no delinquent taxes are due and by the county treasurer to ensure that current taxes have been paid; providing for approval of condominium floor plans by the county surveyor; prescribing fees; amending Laws 1971, chapter 820, section 1.**

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

Osthoff introduced :

H. F. No. 288, A bill for an act proposing an amendment to the Minnesota Constitution, article XIII, section 5; allowing the legislature to authorize lotteries operated by the state with net revenues dedicated to education and lotteries operated by non-profit organizations for charitable purposes.

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

Osthoff, Kostohryz and Simoneau introduced :

H. F. No. 289, A bill for an act proposing an amendment to the Minnesota Constitution, article XIII, section 5; allowing the legislature to authorize lotteries operated by the state with net revenues dedicated to enhancement of natural resources and lotteries operated by nonprofit organizations for charitable purposes.

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

Osthoff, Metzen, Minne and Price introduced :

H. F. No. 290, A bill for an act proposing an amendment to the Minnesota Constitution, article XIII, section 5; allowing the legislature to authorize certain lotteries.

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

Osthoff, Kostohryz and Price introduced :

H. F. No. 291, A bill for an act proposing an amendment to the Minnesota Constitution, article XIII, section 5; allowing the legislature to authorize lotteries operated by the state with net revenues dedicated to programs for the arts and lotteries operated by nonprofit organizations for charitable purposes.

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

Osthoff introduced:

H. F. No. 292, A bill for an act proposing an amendment to the Minnesota Constitution, article XIII, section 5; allowing the legislature to authorize lotteries operated by the state with net revenues dedicated to economic development and lotteries operated by nonprofit organizations for charitable purposes.

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

McDonald, Redalen, Dyke and Uphus introduced:

H. F. No. 293, A bill for an act relating to agriculture; establishing an emergency farm operating loans program; providing penalties; appropriating money; amending Minnesota Statutes 1984, section 16A.15, subdivision 6; and proposing coding for new law in Minnesota Statutes, chapter 116M.

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

Blatz, Onnen, Sviggum, McEachern and Carlson, L., introduced:

H. F. No. 294, A bill for an act relating to insurance; health maintenance organizations; prohibiting certain exclusive agreements with providers; amending Minnesota Statutes 1984, section 62D.10, by adding a subdivision.

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

Waltman, McDonald, Valan, Frerichs and Uphus introduced:

H. F. No. 295, A resolution memorializing the President and Congress to provide income tax incentives to landowners who sell or lease agricultural land to beginning farmers and to state and national financial institutions who make loans to beginning farmers.

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

Blatz, Stanius, Valento, Backlund and Tjornhom introduced:

H. F. No. 296, A bill for an act relating to taxation; providing for the computation of interest on tax overpayments; amending Minnesota Statutes 1984, sections 270A.07, subdivision 5; 271.12; 290.50, subdivision 1; 290.92, subdivisions 11 and 13; 290.93, subdivision 9; 290.936; 290A.07, subdivisions 2a and 3; 291.18; 294.09, subdivision 1; 297A.35, subdivision 1; 298.09, subdivision 4; and 299.05; proposing coding for new law in Minnesota Statutes, chapter 270.

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

Pauly introduced:

H. F. No. 297, A bill for an act relating to the city of Savage; 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.

Gruenes, Omann, Marsh and Kiffmeyer introduced:

H. F. No. 298, A bill for an act relating to Independent School District No. 742, St. Cloud; authorizing AVTI construction projects subject to certain conditions.

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

Zaffke, Richter, Thiede, Thorson and Boo introduced:

H. F. No. 299, A bill for an act relating to taxation; exempting residential use of electricity from the sales tax; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

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

Thorson, Sparby, Thiede and Zaffke introduced :

H. F. No. 300, A bill for an act relating to natural resources; terms of payment in county timber sales; amending Minnesota Statutes 1984, section 282.04, subdivision 1.

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

McKasy, Metzen and Boo introduced :

H. F. No. 301, A bill for an act relating to crimes; permitting crime victims suffering certain types of property damage to file claims for reparations; amending Minnesota Statutes 1984, sections 611A.52; 611A.53, subdivision 2; 611A.54; and 611A.60.

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

Hartinger, Krueger, Blatz and Kiffmeyer introduced :

H. F. No. 302, A bill for an act relating to crimes; prohibiting persons employed by the welfare system from releasing information pertaining to identities of victims and persons accused of sexual child abuse to news media; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Gruenes; Olsen, S.; Nelson, K.; Price and Levi introduced :

H. F. No. 303, A bill for an act relating to education; establishing arts education aid for school districts; establishing recommended guidelines for use of the aid; designating the purpose of certain tax revenues; amending Minnesota Statutes 1984, section 349.212, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 124.

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

Waltman, Pauly, Johnson, Quist and Uphus introduced :

H. F. No. 304, A bill for an act relating to taxation; providing for the computation of interest on tax overpayments; amending Minnesota Statutes 1984, sections 270A.07, subdivision 5; 271.12; 290.50, subdivision 1; 290.92, subdivisions 11 and 13; 290.93, subdivision 9; 290.936; 290A.07, subdivisions 2a and 3; 291.18; 294.09, subdivision 1; 297A.35, subdivision 1; 298.09, subdivision 4; and 299.05; proposing coding for new law in Minnesota Statutes, chapter 270.

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

Sparby, Wynia, Minne, Tunheim and Lieder introduced :

H. F. No. 305, A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1984, 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 Human Services.

Heap, Miller, Poppenhagen and Begich introduced :

H. F. No. 306, A bill for an act relating to public employment labor relations; abolishing the public employment labor relations board; establishing certain powers and duties of the director of the bureau of mediation services; providing for appeals to the court of appeals; amending Minnesota Statutes 1984, sections 179A.03, subdivision 17; 179A.04, subdivision 3; 179A.13; 179A.-16; 179A.21; and 179A.25; repealing Minnesota Statutes 1984, sections 179A.03, subdivision 3; and 179A.05.

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

Sviggum and Metzen introduced :

H. F. No. 307, A bill for an act relating to the town of Cannon Falls; authorizing the establishment of a detached banking facility.

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

Frederick, Piepho, Jacobs, O'Connor and Murphy introduced :

H. F. No. 308, A bill for an act relating to intoxicating liquor; hours for Sunday sale; amending Minnesota Statutes 1984, section 340.14, subdivision 5.

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

Simoneau introduced :

H. F. No. 309, A bill for an act relating to taxation; providing an income tax credit for home care of the elderly; amending Minnesota Statutes 1984, section 290.06, by adding a subdivision.

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

### GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole with Jennings, D., in the Chair for 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 recommendations of the Committee were reported to the House :

H. F. No. 83 was recommended to pass.

H. F. No. 2 was recommended for progress.

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

### MOTIONS AND RESOLUTIONS

Onnen moved that the name of Olsen, S., be added as an author on H. F. No. 261. The motion prevailed.

Knickerbocker moved that H. F. No. 207 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Labor-Management Relations. The motion prevailed.



McKasy moved that H. F. No. 235 be recalled from the Committee on Commerce and Economic Development and be re-referred to the Committee on Financial Institutions and Insurance. The motion prevailed.

Halberg moved that H. F. No. 264 be recalled from the Committee on Judiciary and be re-referred to the Committee on Crime and Family Law. The motion prevailed.

Pursuant to rule 1.15, Brinkman moved that H. F. No. 8 be recalled from the Committee on Taxes, be given its second reading and be advanced to General Orders.

A roll call was requested and properly seconded.

Vellenga was excused between the hours of 3:00 p.m. and 4:45 p.m.

#### CALL OF THE HOUSE

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

Anderson, G.	Elioff	Knickerbocker	Osthoff	Shaver
Anderson, R.	Ellingson	Knuth	Otis	Sherman
Backlund	Erickson	Krueger	Ozment	Simoneau
Battaglia	Fjoslien	Kvam	Pappas	Skoglund
Beard	Forsythe	Levi	Pauly	Solberg
Becklin	Frederick	Lieder	Peterson	Sparby
Begich	Frederickson	Long	Piepho	Stanisus
Bennett	Frerichs	McDonald	Poppenhagen	Staten
Bishop	Greenfield	McEachern	Price	Sviggun
Blatz	Gruenes	McKasy	Quinn	Thiede
Boerboom	Gutknecht	McLaughlin	Quist	Thorson
Boo	Halberg	McPherson	Redalen	Tjornhom
Brandl	Hartinger	Metzen	Rees	Tomlinson
Brinkman	Hartle	Miller	Rest	Tompkins
Brown	Haukoos	Minne	Richter	Tunheim
Burger	Heap	Munger	Riveness	Uphus
Carlson, D.	Himle	Nelson, D.	Rodosovich	Valan
Carlson, J.	Jacobs	Nelson, K.	Rose	Valento
Carlson, L.	Jaros	Neuenschwander	Sarna	Voss
Clark	Jennings, L.	O'Connor	Schafer	Waltman
Clausnitzer	Johnson	Ogren	Scheid	Welle
Cohen	Kahn	Olsen, S.	Schoenfeld	Wenzel
DenOuden	Kalis	Olson, E.	Schreiber	Wynia
Dimler	Kelly	Omann	Seaberg	Zaffke
Dyke	Kiffmeyer	Onnen	Segal	Spk. Jennings, D.

Levi 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.

## POINT OF ORDER

Levi raised a point of order pursuant to rule 5.10, paragraph 1, that the Brinkman motion was out of order. The Speaker ruled the point of order well taken and the Brinkman motion out of order.

Norton appealed the decision of the Chair.

A roll call was requested and properly seconded.

## POINT OF ORDER

Wynia raised a point of order pursuant to section 121, paragraph 5, of "Mason's Manual of Legislative Procedure." The Speaker ruled the point of order not well taken.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called.

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

There were 69 yeas and 58 nays as follows :

Those who voted in the affirmative were :

Anderson, R.	DenOuden	Haukoos	Onnen	Sherman
Backlund	Dimler	Heap	Ozment	Stanius
Becklin	Dyke	Himle	Pauly	Sviggum
Bennett	Erickson	Johnson	Piepho	Thiede
Bishop	Fjoslien	Kiffmeyer	Poppenhagen	Thorson
Blatz	Forsythe	Knickerbocker	Quist	Tjornhom
Boerboom	Frederick	Kvam	Redalen	Tompkins
Boo	Frederickson	Levi	Rees	Uphus
Brandl	Frerichs	McDonald	Richter	Valan
Burger	Gruenes	McKasy	Rose	Valento
Carlson, D.	Gutknecht	McPherson	Schafer	Waltman
Carlson, J.	Halberg	Miller	Schreiber	Zaffke
Clausnitzer	Hartinger	Olsen, S.	Seaberg	Spk. Jennings, D.
Dempsey	Hartle	Omann	Shaver	

Those who voted in the negative were :

Anderson, G.	Jacobs	Metzen	Peterson	Solberg
Battaglia	Jaros	Minne	Price	Sparby
Beard	Jennings, L.	Nelson, D.	Quinn	Staten
Begich	Kahn	Nelson, K.	Rest	Tomlinson
Brinkman	Kalis	Neuenschwander	Riveness	Tunheim
Brown	Kelly	Norton	Rodosovich	Vanasek
Carlson, L.	Knuth	O'Connor	Sarna	Voss
Clark	Krueger	Ogren	Scheid	Welle
Cohen	Lieder	Olson, E.	Schoenfeld	Wenzel
Elioff	Long	Osthoft	Segal	Wynia
Ellingson	McEachern	Otis	Simoneau	
Greenfield	McLaughlin	Pappas	Skoglund	

So it was the judgment of the House that the decision of the Speaker should stand.

Ellingson and O'Connor were excused for the remainder of today's session.

Staten moved to amend the 1985-86 Permanent Rules of the House as follows:

Pages 15 and 16, Rule 5.10, delete paragraphs one, three and four

A roll call was requested and properly seconded.

The question was taken on the Staten amendment to the Permanent Rules of the House and the roll was called.

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

There were 59 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jacobs	Metzen	Peterson	Solberg
Battaglia	Jaros	Minne	Price	Sparby
Beard	Jennings, L.	Munger	Quinn	Staten
Begich	Kahn	Nelson, D.	Rest	Tomlinson
Brandl	Kalis	Nelson, K.	Riveness	Tunheim
Brinkman	Kelly	Neuenschwander	Rodosovich	Vanasek
Brown	Knuth	Norton	Sarna	Vellenga
Carlson, L.	Krueger	Ogren	Scheid	Voss
Clark	Lieder	Olson, E.	Schoenfeld	Welle
Cohen	Long	Osthoff	Segal	Wenzel
Elioff	McEachern	Otis	Simoneau	Wynia
Greenfield	McLaughlin	Pappas	Skoglund	

Those who voted in the negative were:

Anderson, R.	Dyke	Himle	Piepho	Thiede
Backlund	Erickson	Johnson	Poppenhagen	Thorson
Becklin	Fjoslien	Kiffmeyer	Quist	Tjornhom
Bennett	Forsythe	Knickerbocker	Redalen	Tompkins
Bishop	Frederick	Kvam	Rees	Uphus
Blatz	Frederickson	Levi	Richter	Valan
Boerboom	Frerichs	McDonald	Rose	Valento
Boo	Gruenes	McKasy	Schafer	Waltman
Burger	Gutknecht	McPherson	Schreiber	Zaffke
Carlson, J.	Halberg	Miller	Seaberg	Spk. Jennings, D.
Clausnitzer	Hartertinger	Olsen, S.	Shaver	
Dempsey	Hartle	Onnen	Sherman	
DenOuden	Haukoos	Ozment	Stanjus	
Dimler	Heap	Pauly	Svigum	

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

## ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, February 7, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, February 7, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



STATE OF MINNESOTA  
SEVENTY-FOURTH SESSION - 1985

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ELEVENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 7, 1985

The House of Representatives convened at 2:00 p.m. and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Reverend Howard C. Gravrock, House Chaplain.

The roll was called and the following members were present:

Anderson, G.	Erickson	Kostohryz	Ozment	Solberg
Anderson, R.	Fjoslien	Krueger	Pappas	Sparby
Backlund	Forsythe	Kvam	Peterson	Stanius
Battaglia	Frederick	Levi	Picpho	Staten
Beard	Frederickson	Lieder	Piper	Sviggum
Becklin	Frerichs	Long	Poppenhagen	Thiede
Begich	Greenfield	Marsh	Price	Thorson
Bennett	Gruenes	McDonald	Quinn	Tjornhom
Bishop	Gutknecht	McLaughlin	Quist	Tomlinson
Boerboom	Halberg	McPherson	Redalen	Tompkins
Boo	Hartinger	Metzen	Rees	Uphus
Brandl	Hartle	Miller	Rest	Valan
Brown	Haukoos	Munger	Rice	Vanasek
Burger	Heap	Murphy	Richter	Vellenga
Carlson, D.	Himle	Nelson, D.	Riveness	Waltman
Carlson, J.	Jaros	Neuenschwander	Rodosovich	Welle
Carlson, L.	Jennings, L.	Norton	Rose	Wenzel
Clark	Johnson	O'Connor	Sarna	Wynia
Clausnitzer	Kahn	Ogren	Schafer	Zaffke
Cohen	Kalis	Olsen, S.	Schoenfeld	Spk. Jennings, D.
DenOuden	Kelly	Olson, E.	Seaberg	
Dyke	Kiffmeyer	Omann	Segal	
Elioff	Knickerbocker	Onnen	Simoneau	
Ellingson	Knuth	Otis	Skoglund	

A quorum was present.

Blatz; Brinkman; Dempsey; Dimler; Jacobs; McEachern; McKasy; Minne; Nelson, K.; Osthoff; Pauly; Scheid; Schreiber; Shaver; Sherman; Tunheim; Valento and Voss were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Gutknecht 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

Knickerbocker from the Committee on Governmental Operations to which was referred :

S. F. No. 122, A bill for an act relating to retirement; public employees retirement association; setting the salary range of the executive director; changing the membership of the board; providing qualifications for the executive director; requiring advice and consent of the senate for appointment of the executive director; defining the duties of the board; ending the terms of current board members; defining the duties of the executive director; amending Minnesota Statutes 1984, sections 15A.081, subdivision 1; 43A.10, subdivision 6; and 353.03, subdivisions 1, 1a, 2, 3, 3a, and 5; proposing coding for new law in Minnesota Statutes, chapter 353.

Reported the same back with the following amendments :

Delete everything after the enacting clause and insert :

“Section 1. [FINDINGS.]

*The legislature reaffirms that the public employees retirement association is a public agency, created by and subject to the control of the legislature. The legislature is responsible for assuring that the laws establishing the association lead to responsible governance and efficient administration. The legislature must assure that the board of trustees fulfills its fiduciary obligations to the state, to the taxpayers, and to the members of the association.*

*The legislature finds that actions of the association board of trustees have damaged public confidence in the association's ability to fulfill its fiduciary obligations and to operate in accordance with legislative intent. The legislature finds that this act is necessary to assure that the board of trustees will fulfill its fiduciary obligations and will responsibly administer the affairs of the association in keeping with legislative intent.*

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

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

	<b>Salary Range Effective July 1, 1983</b>
Commissioner of education ;	<b>\$57,500-\$70,000</b>
Commissioner of finance ;	
Commissioner of transportation ;	
Commissioner of human services ;	
Chancellor, community college system ;	
Chancellor, state university system ;	
Director, vocational technical education ;	
Executive director, state board of investment ;	
Commissioner of administration ;	<b>\$50,000-\$60,000</b>
Commissioner of agriculture ;	
Commissioner of commerce ;	
Commissioner of corrections ;	
Commissioner of economic security ;	
Commissioner of employee relations ;	
Commissioner of energy and economic development ;	
Commissioner of health ;	
Commissioner of labor and industry ;	
Commissioner of natural resources ;	
Commissioner of revenue ;	
Commissioner of public safety ;	
Chairperson, waste management board ;	
Chief administrative law judge ; office of administrative hearings ;	



Director, pollution control agency ;

Director, state planning agency ;

Executive director, higher education  
coordinating board ;

Executive director, housing finance agency ;

*Executive director, public employees  
retirement association ;*

Executive director, teacher's retirement  
association ;

Executive director, state retirement system ;

Commissioner of human rights ; \$40,000-\$52,500

Director, department of public service ;

Commissioner of veterans' affairs ;

Director, bureau of mediation services ;

Commissioner, public utilities commission ;

Member, transportation regulation board ;

Director, zoological gardens.

Sec. 3. Minnesota Statutes 1984, section 43A.10, subdivision 6, is amended to read :

Subd. 6. [ELIGIBILITY FOR COMPETITIVE PROMOTIONAL EXAMINATIONS.] Competitive promotional examinations shall be open only to employees of the civil service, the Minnesota state retirement system, *the public employees retirement association*, and the teacher's retirement association. The commissioner may require that competition be extended to all employees as defined above or may limit competition to employees of one or more agencies or organizational units thereof or to employees meeting specified employment conditions.

Sec. 4. Minnesota Statutes 1984, section 353.03, subdivision 1, is amended to read :

Subdivision 1. [MANAGEMENT; COMPOSITION; ELECTION.] The management of the public employees retirement fund is (HEREBY) vested in a board of trustees consisting of (15) 9 members (, WHO SHALL BE KNOWN AS THE BOARD

OF TRUSTEES). (THIS BOARD SHALL CONSIST OF FOUR TRUSTEES,) One (OF WHOM) *trustee* shall be designated by each of the following associations or organizations (,): Minnesota school boards association, League of Minnesota Cities, Association of Minnesota Counties and the executive committee of the statewide general labor organization which includes among its membership the employee organizations, as defined in section 179A.03, subdivision 6, which represent the largest number of employees who are association members (; NINE). *Two area trustees (, WHO) shall be elected from the membership employed in one of the areas described below by the members employed in (SUCH) the area except members of the police and fire fund (; ONE TRUSTEE WHO SHALL BE A RETIRED ANNUITANT ELECTED AT LARGE BY OTHER RETIRED ANNUITANTS AND DISABILITANTS; AND). One trustee (WHO IS) shall be a member of the police and fire fund elected at large by the membership of the police and fire fund. Trustees elected by the membership of the association (OR BY THE RETIRED ANNUITANTS AND DISABILITANTS OF THE ASSOCIATION) shall be elected for a term of four years. One trustee shall be a person knowledgeable in pension matters who is a retired annuitant or disabilitant of the association, appointed by the governor. The state auditor is the other trustee.*

*All appointments to the board of trustees, whether by the governor or by an association or organization, shall follow an open appointments procedure. In the case of gubernatorial appointment, the governor shall appoint an appointments advisory commission for the purpose of holding hearings and reporting to the governor on applicants for appointment to the board of trustees. If an appointments advisory commission is already in existence, a new commission need not be created. For the purpose of selecting association or organization designees, a similar advisory commission shall be formed. In both cases, the commissions shall give appropriate notice, in writing, to the appropriate association members. The notice must describe the appointment process and invite participation and recommendations on the appointments. The commissions shall hold at least one public meeting, following which the commissions shall submit to the governor or the appropriate association or organization governing body a written report that lists the persons who have applied or been nominated or recommended for the positions, along with a description of the background and qualifications of each.*

*In order to assure representation of women and minorities, the governor shall assess composition of the eight other members of the board and make the appointment from any under-represented group.*

Trustees designated by an association or organization, appointed by the governor, or elected or selected by the use of a procedure other than direct election by the membership of the

association (OR BY THE ANNUITANTS OF THE ASSOCIATION) shall hold office for a term of two years or until the designation, election or selection procedure is changed, if that occurs earlier. *Trustees elected by members of the association must be either active members of the association at all times during their terms, or be retired members of the association.* For seven days beginning November 1 of each year, the association shall accept at its office filings in person or by mail of candidates for the board of trustees. An area candidate shall submit at the time of filing a nominating petition signed by 25 or more members of the fund from the area of the candidate, (A RETIRED ANNUITANT CANDIDATE, A NOMINATING PETITION SIGNED BY ANY COMBINATION OF 25 OR MORE RETIRED ANNUITANTS OR DISABILITANTS, AND) or for a police and fire fund candidate, a nominating petition signed by 25 or more members of such fund. No name may be withdrawn from nomination by the nominee after November 15. *At the request of a candidate for an elected position on the board of trustees, the board shall mail a statement of up to 300 words prepared by the candidate to all persons eligible to vote in the election of the candidate. The board may adopt policies to govern form and length of these statements, timing of mailings, and deadlines for submitting materials to be mailed. These policies must be approved by the secretary of state. Disputes between the board and a candidate concerning application of these policies to a particular statement shall be resolved by the secretary of state. As a condition of having the board make a mailing on his or her behalf, a candidate shall agree, by stating in writing to the board that if the candidate:*

(a) *receives contributions or makes expenditures in excess of \$100; or*

(b) *has given implicit or explicit consent for any other person to receive contributions or make expenditures in excess of \$100;*

*for the purpose of bringing about the candidate's election, the candidate will disclose in writing to the board the source and amount of all contributions to his or her campaign. The board shall adopt policies governing these disclosures. Expenditures and approved expenditures have the meaning defined in section 10A.01. By (JANUARY) December 10 of each year in which elections are to be held the board shall distribute by mail to the members (, RETIRED ANNUITANTS AND DISABILITANTS,) ballots listing the candidates. No member may vote for more than one candidate. A ballot indicating a vote for more than one person shall be void. No special marking may be used on the ballot to indicate incumbents. The last day for mailing ballots to the fund shall be January (31) 1. Except as provided in this section, all terms expire on January (31) 1 of the fourth year, and the position shall remain vacant until the newly elected member is qualified. The ballot envelopes shall be so designed and the*

ballots shall be counted in such a manner as to insure that each vote is secret. For the purpose of electing the (NINE) *two* area trustees, the state shall be divided into (THREE) *two* areas as follows: Area one shall include Anoka, Hennepin, Ramsey, *Scott, Dakota, Carver,* and Washington counties. (AREA TWO SHALL INCLUDE BIG STONE, SWIFT, KANDIYOHI, MEEKER AND WRIGHT COUNTIES AND ALL COUNTIES SOUTH THEREOF, EXCEPT COUNTIES IN AREA ONE.) Area (THREE) *two* shall include all the remaining counties of the state. If any governmental unit is located in more than one area, place of employment shall be deemed to be in the area in which the main office of the governmental unit is located. *Retired members shall vote in the area in which they reside.* Each year for (THREE) *two* years one area trustee shall be elected to a four-year term from (EACH AREA) *one of the areas* by the members employed in the respective areas. In the (FOURTH) *third* year one trustee shall be elected at large by the police and fire fund membership (AND ONE TRUSTEE ELECTED AT LARGE BY THE RETIRED ANNUITANTS AND DISABILITANTS).

The elections shall be supervised by the secretary of state. It shall be the duty of the board of trustees to faithfully administer the law without prejudice and consistent with the expressed intent of the legislature. They shall act as trustees with a fiduciary obligation to the state of Minnesota which created the fund, the taxpayers of the governmental subdivisions which aid in financing it and the public employees who are its beneficiaries. *They shall act in good faith and shall exercise that degree of judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs.*

*For purposes of this section, membership shall mean either active or retired members of the association.*

Sec. 5. Minnesota Statutes 1984, section 353.03, subdivision 1a, is amended to read:

Subd. 1a. [VACANCY, HOW FILLED.] Any vacancy on the board caused by death, resignation, or removal of any (MEMBER SO ELECTED SHALL) *trustee, or occurring because the trustee ceases to be an active member of the association, must be filled by the board for trustees elected by members or retired members, and by the original appointing authority for other trustees, for the unexpired portion of the term in which the vacancy occurs.*

Sec. 6. Minnesota Statutes 1984, section 353.03, subdivision 2, is amended to read:

Subd. 2. [NO COMPENSATION EXPENSES.] The members of the board of trustees (AND MEMBERS OF ANY

**AUTHORIZED COMMITTEE OF SAID RETIREMENT ASSOCIATION)** shall serve without compensation, but shall be reimbursed out of the retirement fund for expenses actually and necessarily paid or incurred in the performance of their duties. Members of the board of trustees shall suffer no loss of compensation from (THEIR) *a public employer* by reason of service on or for the board or on any authorized committee thereof.

Sec. 7. Minnesota Statutes 1984, section 353.03, subdivision 3, is amended to read:

**Subd. 3. [(OFFICERS; EMPLOYEES; BYLAWS) DUTIES AND POWERS OF THE BOARD.]** (a) The board shall elect a (CHAIRMAN) *president* and (VICE CHAIRMAN, AND SHALL APPOINT AN EXECUTIVE DIRECTOR AND OTHER EMPLOYEES AND MAY ADOPT BYLAWS, AND PROCURE OTHER SERVICES AS IT MAY REASONABLY DEEM NECESSARY AND FIX THEIR COMPENSATION SUBJECT TO SUBDIVISION 2 HEREOF) *vice president*. *The board shall approve the staffing complement necessary to administer the fund. The cost of administering this chapter must be paid by the fund.*

(b) *The board shall adopt bylaws for its own government and for the management of the fund consistent with the laws of the state and may modify them at pleasure. It shall adopt, alter, and enforce reasonable rules consistent with the laws of the state for the administration and management of the fund, for the payment and collection of payments from members, and for the payment of withdrawals and benefits. It has authority to allow or disallow all applications for membership in the fund and shall allow or disallow claims for withdrawals, pensions, or benefits payable from the fund. It shall adopt an appropriate mortality table based on experience of the fund as recommended by the association actuary, with interest set at the rate specified in section 356.215, subdivision 4, clause (4). It shall provide for the payment out of the fund of all necessary expenses for the administration of the fund and of all claims for withdrawals, pensions, or benefits allowed. The board shall approve or disapprove all recommendations and actions of the executive director made subject to its approval or disapproval by subdivision 3a.*

(c) *In passing upon all applications and claims, the board may summon, swear, hear, and examine witnesses and, in the case of claims for disability benefits, may require the claimant to submit to a medical examination by a physician of the board's choice, at the expense of the claimant, as a condition precedent to the passing on the claim, and, in the case of all applications and claims, may conduct investigations necessary to determine their validity and merit.*

(d) *The board may continue to authorize the sale of life insurance to members under the insurance program in effect on*

*January 1, 1985, but must not change that program without the approval of the commissioner of finance. The association shall not receive any financial benefit from the life insurance program beyond the amount necessary to reimburse the association for costs incurred in administering the program. The association shall not engage directly or indirectly in any other activity involving the sale or promotion of goods or services, or both, whether to members or nonmembers.*

Sec. 8. Minnesota Statutes 1984, section 353.03, subdivision 3a, is amended to read:

Subd. 3a. [(DUTIES AND POWERS OF THE) EXECUTIVE DIRECTOR.] (a) [(QUALIFICATIONS) APPOINTMENT.] *The board shall appoint an executive director on the basis of education, experience in the retirement field, and leadership ability. The executive director shall have had at least five years' experience on the administrative staff of a major retirement system. The executive director serves in the unclassified service at the pleasure of the board. The salary of the executive director is as provided by section 15A.081, subdivision 1.*

(b) [DUTIES.] The management of the association is vested in the executive director who shall be the executive and administrative head of the association. He shall act as adviser to the board on all matters pertaining to the association. He shall also act as the secretary of the board. (IT IS THE DUTY OF) The executive director (AND HE HAS THE POWER TO) shall:

- (1) Attend all meetings of the board;
- (2) Prepare and recommend to the board rules (AND REGULATIONS) for the purpose of carrying out the provisions of this chapter;
- (3) Establish and maintain an adequate system of records and accounts following recognized accounting principles and controls;
- (4) Designate an assistant director, with the approval of the board, *who shall serve in the unclassified service and whose salary is set in accordance with section 43A.18, subdivision 3; appoint a confidential secretary in the unclassified service; and appoint (SUCH) employees, (BOTH PERMANENT AND TEMPORARY, AS ARE NECESSARY) to carry out (THE PROVISIONS OF SAID) this chapter (, AND WITH THE APPROVAL OF THE BOARD FIX THEIR COMPENSATION). Chapter 43A and chapter 179A apply to these employees;*
- (5) Organize the work of the association as he deems necessary to fulfill the functions of the association, and define the duties of its employees and delegate to them any of his powers

or duties, subject to his control and under such conditions as he may prescribe;

(6) With the approval of the board, contract for actuarial services, professional management services, and consulting services as (MAY BE) necessary (AND FIX THE COMPENSATION THEREFOR) *to fulfill the purposes of this chapter.* (SUCH) All contracts (SHALL NOT BE) *are* subject to (THE COMPETITIVE BIDDING PROCEDURE PRESCRIBED BY) chapter (16) 16B. *The commissioner of administration shall not approve, and the association shall not enter into, any contract to provide lobbying services or any contract to provide legislative advocacy of any kind. This does not prohibit the members or employees of the board from providing information to legislators or engaging in legislative advocacy. Neither does it prohibit the board from entering into contracts with consultants to develop information or studies needed by the association for the purpose of performing the duties prescribed in chapter 353.* Copies of all professional management survey reports shall be sent directly to the legislature and the legislative auditor at the same time reports are furnished the board. Only management firms experienced in conducting management surveys of federal, state or local public retirement systems shall be qualified to contract with the director hereunder;

(7) With the approval of the board provide inservice training for all employees of the association;

(8) Make refunds of accumulated contributions to former members and to the designated beneficiary, surviving spouse, legal representative or next of kin of deceased members or deceased former members, all as provided in this chapter;

(9) Determine the amount of the annuities and disability benefits of members covered by the association and authorize payment thereof beginning as of the dates such annuities and benefits begin to accrue, all in accordance with the provisions of (SAID) *this* chapter;

(10) Pay annuities, (REFUNDMENTS) *refunds*, survivor benefits, salaries and all necessary operating expenses of the association;

(11) Prepare and submit to the board and the legislature an annual report covering the operation of the association, as required by chapter 356;

(12) *Prepare and submit biennial and annual budgets to the board for its approval and submit the approved budgets to the department of finance for approval by the commissioner; and*

(13) With the approval of the board, perform such other duties as may be required for the administration of the associa-

tion and the other provisions of this chapter and for the transaction of its business.

Sec. 9. Minnesota Statutes 1984, section 353.03, subdivision 5, is amended to read:

Subd. 5. [APPLICATION OF LAWS.] Laws applicable to state agencies and agencies with statewide jurisdiction shall (NOT BE CONSTRUED TO) apply to the association (UNLESS SUCH LAWS MAKE SPECIFIC REFERENCE TO THIS SUBDIVISION; PROVIDED, HOWEVER, THE APPLICABLE PROVISIONS OF CHAPTERS 355 AND 356 SHALL APPLY TO THE ASSOCIATION).

Sec. 10. [TERMS ENDED.]

*Notwithstanding any other law to the contrary, the terms of all people who are members of the public employees retirement association board prior to the effective date of this section, whether they were elected or designated, end on the effective date of this section. Incumbent members, including those elected in January 1985, do not hold over and cease to have any authority to carry out the decisions of the board unless reappointed or re-elected to the board. If individuals elected in January 1985 have not become members of the board by the effective date of this section, they shall not take office. In addition, all committees established by the board are abolished on the effective date of this section.*

Sec. 11. [TRANSITION.]

*Subdivision 1. [APPOINTMENTS.] The governor and the other appointing authorities specified in section 353.03, subdivision 1, shall make their appointments to the board of trustees within one month of the effective date of this section by submitting the names of the appointees to the secretary of state. Section 15.0597 does not apply to these appointments. These appointees and the state auditor shall constitute the board until the other members are elected, but may not hire a permanent executive director, adopt permanent bylaws or rules, or approve permanent staffing complements until the elected members have taken office.*

*Subd. 2. [ELECTION PROCEDURES.] Except as specified in this section, elections and length of terms are governed by section 353.03, subdivision 1. For seven days, beginning 30 days after the effective date of this section, the association shall accept at its office filings for the three elected positions on the board of trustees. No name may be withdrawn from nomination more than 45 days after the effective date of this section. By 75 days after the effective date of this section, the board shall mail*



ballots to eligible voters. The last day for returning ballots to the association shall be 90 days after the effective date of this section.

*Subd. 3. [INITIAL TERMS.] The trustee elected in 1985, pursuant to subdivision 2, by members of the police and fire fund shall serve for a term ending January 1, 1989. One of the area trustees shall serve for a term ending January 1, 1988, and one for a term ending January 1, 1987. The secretary of state shall determine by lot, prior to the opening of filings for the initial election, which area trustee shall initially serve each term.*

#### Sec. 12. [CURRENT EMPLOYEES.]

*Employees of the association on the effective date of this act who hold or are on leave from positions which, under this act, are in the classified service are appointed to the classified service of the state without competitive or qualifying examination. The commissioner of employee relations shall place the employees in the proper classes. Each employee is appointed at no loss in salary or accrued vacation benefits, but no increase in salary until the employee's salary comes within the range for the employee's class and no additional accrual of vacation benefits until the employee's total accrued vacation benefits fall below the maximum permitted by the state for the employer's position. An employee so appointed shall begin on the effective date of this act to serve a probationary period not to exceed six months, which the executive director may terminate earlier. Employees who retire before June 30, 1985, are entitled to the cash value of their accrued sick leave, under the eligibility conditions and formula in use by the association the day before the effective date of this act. Employees who are retired on the effective date of this act or who retire by June 30, 1985, shall receive health insurance benefits from the association according to the eligibility conditions and plan in effect on the day prior to the effective date of this act. Notwithstanding other law to the contrary, the commissioners of employee relations and finance may adjust reporting of hours worked by association employees after the effective date of this act as needed to facilitate the transition to the state's biweekly payroll system.*

#### Sec. 13. [SEVERABILITY.]

*The provisions of this act are severable. If any provision is found to be void, the remaining provisions shall remain valid.*

#### Sec. 14. [EFFECTIVE DATE.]

*Sections 1 to 13 are effective the day following final enactment."*

**Amend the title as follows :**

Page 1, delete line 6

Page 1, line 7, delete "appointment of the executive director;"

Page 1, line 12, delete "; proposing coding"

Page 1, line 13, delete everything before the period

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF SENATE BILLS

S. F. No. 122 was read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced :

Fjoslien introduced :

H. F. No. 310, A bill for an act relating to Independent School District No. 208, Evansville; authorizing a permanent fund transfer.

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

Vellenga introduced :

H. F. No. 311, A bill for an act relating to nonprofit corporations; requiring the articles of incorporation to contain a mailing address; amending Minnesota Statutes 1984, sections 317.02, by adding a subdivision; 317.08, subdivision 2; and 317.19, subdivision 2.

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

Nelson, K.; Seaberg; Blatz; Pappas and Rest introduced :

H. F. No. 312, A bill for an act relating to highway traffic regulations; providing that use of a drug in conjunction with alcohol or a controlled substance is not a defense to a charge of

violating the law prohibiting driving while under the influence of alcohol or a controlled substance; amending Minnesota Statutes 1984, section 169.121, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Osthoff introduced:

H. F. No. 313, A bill for an act relating to taxation; changing the period of time certain property held by a political subdivision is exempt from property taxes; amending Minnesota Statutes 1984, section 272.02, subdivision 5.

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

Becklin; Jennings, L.; Thorson; Valan and Frederick introduced:

H. F. No. 314, A bill for an act relating to economic development; providing limits on state and other public costs for the development of convention facilities.

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

Becklin; Anderson, R.; Dyke; McEachern and Piper introduced:

H. F. No. 315, A bill for an act relating to local government; removing the restriction on the number of mills certain towns may levy to provide fire protection for special fire protection districts; amending Minnesota Statutes 1984, section 368.85, subdivision 6.

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

Thorson, Fjoslien, Dimler, Quinn and Osthoff introduced:

H. F. No. 316, A bill for an act relating to the military; providing for the appointment of an additional assistant adjutant general for the army national guard; amending Minnesota Statutes 1984, section 190.08, subdivision 1.

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

Fjoslien, Simoneau, Kostohryz, Gutknecht and Thorson introduced:

H. F. No. 317, A bill for an act relating to the national guard; changing minimum pay for certain enlisted persons; amending Minnesota Statutes 1984, section 192.51, subdivision 2.

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

Jennings, L.; Peterson; Carlson, D.; Johnson and Nelson, D., introduced:

H. F. No. 318, A resolution memorializing the governments of the United States and Sweden that the State of Minnesota adopts the County of Kronoberg as a sister state.

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

Rose, Valento and Osthoff introduced:

H. F. No. 319, A bill for an act relating to the city of Roseville; authorizing the city council to set off-sale intoxicating liquor license fees.

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

Rose, Valento and Osthoff introduced:

H. F. No. 320, A bill for an act relating to the city of Roseville; increasing the total number of on-sale liquor licenses.

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

Dempsey, Backlund, Omann, Piepho and McPherson introduced:

H. F. No. 321, A bill for an act relating to taxation; providing for timely payment of sales and use taxes; amending Minnesota Statutes 1984, sections 297A.26, subdivision 1; and 297A.27, subdivision 1; repealing Minnesota Statutes 1984, section 297A.26, subdivision 3.

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

Gruenes, Sherman, Osthoff, Kostohryz and McDonald introduced:

H. F. No. 322, A bill for an act relating to education; directing the commissioner of education to form an advisory committee on nonpublic schools; amending Minnesota Statutes 1984, section 123.935, by adding a subdivision.

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

McKasy; Carlson, D.; Tomlinson; Frerichs and Kelly introduced:

H. F. No. 323, A bill for an act relating to taxation; providing for an annual compressed natural gas user permit; establishing compressed natural gas user permit fees in lieu of gas taxes; amending Minnesota Statutes 1984, sections 296.01, by adding a subdivision; 296.02, subdivision 1a; and 296.025, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 296.

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

O'Connor, Beard, Heap, Burger and Rest introduced:

H. F. No. 324, A bill for an act relating to labor; changing the definition of plumber's apprentice for the purpose of employment licensing; amending Minnesota Statutes 1984, section 326.01, subdivision 9.

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

Shaver, Knuth, Backlund, Kiffmeyer and Thorson introduced:

H. F. No. 325, A bill for an act relating to elections; regulating lobbyist and candidate activities and contributions; proposing coding for new law in Minnesota Statutes, chapter 10A.

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

Shaver, Osthoff, Gutknecht and Redalen introduced:

H. F. No. 326, A bill for an act relating to elections; providing for a presidential primary election; changing the state primary date; amending Minnesota Statutes 1984, sections 204D.03, subdivision 1, and by adding a subdivision; 204D.06; and 204D.08; repealing Minnesota Statutes 1984, sections 202A.12; 202A.13; 202A.135; 202A.14; 202A.15; 202A.16; 202A.17; 202A.18; 202A.19; and 202A.192.

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

Jennings, L.; Carlson, D.; Johnson; Lieder and Anderson, G., introduced:

H. F. No. 327, A bill for an act relating to transportation; defining "trees" for purposes of removal from highway right of way; amending Minnesota Statutes 1984, section 160.22, by adding a subdivision.

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

Kahn introduced:

H. F. No. 328, A bill for an act relating to alcoholic beverages; allowing licensed premises to remain open after the hour sales of alcoholic beverages must cease; amending Minnesota Statutes 1984, sections 340.034, by adding a subdivision; and 340.14, by adding a subdivision.

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

Olsen, S.; Blatz; Bennett; Kelly and Kiffmeyer introduced:

H. F. No. 329, A bill for an act relating to peace officers; requiring a person seeking appointment as a part-time peace officer to provide the board of peace officer standards and training with proof that he or she has complied with appointment requirements; amending Minnesota Statutes 1984, section 626.8463.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Quist, Kalis, Scheid, Dempsey and McPherson introduced :

H. F. No. 330, A bill for an act relating to courts; providing that venue for hearings for certain pregnant women shall be the county in which the woman resides; amending Minnesota Statutes 1984, section 144.343, by adding a subdivision.

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

Halberg, McKasy, Quinn, Otis and Forsythe introduced :

H. F. No. 331, 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 coding for new law in Minnesota Statutes, chapters 3 and 14.

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

Frerichs, Stanius and Erickson introduced :

H. F. No. 332, A bill for an act relating to retirement; delaying the rule of 85 retirement date for certain teachers; amending Minnesota Statutes 1984, section 356.70, subdivision 1.

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

Simoneau introduced :

H. F. No. 333, A bill for an act relating to state government: ratifying certain salaries approved by the legislative commission on employee relations.

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

Vellenga, Blatz, Clausnitzer, Kelly and Greenfield introduced :

H. F. No. 334, A bill for an act relating to marriage dissolution and child custody; requiring family courts to forward findings of parental child abuse to the county attorney; proposing coding for new law in Minnesota Statutes, chapter 518.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Bishop, Blatz, Valento, Krueger and Kelly introduced :

H. F. No. 335, A bill for an act relating to corrections; removing certain information from the certified record for commitment of persons convicted of a felony or gross misdemeanor; amending Minnesota Statutes 1984, section 243.49.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Pauly, Scheid, Dempsey and Blatz introduced :

H. F. No. 336, A bill for an act relating to public finance; providing for allocation of 1984 state private activity bond issuance authority; proposing coding for new law in Minnesota Statutes, chapter 474.

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

Frederick, Rose, Kalis, Frederickson and Quist introduced :

H. F. No. 337, A bill for an act relating to agriculture; appropriating funds for the Minnesota Agricultural Interpretive Center.

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

Jacobs introduced :

H. F. No. 338, A bill for an act relating to taxation; income; providing time limits for certification for purposes of the small business investment credits; amending Minnesota Statutes 1984, section 290.069, subdivision 1.

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

Jacobs introduced :

H. F. No. 339, A bill for an act relating to taxation; providing a credit against the income tax for contributions to candidates for local elective office; amending Minnesota Statutes 1984, section 290.06, subdivision 11.

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



Dyke, Erickson, Brown and Redalen introduced :

H. F. No. 340, A bill for an act relating to taxation; income; making the pollution control and feedlot pollution control credits effective for 1983 and 1984 tax years; amending Laws 1984, chapter 644, section 85.

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

Tjornhom, Blatz, Boerboom, Hartinger and Kiffmeyer introduced :

H. F. No. 341, A bill for an act relating to taxation; sales and use; motor vehicle excise; reducing the general rate to five percent; amending Minnesota Statutes 1984, sections 297A.02, subdivision 1; 297A.03, subdivision 2; and 297A.14.

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

Jacobs introduced :

H. F. No. 342, A bill for an act relating to taxation; repealing the special sales tax on sales of intoxicating liquor and nonintoxicating malt liquor; repealing Minnesota Statutes 1984, section 297A.02, subdivision 3.

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

Tomlinson, Blatz, Pauly, Scheid and Kelly introduced :

H. F. No. 343, A bill for an act relating to taxation; property; decreasing the homestead credit percentage; increasing the homestead credit maximum; increasing the homestead value eligible to receive homestead credit; amending Minnesota Statutes 1984, section 273.13, subdivisions 6, 7, and 14a.

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

Blatz, Metzen, Valan, Brinkman and McKasy introduced :

H. F. No. 344, A bill for an act relating to commerce; authorizing industrial loan and thrifts to sell certain evidences of indebtedness; establishing different certificate of authorization requirements for corporations that will and will not sell or issue thrift certificates; modifying certain application and examination duties of the department of commerce; providing simplified requirements for the issuance of more than one certificate of authorization to the same corporation; clarifying the right of industrial loan and thrifts to collect certain additional loan charges; exempting certain mortgage purchasers and assignees from licensing as regulated lenders; prohibiting industrial loan and thrifts from using the words "savings and loan" in their corporate names; authorizing regulated lenders to make loans up to ten percent of capital; modifying the licensing provisions governing regulated lenders; providing for changes in business locations of regulated lenders; increasing the minimum default charge that may be charged; providing for the determination of interest; authorizing certain additional loan charges; and providing alternative loan disclosure requirements; amending Minnesota Statutes 1984, sections 48.151; 53.03, subdivisions 1, 2, 2a, 3a, 5, and 7; 53.04, subdivision 3a; 53.05; 56.01; 56.04; 56.07; 56.12; 56.125, subdivision 4; 56.131, subdivisions 1, 2, and 4; repealing Minnesota Statutes 1984, section 53.03, subdivision 4.

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

Seaberg, Brinkman, Voss, Poppenhagen and Dempsey introduced :

H. F. No. 345, A bill for an act relating to insurance; no-fault automobile; providing mandatory underinsured motorist coverage; clarifying legislative intent concerning stacking of insurance policies; coordinating the priority of applicability of security for the payment of certain benefits; establishing tort threshold limitations on uninsured and underinsured motorist coverages; modifying the limitation of damages for noneconomic detriment; amending Minnesota Statutes 1984, sections 65B.43, by adding subdivisions; 65B.47, by adding a subdivision; 65B.49, subdivision 4, and by adding a subdivision; and 65B.51, subdivision 3.

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

Gruenes, Greenfield, Kiffmeyer, Sviggum and McEachern introduced:

H. F. No. 346, A bill for an act relating to health; providing for physical therapy evaluation and referral; prohibiting certain practices by physical therapists; amending Minnesota Statutes 1984, sections 148.65, subdivision 1; 148.75; and 148.76.

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

Rodosovich introduced:

H. F. No. 347, A bill for an act relating to human services; authorizing a state hospital to enter into shared service agreements with for profit organizations; amending Minnesota Statutes 1984, section 246.57, subdivision 3.

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

Vellenga, Gruenes, Welle and Ozment introduced:

H. F. No. 348, A bill for an act relating to human services; clarifying the services available to autistic persons; revising the language of certain statutes; amending Minnesota Statutes 1984, sections 245.072; 245.70, subdivision 1; 245.825, subdivision 1; 252.21; 252.22; 252.23; 252.24, subdivisions 1 and 4; 252.25; 252.27, subdivisions 1 and 4; 252.275, subdivisions 1 and 7; 252.28, subdivisions 1, 2, and 4; 252.291, subdivision 3; 252.30; 252.31; 252.32; 256B.02, subdivision 8; 256B.092, subdivisions 1, 4, and 5; 256B.501, subdivision 1; and 256E.03, subdivision 2.

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

Heap and Tompkins introduced:

H. F. No. 349, A bill for an act relating to education; providing an incentive to encourage school districts to reduce certain class sizes in kindergarten through third grade; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124.

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

Nelson, K.; Price; McEachern; Nelson, D., and Quinn introduced:

H. F. No. 350, A bill for an act relating to post-secondary education; reducing the tuition component required to pay in part for instruction costs; amending Minnesota Statutes 1984, section 135A.03, subdivision 1.

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

Olsen, S., and Wenzel introduced:

H. F. No. 351, A bill for an act relating to education; clarifying transportation aid and related provisions; amending Minnesota Statutes 1984, sections 121.912, subdivision 1; 124.223; 124.225, subdivisions 1 and 10; and 275.125, subdivision 5d.

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

Schafer; Rees; McEachern; Olsen, S., and Dempsey introduced:

H. F. No. 352, A bill for an act relating to education; defining transportation to and from nonpublic school as nonregular transportation; amending Minnesota Statutes 1984, section 124.225, subdivision 1.

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

Hartle; Erickson; Elioff; Olsen, S., and Nelson, K., introduced:

H. F. No. 353, A bill for an act relating to the department of education; authorizing it to make shared service agreements with other public agencies; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 121.

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

Backlund; Anderson, R.; Rest; Pappas and Hartle introduced:

H. F. No. 354, A bill for an act relating to education; deleting minimum school site area requirements; amending Minnesota Statutes 1984, section 123.36, subdivision 1.

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

Olsen, S.; Nelson, K.; Wenzel; Backlund and Erickson introduced:

H. F. No. 355, A bill for an act relating to education; updating outdated provisions; removing obsolete provisions; amending Minnesota Statutes 1984, sections 120.06, subdivision 1; 122.86, subdivision 1; 124.19, subdivision 5; 124A.06, subdivision 1; and 134.351, subdivision 1; repealing Minnesota Statutes 1984, sections 120.68; 121.11, subdivision 7a; 122.89; and 123.80, subdivisions 2 and 3.

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

Greenfield; Carlson, L.; Wynia; Erickson and Munger introduced:

H. F. No. 356, A bill for an act relating to post-secondary education; allowing financial aid for four years, not just the first four years, of undergraduate education; amending Minnesota Statutes 1984, section 136A.121, subdivision 10.

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

Greenfield; Carlson, L.; Wynia and Schoenfeld introduced:

H. F. No. 357, A bill for an act relating to post-secondary education; reducing the tuition component required to pay in part for instruction costs; amending Minnesota Statutes 1984, section 135A.03, subdivision 1.

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

Carlson, L.; Rest; Greenfield and Frerichs introduced:

H. F. No. 358, A bill for an act relating to the higher education coordinating board; extending the regular scholarship and grant program to certain part-time students; amending Minnesota Statutes 1984, sections 136A.101, subdivision 7; 136A.121, subdivisions 1 and 2; repealing Minnesota Statutes 1984, section 136A.132.

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

Carlson, L.; Greenfield; Wynia; Heap and Erickson introduced:

H. F. No. 359, A bill for an act relating to the University of Minnesota; changing restrictions on the permanent university fund so that the fund can be used to help endow professorial chairs; appropriating money; amending Minnesota Statutes 1984, section 137.022.

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

#### HOUSE ADVISORIES

The following House Advisory was introduced:

Simoneau, Knuth, Rodosovich, Blatz and Fjoslien introduced:

H. A. No. 3, A proposal to study the costs associated with swine pseudorabies control.

The advisory was referred to the Committee on Agriculture.

#### CALENDAR

H. F. No. 83, A bill for an act relating to courts; eliminating restrictions on the chief judge's ability to make assignments to juvenile court in Hennepin and Ramsey counties; amending Minnesota Statutes 1984, section 260.019, 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 103 yeas and 3 nays as follows:

Those who voted in the affirmative were :

Anderson, G.	Fjoslien	Krueger	Otis	Simoneau
Backlund	Forsythe	Kvam	Ozment	Skoglund
Battaglia	Frederick	Levi	Pappas	Solberg
Beard	Frederickson	Lieder	Peterson	Sparby
Becklin	Frerichs	Marsh	Piepho	Stanius
Begich	Gruenes	McDonald	Piper	Swiggum
Bennett	Gutknecht	McLaughlin	Poppenhagen	Thiede
Boerboom	Halberg	McPherson	Price	Thorson
Boo	Hartinger	Metzen	Quist	Tjornhom
Brandl	Hartle	Miller	Redalen	Tomlinson
Brown	Haukoos	Munger	Rees	Tompkins
Burger	Heap	Murphy	Rest	Uphus
Carlson, D.	Himle	Nelson, D.	Rice	Vellenga
Carlson, J.	Jennings, L.	Neuenschwander	Richter	Waltman
Carlson, L.	Johnson	Norton	Riveness	Welle
Clausnitzer	Kalis	O'Connor	Rodosovich	Wenzel
Cohen	Kelly	Ogren	Rose	Wynia
DenOuden	Kiffmeyer	Olsen, S.	Sarna	Zaffke
Dyke	Knickerbocker	Olsen, E.	Schafer	Spk. Jennings, D.
Elioff	Knuth	Omann	Seaberg	
Erickson	Kostohryz	Onnen	Segal	

Those who voted in the negative were :

Greenfield      Kahn      Staten

The bill was passed and its title agreed to.

### GENERAL ORDERS

Levi moved that the bill on General Orders for today be continued one day. The motion prevailed.

### MOTIONS AND RESOLUTIONS

Jennings, D., moved that the name of Levi be added as an author on House Resolution No. 3. The motion prevailed.

Stanius moved that the names of Tompkins, Clark and Blatz be added as authors on H. F. No. 213. The motion prevailed.

Schafer moved that the name of Backlund be added as an author on H. F. No. 240. The motion prevailed.

Heap moved that the names of Backlund, Frerichs and Tjornhom be added as authors on H. F. No. 259. The motion prevailed.

Krueger moved that the name of Ogren be added as an author on H. F. No. 269. The motion prevailed.

Metzen moved that the name of Solberg be added as an author on H. F. No. 290. The motion prevailed.

Hartinger moved that the name of Thiede be added as an author on H. F. No. 302. The motion prevailed.

Simoneau moved that the names of Staten, Pappas, Riveness and Clark be added as authors on H. F. No. 309. The motion prevailed.

Riveness moved that H. F. No. 226 be recalled from the Committee on Taxes and be re-referred to the Committee on Transportation. The motion prevailed.

Olsen, S., moved that H. F. No. 55 be recalled from the Committee on Taxes and be re-referred to the Committee on Health and Human Services. The motion prevailed.

Heap moved that H. F. No. 259 be recalled from the Committee on Budget and be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

Knickerbocker moved that H. F. No. 272 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Local and Urban Affairs. The motion prevailed.

#### SUSPENSION OF RULES

Uphus moved that the rules be so far suspended that House Resolution No. 5 be recalled from the Committee on Rules and Legislative Administration and be placed upon its adoption. The motion prevailed.

House Resolution No. 5 was reported to the House.

Uphus moved that House Resolution No. 5 be now adopted.

#### HOUSE RESOLUTION NO. 5

A house resolution commemorating Sinclair Lewis upon the 100th anniversary of his birth.

*Whereas*, Sinclair Lewis was born on February 7, 1885, at Sauk Centre, Minnesota; and

*Whereas*, he was a writer of international reputation, having produced such works as *Main Street*, *Babbitt*, *Arrowsmith*, *Elmer Gantry*, and *Dodsworth*; and

*Whereas*, his works were superb satires marked by unforgettable characters and an unmatched "ear" for the sound of common speech; and



*Whereas*, he was awarded the Nobel Prize for literature in 1930 and was the first American to be so honored; and

*Whereas*, his works still have much to teach and always have the ability to entertain; and

*Whereas*, he always maintained his Minnesota heritage, using it as the setting for many of his novels and choosing his old hometown of Sauk Centre as his final resting place; and

*Whereas*, it is appropriate to encourage the interest of Minnesota citizens in the works of Sinclair Lewis, their fellow Minnesotan; *Now, Therefore*,

*Be It Resolved* by the House of Representatives of the State of Minnesota that it joins with all Minnesotans to commemorate Sinclair Lewis upon the occasion of the 100th anniversary of his birth. It notes with pride his many literary works and the honors he received for them. It calls upon all Minnesotans to renew their interest in his work.

*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 by his signature and that of the Speaker, and present them to public libraries in Minnesota.

The motion prevailed and House Resolution No. 5 was adopted.

#### PROTEST AND DISSENT

Pursuant to Article IV, Section 11 of the Constitution of the State of Minnesota, we, the undersigned members of the Minnesota House of Representatives, do hereby protest and dissent the actions of Minority Leader Fred Norton and members of his DFL House Caucus for obstructing and impeding the work and progress of the Minnesota Legislature. By continually trying to suspend the state Constitution, intending to pass legislation that has not received the benefit of public committee hearings, Norton *et al.* have disrupted the legislative process and brought shame to this great institution.

We see the DFL Caucus' attempts as sheer demagoguery, intended to further politicize and partisanize the legislative process. The obstructionist behavior of the minority caucus is dilatory. It is delaying dealing with the very issues they claim they want addressed. House members have spent many hours in the chamber, wrangling over parliamentary procedure.

Such obstructionist behavior polarizes House members along party lines, making it more difficult to arrive at bipartisan solutions to the problems facing our state. The public is best served if Republicans and Democrats work together, to make necessary

changes. Obstructing the business of the House is creating animosity that will hinder chances for reconciliation in April and May, when it is needed most.

Most of all, the DFL Caucus' attempts to rush through legislation, without the benefit of committee hearings, denies the public the chance to influence the laws that will govern their lives. Citizens and taxpayers deserve the chance to testify for, and against, proposed legislation. It is ironic that DFLers, who claim their party is the "party of openness," want to close the process by passing laws without public hearings. It is a question of basic fairness and common sense. The underpinnings of our democracy dictate that citizens be allowed to question and comment on public policy before it is adopted.

It is unfortunate that the new House minority caucus, apparently unaccustomed to its current role, is engaging in political brinksmanship at the expense of good public policy and fairness to Minnesota citizens. It is our hope that such unconscionable acts will cease, and that the Minnesota House will be allowed to conduct the public's business in a fair, open and honest manner.

#### Signatures :

John Himle  
 Ralph R. Kiffmeyer  
 Sidney Pauly  
 Craig Shaver  
 Dave Gruenes  
 Chuck Halberg  
 Bob Waltman  
 Gaylin DenOuden  
 John Rose  
 Donald J. Valento  
 Gil Gutknecht  
 Dennis Ozment  
 Kathleen Blatz  
 Dave Fjoslien  
 Sally Olsen  
 John Burger  
 Don Frerichs  
 John Hartinger  
 Bob Haukoos  
 Wendell Erickson  
 Sylvester Uphus  
 Ben Omann  
 Marcel "Sal" Frederick  
 Gordon Backlund  
 Brad Stanius  
 Jim Heap  
 Chuck Dimler  
 Gary Schafer  
 Howard Miller  
 Connie Levi

Dave Jennings  
 Art Seaberg  
 Adolph Kvam  
 Tony Bennett  
 Merlyn O. Valan  
 Mary Forsythe  
 K. J. McDonald  
 Steve Sviggum  
 Chris Tjornhom  
 Dennis J. Poppenhagen  
 Bill Schreiber  
 Tony Onnen  
 Carol Dyke  
 Maurice Zaffke  
 Ted Thorson  
 Terry Dempsey  
 Elton Redalen  
 Don Richter  
 Bert McKasy  
 Jim Boerboom  
 Virgil Johnson  
 Dennis C. Frederickson  
 Dale Clausnitzer  
 Lynn Becklin  
 Dean Hartle  
 Eileen Tompkins  
 Mark Piepho  
 Allen Quist  
 Gerald Knickerbocker  
 Bob Anderson

## ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following changes in committee assignments:

Crime and Family Law : Remove the name of Rose and add the name of Bishop.

Regulated Industries and Energy : Add the name of Rose.

## ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, February 11, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, February 11, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTY-FOURTH SESSION - 1985

## TWELFTH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 11, 1985

The House of Representatives convened at 2:00 p.m. and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Reverend Bruce Hank, First Baptist Church, Milaca, Minnesota.

The roll was called and the following members were present:

Anderson, G.	Erickson	Kvam	Ozment	Simoneau
Anderson, R.	Fjoslien	Levi	Pappas	Skoglund
Backlund	Forsythe	Long	Pauly	Sparby
Beard	Frederick	Marsh	Peterson	Stanius
Becklin	Frederickson	McDonald	Piepho	Staten
Begich	Frerichs	McEachern	Piper	Sviggun
Bennett	Greenfield	McKasy	Poppenhagen	Thiede
Bishop	Gruenes	McLaughlin	Price	Thorson
Blatz	Gutknecht	McPherson	Quinn	Tjornhom
Boerboom	Halberg	Metzen	Quist	Tomlinson
Boo	Hartinger	Miller	Redalen	Tompkins
Brandl	Hartle	Minne	Rees	Tunheim
Brinkman	Haukoos	Munger	Rest	Uphus
Brown	Heap	Murphy	Rice	Valan
Burger	Himle	Nelson, D.	Richter	Valento
Carlson, D.	Jacobs	Nelson, K.	Riveness	Vanasek
Carlson, J.	Jaros	Neuenschwander	Rodosovich	Vellenga
Carlson, L.	Jennings, L.	Norton	Rose	Voss
Clausnitzer	Johanson	O'Connor	Sarna	Waltman
Cohen	Kalis	Ogren	Schafer	Welle
Dempsey	Kelly	Olsen, S.	Scheid	Wenzel
DenOuden	Kiffmeyer	Olson, E.	Schoenfeld	Wynia
Dimler	Knickerbocker	Omman	Schreiber	Zaffke
Dyke	Knuth	Onnen	Seaberg	Spk. Jennings, D.
Elioff	Kostohryz	Osthoff	Segal	
Ellingson	Krueger	Otis	Shaver	

A quorum was present.

Battaglia, Clark, Kahn, Lieder, Sherman and Solberg 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 S. F. No. 122 have been placed in the members' files.

## REPORTS OF STANDING COMMITTEES

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 265, A bill for an act relating to insurance; dramshop liability; authorizing annual aggregate policy limits; amending Minnesota Statutes 1984, section 340.11, subdivision 21.

Reported the same back with the following amendments:

Page 1, line 14, after "issuance" insert ", maintenance,"

With the recommendation that when so amended the bill pass.

The report was adopted.

McDonald from the Committee on Agriculture to which was referred:

S. F. No. 54, A bill for an act relating to agriculture; providing a mechanism to aid restructuring existing farm loans; providing an interest reimbursement program to qualified banks; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [17.90] [MINNESOTA EMERGENCY FARM OPERATING LOANS PROGRAM.]

*Subdivision 1. [CITATION.] This section may be cited as the "Minnesota emergency farm operating loans act."*

*Subd. 2. [LEGISLATIVE FINDINGS, PUBLIC PURPOSE, SCOPE OF PROGRAM.] The legislature finds that many farm families face extreme financial hardship or possible foreclosure in 1985 because of their inability to obtain farm operating loans at affordable rates of interest. In many of these cases excessive interest rates reduce projected cash flow to a level where lending institutions refuse to renew a line of credit or demand the partial or total liquidation of remaining assets.*

*The legislature further finds that with relatively little public expense, and with the voluntary cooperation and assistance of*

*Minnesota farm lenders, operating loans can be made to farm operators at an interest rate that will allow continuation of viable farm operations during 1985.*

*The legislature further finds that the use of money in the unrestricted fund balance of the general fund for the purpose of assisting qualified farm operators is a public purpose and is necessary to protect the health, safety, and general welfare of the people of this state.*

*The purpose of this program is to identify and assist those farm operations which are in need of farm operating loans during the 1985 planting and growing season but which, solely because annual interest rates are currently far in excess of an affordable rate, are unable to project a positive annual cash flow. The combination of farm lender participation and minimal state support will make credit available to eligible farm operations at an annual interest rate substantially below the prime rate. Credit at the state supported interest rate will enable many farm operations to project a positive annual cash flow, securing the stability of farm families and farm communities, relieving farm lenders from carrying numerous classified farm loans, and reducing excessive pressures for social services needed to assist displaced farm families.*

*Subd. 3. [DEFINITIONS.] For purposes of this section the words and phrases defined here have the meanings given:*

*(1) "Commissioner" means the commissioner of agriculture. Actions of the commissioner pursuant to this act shall be taken only after consultation with the family farm advisory council established in section 41.54.*

*(2) "Farm lender" means a state or federally chartered bank, farm credit system lender, or other regulated financial institution that regularly provides commercial farm operating loans to Minnesota farm operators.*

*(3) "Eligible farm operator" means a Minnesota resident who is the operator of a family farm or family farm corporation and who faces severe economic difficulty in 1985 but whose farming operation is sufficiently sound to be financially viable through the year if operating credit were available at a reduced interest rate, except that only a farm operation with a debt-to-asset ratio of 50 percent or higher is an eligible farm operator. Real estate values used in calculating the debt-to-asset ratio shall be the regional federal land bank values as of December 31, 1984. Eligible farm operator may be further defined by the commissioner to accomplish the purposes of this section.*

*(4) "Commissioner's index interest rate" means the interest rate certified by the commissioner pursuant to subdivision 5,*

*clause (2), for purposes of calculating maximum allowable interest rates for emergency farm operating loans.*

*Subd. 4. [STATE SHARE OF INTEREST RATE.] A farm lender which qualifies for participation under provisions of subdivision 5 may receive state funds equal to an annual interest rate of 5-1/2 percent on a qualifying emergency farm operating loan upon application to the commissioner. The state share of interest shall be paid to the participating farm lender upon maturity of the emergency farm operating loan.*

*Subd. 5. [AGREEMENT BY PARTICIPATING FARM LENDERS.] A farm lender that wishes to receive state funds and participate in the emergency farm operating loans program must agree in writing to conditions and guidelines established by the commissioner in consultation with the family farm advisory council. The conditions and guidelines established by the commissioner shall include at least the following:*

*(1) The farm lender must agree to make emergency farm operating loans not exceeding \$60,000 each in principal amount to eligible farm operators. The farm lender need not make an emergency farm loan to any farm operator unable to demonstrate a positive cash flow after making adjustment for the interest reduction to be provided by the program.*

*(2) The farm lender must agree to make emergency farm operating loans to eligible farm operators at an interest rate of no more than the commissioner's index interest rate less four percent. The commissioner's index interest rate shall be the current lending rate of the federal intermediate credit bank to production credit associations as certified monthly by the commissioner.*

*(3) The farm lender must agree to maximize the benefit of the emergency farm operating loans program by identifying farm operators whose current loans are classified or who can show positive cash flow projections only at the reduced interest rate.*

*(4) The farm lender must agree to submit each application for an emergency farm operating loan, including all necessary supporting documentation, to the commissioner for review and determination of eligibility.*

*(5) The farm lender must agree to offer to pay one-half of enrollment fees for loan recipients who wish to enroll and participate in a vocational-agricultural adult farm business management program/agricultural extension service or equivalent post-secondary farm management training program or an equivalent farm management service. A participating farm lender is not required to pay farm management program enrollment fees for more than one person per emergency farm operating loan.*

(6) *The farm lender must agree to meet reporting requirements of the commissioner with respect to state funds used in the emergency farm operating loans program.*

(7) *A farm lender need not make an emergency farm loan to a farm operator unable to project a positive cash flow after making adjustment for the interest reduction provided by the emergency farm operating loans program.*

**Subd. 6. [AGREEMENT BY PARTICIPATING FARM BORROWERS.]** *A farm borrower who wishes to receive an emergency farm operating loan from a participating farm lender must agree to conditions and guidelines established by the commissioner and the lender. The conditions and guidelines established by the commissioner shall include at least the following:*

(1) *The farm borrower must agree to provide documentation of farm operating expenses during the previous two years.*

(2) *The farm borrower must agree to allow the farm lender, the commissioner, or a qualified third party to analyze relevant farm financial information if so requested.*

(3) *The farm borrower must agree to allow information provided to the farm lender or the commissioner under this subdivision to be collected and analyzed by the agricultural extension service adult vocational-agricultural farm management program if so requested and agree to enroll in a farm business management program.*

**Subd. 7. [DUTIES OF THE COMMISSIONER.]** *Pursuant to the goals of this section, the commissioner in consultation with the family farm advisory council shall develop guidelines for the state emergency farm operating loans program. Guidelines must be sensitive to the needs of farm lenders and farm operators. In the most expedient manner possible, with due regard to the security of state funds and the needs of farm lenders, the commissioner shall design and implement a plan to identify eligible farm lenders willing to participate in the program; write and have published guidelines by which the program will operate; review loan applications and approve those that qualify; distribute state funds to participating farm lenders upon the maturity of approved loans; and monitor the effectiveness and efficiency of the program. Guidelines for the program may be adopted without regard to chapter 14 except sections 14.37 and 14.40. A summary of the guidelines must be printed in the state register not less than five calendar days before the first emergency farm operating loans submitted to the commissioner by participating farm lenders are approved.*

*The commissioner shall review and approve or deny loan applications submitted by participating farm lenders within five*



*working days, except that if a loan application is deficient in content the time for approval or denial may be extended as necessary.*

*The commissioner must make every reasonable effort to assure that state funds are distributed systematically to all parts of the state, with emphasis given to the areas where farm operating credit is least available.*

*In order to achieve maximum benefits, the commissioner may give preference to eligible farm lenders willing to issue emergency farm operating loans at an annual interest rate lower than four points below the commissioner's index interest rate.*

*Not later than March 15, 1986, the commissioner must report to the governor and the legislature on the effectiveness and efficiency of the state emergency farm operating loans program.*

*Subd. 8. [EMERGENCY FARM OPERATING LOANS FUND, CREATION.] There is created an emergency farm operating loans fund. Money in this account may be certified by the commissioner for disbursement to farm lenders participating in the state emergency farm operating loans program.*

*Subd. 9. [SOURCE, MAXIMUM AMOUNT OF STATE FUNDS.] State funds for the emergency farm operating loans program shall be appropriated from the unrestricted fund balance of the general fund to the emergency farm operating loans fund in the amount of \$20,000,000.*

*Subd. 10. [PENALTIES.] Any willful or intentional misrepresentation of farm operating expenses or other required information by any farm lender or emergency operating loan recipient, or any use of funds obtained under the emergency farm operating loans act for other than the specified purposes of the loan shall be a gross misdemeanor.*

## Sec. 2. [APPROPRIATIONS.]

*There is appropriated \$20,000,000 from the unrestricted fund balance of the general fund to the emergency farm operating loans fund. No more than \$..... of this appropriation may be spent for administrative costs.*

## Sec. 3. [EFFECTIVE DATE.]

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

Further, delete the title in its entirety and insert :

**"A bill for an act relating to agriculture; establishing an emergency farm operating loans program; providing penalties;**

appropriating money; proposing coding for new law in Minnesota Statutes, chapter 17.”

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. No. 265 was read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Elioff, Minne, Begich, Battaglia and Bennett introduced:

H. F. No. 360, A bill for an act relating to retirement; changing the method for computing benefits for members of the Buhl police relief association; amending Laws 1984, chapter 574, section 18.

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

Bennett, Rodosovich, Knickerbocker, Segal and Clausnitzer introduced:

H. F. No. 361, A bill for an act relating to occupations and professions; requiring that plumbing inspectors hold licenses as master or journeyman plumbers; amending Minnesota Statutes 1984, section 326.37.

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

Thorson introduced:

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

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

Zaffke; Quist; McDonald; Jennings, L., and Wynia introduced:

H. F. No. 363, A bill for an act relating to cities; providing for public notice and competitive bidding for real estate sales; proposing coding for new law in Minnesota Statutes, chapter 471.

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

Halberg, McKasy, Otis, Boo and Skoglund introduced:

H. F. No. 364, A bill for an act relating to commerce; providing for deposits of public funds in thrift institutions; amending Minnesota Statutes 1984, section 118.005.

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

Boerboom, Sparby, McDonald and Lieder introduced:

H. F. No. 365, A bill for an act relating to taxation; providing an income tax deduction for interest income earned by state and national banks for certain agricultural loans; amending Minnesota Statutes 1984, section 290.361, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 290.

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

Hartinger introduced:

H. F. No. 366, A bill for an act relating to natural resources; increasing the penalty on owners and keepers of certain dogs; authorizing peace officers to take certain actions; prohibiting damages against peace officers who take those actions; amending Minnesota Statutes 1984, sections 100.29, subdivision 19; and 347.01.

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

McPherson, Erickson, Otis, Price and Levi introduced :

H. F. No. 367, A bill for an act relating to education; defining substantial parental involvement in early childhood and family education programs; including expectant parents in the program; amending Minnesota Statutes 1984, section 121.882, subdivision 2, and by adding a subdivision.

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

DenOuden, McKasy, Pappas, Quinn and Piepho introduced :

H. F. No. 368, A bill for an act relating to crimes; requiring notice of dishonor for issuing a worthless check to cite laws creating civil and criminal liability; amending Minnesota Statutes 1984, sections 332.50, subdivisions 2 and 3; and 609.535, subdivision 3.

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

Wenzel introduced :

H. F. No. 369, A bill for an act relating to agriculture; deducting interest income from the gross income of state and national banks for certain loans to beginning farmers; providing income tax incentives to landowners who sell or lease agricultural land to eligible beginning farmers; amending Minnesota Statutes 1984, sections 290.01, subdivisions 20a and 20b; 290.361, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 290.

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

Onnen, Kvam and Clark introduced :

H. F. No. 370, A bill for an act relating to health; requiring licensure of a home care agency; providing a home care bill of rights; providing a grievance procedure for a home care agency; amending Minnesota Statutes 1984, sections 144.12, subdivision 1; 144A.51, by adding a subdivision; 144A.52, subdivision 3; 144A.53, subdivisions 1, 2, 3, and 4; 144A.54, subdivision 1; 626.557, subdivision 2; and proposing coding for new law in Minnesota Statutes, chapter 144A.

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

McPherson, Frederick, Poppenhagen, Thorson and Richter introduced:

H. F. No. 371, A bill for an act relating to labor; providing a credit for tipped employees with respect to minimum wages; amending Minnesota Statutes 1984, sections 177.24, subdivision 2; and 177.28, subdivision 4; repealing Minnesota Statutes 1984, section 177.295.

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

Hartinger introduced:

H. F. No. 372, A bill for an act relating to crimes; prohibiting withholding rented prerecorded videotapes; prescribing penalties; amending Minnesota Statutes 1984, section 609.52, subdivision 2.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

McDonald, Erickson, Frerichs and Sparby introduced:

H. F. No. 373, A bill for an act relating to agriculture; appropriating money for the agricultural extension service of the University of Minnesota.

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

Seaberg, Ozment and Poppenhagen introduced:

H. F. No. 374, A bill for an act relating to crimes; providing that persons guilty of failing to comply with fire security measures are guilty of obstructing legal process; redefining arson in the third degree and negligent fires; prescribing penalties; amending Minnesota Statutes 1984, sections 299F.08, by adding a subdivision; 609.563; and 609.576; proposing coding for new law in Minnesota Statutes, chapter 609.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Elioff, Greenfield and McEachern introduced:

H. F. No. 375, A bill for an act relating to human services; increasing the personal needs allowance for medical assistance recipients; amending Minnesota Statutes 1984, section 256B.35, subdivision 1.

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

Knickerbocker, Levi, Voss, DenOuden and Norton introduced:

H. F. No. 376, A bill for an act relating to state departments and agencies; regulating initial fees and fee adjustments for agency services; amending Minnesota Statutes 1984, section 16A.128.

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

Heap, Sviggum and Burger introduced:

H. F. No. 377, A bill for an act relating to health; exempting freestanding outpatient surgical centers from health care cost information requirements; amending Minnesota Statutes 1984, sections 144.698; 144.699, subdivisions 1 and 2; 144.701, subdivisions 1, 2, and 3; 144.702, subdivisions 1, 2, and 3; and 144.703, subdivision 1; repealing Minnesota Statutes 1984, section 144.696, subdivision 4.

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

Rest, Tompkins, Pappas, Heap and Kalis introduced:

H. F. No. 378, A bill for an act relating to post-secondary education; allowing financial aid for four years, not just the first four years, of undergraduate education; amending Minnesota Statutes 1984, section 136A.121, subdivision 10.

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

Fjoslien, Uphus, Schoenfeld, Minne and Johnson introduced :

H. F. No. 379, A bill for an act relating to elections; qualifying certain persons to be election judges; amending Minnesota Statutes 1984, section 204B.19, subdivision 2.

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

McKasy and Metzen introduced :

H. F. No. 380, A bill for an act relating to the city of South St. Paul; providing for the financing of certain public improvements.

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

Uphus, Fjoslien, Johnson, Kalis and Ogren introduced :

H. F. No. 381, A bill for an act relating to elections; delaying the applicability of certain handicapped accessibility provisions to towns; changing voting hours in towns; amending Minnesota Statutes 1984, sections 204B.16, by adding a subdivision; 204C.04; and 204C.05, subdivision 1.

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

Quinn; Tunheim; Brown; Anderson, G., and Ogren introduced :

H. F. No. 382, A bill for an act relating to post-secondary education; excluding the value of a family farm and its equipment from consideration for student financial assistance in certain cases; proposing coding for new law in Minnesota Statutes, chapter 136A.

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

Skoglund, Cohen, Otis, Burger and Boo introduced:

H. F. No. 383, A bill for an act relating to metropolitan government; prohibiting certain persons from receiving remuneration from certain suppliers; amending Minnesota Statutes 1984, section 473.141, subdivision 9.

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

Otis and Long introduced:

H. F. No. 384, A bill for an act relating to the city of Minneapolis; permitting the establishment of special service districts in the city and providing taxing and other authority.

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

Himle, Elioff, Bennett, Segal and Sarna introduced:

H. F. No. 385, A bill for an act relating to occupations and professions; providing advertising restrictions for plumbers; proposing coding for new law in Minnesota Statutes, chapter 326.

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

Quist, Frederickson, Boerboom, Hartle and Kiffmeyer introduced:

H. F. No. 386, A bill for an act relating to taxation; sales and use; eliminating accelerated payment of liability; amending Minnesota Statutes 1984, section 297A.27, subdivision 1; repealing Minnesota Statutes 1984, section 297A.275.

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



Zaffke, Ogren, Sviggum, Thiede and Richter introduced :

H. F. No. 387, 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 1984, sections 297A.25, subdivision 1; 297A.35, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 297A.

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

Burger, Otis, Backlund, Brandl and Dyke introduced :

H. F. No. 388, A bill for an act relating to taxation; establishing a legislative commission to study the distribution of property taxes on land values and improvement values; providing for a report by the department of revenue.

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

Burger, McDonald, Boerboom, Brandl and Piepho introduced :

H. F. No. 389, 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.

Thorson, Kiffmeyer and Richter introduced :

H. F. No. 390, A bill for an act relating to education; allowing the department of education to provide certain information services and collect fees for the services; amending Minnesota Statutes 1984, sections 123.742, subdivision 7, and by adding a subdivision; and 134.31, subdivisions 2 and 3.

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

Olsen, S.; Wynia; Forsythe; Long and Ellingson introduced:

H. F. No. 391, A bill for an act relating to marriage; adopting the uniform marital property act; providing conforming amendments to existing state law; amending Minnesota Statutes 1984, sections 181.58; 197.49; 507.02; 507.03; 518.54, subdivision 5; 518.58; 518.64; 519.11, subdivisions 1 and 7; 525.15; 525.16; 525.214; and 525.215; proposing coding for new law as Minnesota Statutes, chapter 519A; repealing Minnesota Statutes 1984, sections 519.02; 519.03; 519.04; 519.05; and 519.06.

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

Munger; Carlson, D.; Rose and Jaros introduced:

H. F. No. 392, 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 coding for new law in Minnesota Statutes 1984, chapter 354.

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

Jaros introduced:

H. F. No. 393, A bill for an act relating to unemployment compensation; providing for the disqualification of benefits under certain circumstances; amending Minnesota Statutes 1984, section 268.09, subdivision 3.

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

Bishop, Halberg, Vanasek, Backlund and Kelly introduced:

H. F. No. 394, A bill for an act relating to statutes; providing that selected statutes shall be subject to judicial modification as is common law; proposing coding for new law in Minnesota Statutes, chapter 3C.

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

Zaffke, Thorson, Quist, Quinn and Wenzel introduced :

H. F. No. 395, A bill for an act relating to environment; authorizing studies to control unwanted vegetation on tree plantations; appropriating money.

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

Brown; Peterson; Schoenfeld; Carlson, D., and Anderson, G., introduced :

H. F. No. 396, 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 coding for new law in Minnesota Statutes, chapter 17.

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

Carlson, D.; Begich; Halberg; Valento and Neuenschwander introduced :

H. F. No. 397, 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.

McPherson; Jennings, L.; Ozment; Dyke and Backlund introduced :

H. F. No. 398, A bill for an act relating to taxation; sales and use; exempting new farm machinery; amending Minnesota Statutes 1984, sections 297A.02, subdivision 2; 297A.14; and 297A.25, subdivision 1.

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

McEachern; Carlson, L.; Rest; Erickson and Olsen, S., introduced:

H. F. No. 399, A bill for an act relating to education; the permanent school fund; requiring exchange or compensation to the fund for land in state parks and waysides; requiring an inventory of other permanent school fund lands; stating the goal of the permanent school fund; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 92 and 120.

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

Fjoslien, Hartinger and Wenzel introduced:

H. F. No. 400, A bill for an act relating to charitable gambling; changing the date for licensing by the charitable gambling control board; providing a certain exemption for organizations conducting raffles; amending Minnesota Statutes 1984, section 349.214, subdivision 2; amending Laws 1984, chapter 502, article 12, section 26.

The bill was read for the first time and 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. 100.

PATRICK E. FLAHAVER, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 100, A bill for an act relating to taxation; income; adopting federal changes relating to interest on mortgage subsidy bonds; amending Minnesota Statutes 1984, section 290.01, subdivision 20.

The bill was read for the first time.

Pauly moved that S. F. No. 100 and H. F. No. 2, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

### GENERAL ORDERS

Levi moved that the bills on General Orders for today be continued one day. The motion prevailed.

### MOTIONS AND RESOLUTIONS

Neuenschwander moved that his name be stricken as an author on H. F. No. 44. The motion prevailed.

Wenzel moved that the name of Neuenschwander be added as an author on H. F. No. 95. The motion prevailed.

Vellenga moved that the name of Segal be stricken and the name of Wynia be added as an author on H. F. No. 118. The motion prevailed.

Vellenga moved that the name of Piper be added as an author on H. F. No. 188. The motion prevailed.

Heap moved that the name of Marsh be added as an author on H. F. No. 210. The motion prevailed.

Marsh moved that the names of Kelly and Stanius be added as authors on H. F. No. 266. The motion prevailed.

Onnen moved that the name of Rees be added as an author on H. F. No. 280. The motion prevailed.

Osthoff moved that the name of McEachern be added as an author on H. F. No. 288. The motion prevailed.

McKasy moved that the name of Pappas be added as an author on H. F. No. 301. The motion prevailed.

Sparby moved that the name of Wynia be stricken and the name of Segal be added as an author on H. F. No. 305. The motion prevailed.

Vellenga moved that the name of Quinn be added as an author on H. F. No. 311. The motion prevailed.

Heap moved that the name of Stanius be added as an author on H. F. No. 349. The motion prevailed.

Carlson, L., moved that the name of Olsen, S., be added as an author on H. F. No. 358. The motion prevailed.

Rose moved that H. F. No. 319 be recalled from the Committee on Local and Urban Affairs and be re-referred to the Committee on Commerce and Economic Development. The motion prevailed.

Rose moved that H. F. No. 320 be recalled from the Committee on Local and Urban Affairs and be re-referred to the Committee on Commerce and Economic Development. The motion prevailed.

Erickson introduced :

House Concurrent Resolution No. 3, A house concurrent resolution providing for a joint convention of the Senate and the House of Representatives to elect members of the Board of Regents of the University of Minnesota.

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

#### ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, February 14, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, February 14, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



STATE OF MINNESOTA

SEVENTY-FOURTH SESSION - 1985

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THIRTEENTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, FEBRUARY 12, 1985

The Senate met on Tuesday, February 12, 1985, which was the Thirteenth Legislative Day of the Seventy-fourth Session of the Minnesota State Legislature. The House of Representatives did not meet on this date.





## STATE OF MINNESOTA

## SEVENTY-FOURTH SESSION - 1985

## FOURTEENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 14, 1985

The House of Representatives convened at 2:00 p.m. and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Pastor Derek Claypool, Woodcrest Baptist Church, Fridley, Minnesota.

The roll was called and the following members were present:

Anderson, G.	Elioff	Knuth	Otis	Sherman
Anderson, R.	Ellingson	Kostohryz	Ozment	Simoneau
Backlund	Erickson	Krueger	Pappas	Skoglund
Battaglia	Fjoslien	Kvam	Pauly	Solberg
Beard	Forsythe	Levi	Peterson	Sparby
Becklin	Frederick	Lieder	Piepho	Stanius
Begich	Frederickson	Long	Piper	Staten
Bennett	Frerichs	Marsh	Poppenhagen	Svigum
Bishop	Greenfield	McDonald	Price	Thiede
Blatz	Gruenes	McEachern	Quinn	Thorson
Boerboom	Gutknecht	McKasy	Quist	Tjornhom
Boo	Halberg	McLaughlin	Redalen	Tompkins
Brandl	Hartering	McPherson	Rees	Tunheim
Brinkman	Hartle	Miller	Rest	Uphus
Brown	Haukoos	Minne	Rice	Valan
Burger	Heap	Munger	Richter	Valento
Carlson, D.	Himle	Murphy	Riveness	Vanasek
Carlson, J.	Jacobs	Nelson, D.	Rodosovich	Vellenga
Carlson, L.	Jaros	Nelson, K.	Rose	Voss
Clark	Jennings, L.	Neuenschwander	Schafer	Waltman
Clausnitzer	Johnson	Norton	Scheid	Welle
Cohen	Kahn	Ogren	Schoenfeld	Wenzel
Dempsey	Kalis	Olsen, S.	Schreiber	Zaffke
DenOuden	Kelly	Olson, E.	Seaberg	Spk. Jennings, D.
Dimler	Kiffmeyer	Onnen	Segal	
Dyke	Knickerbocker	Osthoff	Shaver	

A quorum was present.

Metzen, O'Connor, Omann, Sarna and Tomlinson were excused.

Wynia was excused until 2:35 p.m.

The Chief Clerk proceeded to read the Journals of the preceding days. Gruenes 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.

PETITIONS AND COMMUNICATIONS

The following communication was received:

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

February 6, 1985

The Honorable David M. Jennings  
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 Act of the 1985 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>Session Laws Chapter No.</i>	<i>Date Approved 1985</i>	<i>Date Filed 1985</i>
90		Resolution No. 1	February 6	February 6

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. No. 265 have been placed in the members' files.

S. F. No. 100 and H. F. No. 2, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Pauly moved that S. F. No. 100 be substituted for H. F. No. 2 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 241, A bill for an act relating to commerce; modifying certain motor vehicle sale and distribution regulations;

amending Minnesota Statutes 1984, sections 80E.03, subdivision 11; 80E.04, subdivision 4; 80E.06, subdivision 1; 80E.10, subdivision 5; 80E.12; and 80E.14, subdivision 1.

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

The report was adopted.

Schreiber from the Committee on Taxes to which was referred:

H. F. No. 336, A bill for an act relating to public finance; providing for allocation of 1984 state private activity bond issuance authority; proposing coding for new law in Minnesota Statutes, chapter 474.

Reported the same back with the following amendments:

Page 1, line 16, delete "local"

Page 1, line 18, delete "A local" and insert "An"

Page 1, line 25, delete "local"

Page 2, line 2, after "requested" insert "*(the higher education coordinating board may satisfy the requirements of this clause by stating that the bond proceeds are intended to be used for student loans)*"

Page 2, line 4, delete "local"

Page 2, line 13, after the period insert "*The department shall return the application deposits made by applicants for a carry-over allocation pursuant to section 474.19, subdivision 7. The amount necessary to pay the refund of application deposits is appropriated to the department of energy and economic development from the general fund.*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Jennings, D., from the Committee on Budget to which was referred:

House Resolution No. 3, A house resolution setting the maximum limit on taxes and appropriations for the biennium.

Reported the same back with the following amendments:

Page 1, line 6, delete "\$ . . . . . " and insert "\$10,562,-000,000"

Page 1, line 7, delete "taxes and"

Page 1, line 7, after "appropriations" insert "for the purpose of expenditures and transfers from the general fund"

Page 1, after line 9, insert:

*"Be It Further Resolved* that the Legislature finds that a budget reserve of the sum of \$250,000,000 is adequate to meet the state's needs for the fiscal years of 1986 and 1987.

*Be It Further Resolved* that the sum of (1) the unreserved general fund balance at the end of fiscal year 1985, (2) taxes for purposes of general fund expenditures and transfers for the fiscal years of 1986 and 1987, and (3) non-tax general fund revenues for the fiscal years of 1986 and 1987 shall not exceed the amount of \$10,812,000,000. This limit is adopted under authority of House rule 5.10.

*Be It Further Resolved* that, if any law is enacted to require that taxes currently collected by the state be collected instead by local governments, the maximum limits on general fund taxes and appropriations be reduced by the amount by which the enactment would reduce general fund tax collections for the fiscal years of 1986 and 1987."

With the recommendation that when so amended the resolution be adopted.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 241 and 336 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. No. 100 was read for the second time.

**INTRODUCTION AND FIRST READING  
OF HOUSE BILLS**

The following House Files were introduced:

Pauly introduced:

H. F. No. 401, A bill for an act relating to solid waste; repealing the exemption for certain solid waste disposal facilities from the certificate of need requirements; repealing Laws 1984, chapter 644, section 83.

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

Sparby, McDonald, Schoenfeld, Redalen and Wenzel introduced:

H. F. No. 402, A bill for an act relating to agriculture; making the commissioner of agriculture an elective office; amending Minnesota Statutes 1984, sections 15.06, subdivision 1; 15A.081, subdivision 1; and 17.01.

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

McKasy, Schreiber, Skoglund, Norton and Tjornhom introduced:

H. F. No. 403, A bill for an act relating to taxation; reducing the estate tax to the amount of the federal credit for state death taxes; amending Minnesota Statutes 1984, sections 290.01, subdivision 20e; 291.005, subdivision 1; 291.03, subdivision 1; 291.075; 291.09, subdivisions 1a, 2a, 3a, and 5; 291.11, subdivision 1; 291.15, subdivision 3; 291.215, subdivision 1; and 524.3-1202; repealing Minnesota Statutes 1984, sections 55.10, subdivision 2; 270.75, subdivision 7; 291.015; 291.03, subdivisions 3, 4, 5, 6, and 7; 291.05; 291.051; 291.06; 291.065; 291.07; 291.08; 291.111; 291.131, subdivision 5; 291.132; 291.20; 291.29, subdivision 5; and 385.36.

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

Wenzel and Kvam introduced:

H. F. No. 404, A bill for an act relating to charitable gambling; changing the effective date for licensing by the charitable gambling control board; eliminating dedication of tax revenue to the arts; amending Laws 1984, chapter 502, article 12, section 26; repealing Minnesota Statutes 1984, section 349.212, subdivision 3.

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

Backlund; Norton; Thiede; Jennings, L., and Halberg introduced:

H. F. No. 405, A bill for an act relating to courts; providing for interest rates on arbitration awards; amending Minnesota Statutes 1984, section 549.09, by adding a subdivision.

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

Hartinger introduced:

H. F. No. 406, A bill for an act relating to human services; changing limits on payments to dental vendors of services in the medical assistance and general assistance programs; amending Minnesota Statutes 1984, section 256.967.

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

McDonald introduced:

H. F. No. 407, A resolution memorializing Carthage and Rome to congratulate them on signing a peace treaty to end the Punic Wars.

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

Fjoslien, Quinn, Gutknecht and Kostohryz introduced:

H. F. No. 408, A bill for an act relating to charitable gambling; exempting certain organizations who conduct bingo from licensing; amending Minnesota Statutes 1984, section 349.214, by adding a subdivision.

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

Peterson; Welle; Schoenfeld; Carlson, D., and Omann introduced:

H. F. No. 409, A bill for an act relating to transportation; restricting mowing of highway ditches outside of cities; proposing coding for new law in Minnesota Statutes, chapter 160.

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

Elioff introduced:

H. F. No. 410, A bill for an act relating to human services; establishing an aid to families with dependent children grant diversion demonstration project; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256D.

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

Elioff introduced:

H. F. No. 411, A bill for an act relating to education; establishing a task force on student evaluation; appropriating money.

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

Price, Beard, Simoneau, Quinn and Metzen introduced:

H. F. No. 412, A bill for an act proposing an amendment to the Minnesota Constitution, article XIII, section 5; authorizing lotteries and the sale of lottery tickets under certain circumstances; providing for the expenditures of the net revenues for certain environmental purposes; proposing coding for new law in Minnesota Statutes, chapter 116D.

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



Stanius, Becklin, Schoenfeld and Osthoff introduced:

H. F. No. 413, A bill for an act relating to game and fish; closing of lakes to taking of fish by angling and spearing; prohibiting spearing in muskellunge lakes; amending Minnesota Statutes 1984, sections 97.48, subdivision 1; 101.41, subdivision 4; and 101.475, subdivision 1.

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

Knickerbocker, Simoneau, Gutknecht, Sviggum and Tjornhom introduced:

H. F. No. 414, 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.

Minne, Shaver, Fjoslien, Dimler and Osthoff introduced:

H. F. No. 415, A bill for an act relating to elections; permitting certain reports to be made by certified mail; amending Minnesota Statutes 1984, section 10A.20, subdivision 5.

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

Himle, Schreiber, Forsythe, Levi and Jennings, D., introduced:

H. F. No. 416, A bill for an act relating to state government; making the budget reserve account a segregated fund; retaining investment earnings in the account; allowing the commissioner of finance to borrow from the account; appropriating money; amending Minnesota Statutes 1984, section 16A.15, subdivision 6.

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

McDonald and Carlson, D., introduced:

H. F. No. 417, A bill for an act relating to public safety; limiting regulation of hand-held candles in religious and civil ceremonies; proposing coding for new law in Minnesota Statutes, chapter 299F.

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

Dempsey, Piepho, Gutknecht, Begich and Simoneau introduced:

H. F. No. 418, A bill for an act relating to local government; excluding firefighters and peace officers from a political subdivisions job evaluation system; amending Minnesota Statutes 1984, sections 471.994; and 471.998, subdivision 1.

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

Shaver introduced:

H. F. No. 419, A bill for an act relating to local government; limiting zoning powers concerning certain amateur radio antennas; proposing coding for new law in Minnesota Statutes, chapters 394 and 462.

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

Frerichs, Heap, Frederickson, Hartle and Zaffke introduced:

H. F. No. 420, A bill for an act relating to administrative procedures; providing for additional review of emergency administrative rules; amending Minnesota Statutes 1984, sections 14.33; and 14.34; proposing coding for new law in Minnesota Statutes, chapter 14.

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

Brown and Fjoslien introduced:

H. F. No. 421, A bill for an act relating to retirement; Stevens county memorial hospital employees refunds or deferred annuities.

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

McKasy introduced:

H. F. No. 422, A bill for an act relating to the city of West Saint Paul; changing the municipal election day and extending the terms of certain elected officials.

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

Anderson, R., by request, introduced:

H. F. No. 423, A bill for an act relating to economic development; setting an earlier opening date for the walleyed pike season in 1985 only.

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

Knickerbocker, Halberg, Osthoff, Frederickson and Long introduced:

H. F. No. 424, A bill for an act relating to state government; 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; eliminating the office of state treasurer; giving the treasurer's powers and duties to another officer provided by law.

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

Minne, Elioff, Begich, Battaglia and Solberg introduced:

H. F. No. 425, A bill for an act relating to natural resources; imposing a temporary freeze upon certain lease rates for state-owned campgrounds.

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

Vanasek; Gutknecht; McDonald; Nelson, D., and Ellingson introduced:

H. F. No. 426, A bill for an act proposing an amendment to the Minnesota Constitution, article IV, sections 2 and 4; providing for a senate of 36 members elected for staggered six-year terms and a house of representatives of 108 members elected for staggered four-year terms.

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

Redalen, Johnson, Sparby, Rose and Valan introduced:

H. F. No. 427, A bill for an act relating to agriculture; authorizing conservation reserve contracts covering marginal agricultural land; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 17.

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

Pauly and Knickerbocker introduced:

H. F. No. 428, A bill for an act relating to the city of Eden Prairie; authorizing one annual one-day liquor license.

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

Nelson, K.; Riveness; Nelson, D.; Olson, E.; and Jennings, L., introduced:

H. F. No. 429, A bill for an act relating to education; changing the basic maintenance mill rate to 20 mills; amending Minnesota Statutes 1984, section 124A.02, subdivision 7.

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

Shaver introduced:

H. F. No. 430, A bill for an act relating to unemployment compensation; providing for nonreimbursement of benefits paid in certain instances; amending Minnesota Statutes 1984, section 268.10, subdivision 2.

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

Shaver introduced:

H. F. No. 431, A bill for an act relating to claims; providing reimbursement of certain unemployment benefits paid by the city of Wayzata.

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

Tompkins; Nelson, K.; Segal; Elioff and Stanius introduced:

H. F. No. 432, A bill for an act relating to education; allowing the department of education to purchase printing services from school printing programs without inviting bids; amending Minnesota Statutes 1984, section 16B.08, subdivision 7.

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

Stanius, Sviggum, McPherson, Hartle and Miller introduced:

H. F. No. 433, A bill for an act relating to unemployment insurance; increasing the time and earnings needed to requalify for benefits after disqualification for voluntary quit, misconduct, or failure to apply for or accept suitable work; amending Minnesota Statutes 1984, section 268.09, subdivisions 1 and 2.

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

Gutknecht, Rodosovich, Frederickson, McPherson and Piper introduced:

H. F. No. 434, A bill for an act relating to retirement; making various changes regarding actuarial services in laws governing various public pension funds; amending Minnesota Statutes 1984, sections 3A.11, subdivision 1; 11A.18, subdivision 11; 352.116, subdivision 3; 352.119, subdivision 2; 352B.02, subdivision 1; 352B.08, subdivision 2; 353.271, subdivision 1; 353.271, subdivision 2; 353.29, subdivision 6; 353.30, subdivision 3; 354.07, subdivision 1; 354.35; 354.45, subdivision 1; 354.63, subdivision 2; 354A.32; 354A.33; 422A.04, subdivision 3; 422A.06, subdivision 5; 422A.101, subdivision 3; 422A.15, subdivision 2; 422A.17; 422A.23, subdivision 6; 490.124, subdivision 11; proposing coding for new law in Minnesota Statutes, chapter 356.

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

Boerboom, Hartle, Frederickson and Clausnitzer introduced :

H. F. No. 435, A resolution memorializing Congress to balance the federal budget.

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

Nelson, K.; Erickson; Olsen, S.; Otis and Price introduced :

H. F. No. 436, A bill for an act relating to education; changing the instructional effectiveness plan and training to the educational effectiveness plan and training; providing for research and development; appropriating money; amending Minnesota Statutes 1984, sections 121.608 and 121.609.

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

Thiede; Carlson, J.; Schafer; Poppenhagen and Sviggum introduced :

H. F. No. 437, A resolution memorializing Congress of ratification of a proposed amendment to the Constitution of the United States to provide for a delay in an increase in compensation to members of Congress until an intervening election of representatives has occurred.

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

Seaberg, Vellenga and Anderson, R., introduced :

H. F. No. 438, A bill for an act relating to housing; raising the limit on the total amount of Minnesota housing finance agency bonds and notes outstanding; amending Minnesota Statutes 1984, section 462A.22, subdivision 1.

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

Nelson, D., introduced:

H. F. No. 439, A bill for an act relating to taxation; providing for the computation of interest on tax overpayments; amending Minnesota Statutes 1984, sections 270A.07, subdivision 5; 271.12; 290.50, subdivision 1; 290.92, subdivisions 11 and 13; 290.93, subdivision 9; 290.936; 290A.07, subdivisions 2a and 3; 291.18; 294.09, subdivision 1; 297A.35, subdivision 1; 298.09, subdivision 4; and 299.05; proposing coding for new law in Minnesota Statutes, chapter 270.

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

Knickerbocker, Sviggum, Gutknecht, Simoneau and Sparby introduced:

H. F. No. 440, A bill for an act relating to retirement; making various changes in laws governing public retirement funds; amending Minnesota Statutes 1984, sections 3.85, subdivisions 11 and 12; 353.656, subdivision 1; 353.657, subdivision 2a; 354.44, subdivision 6; 354A.35, subdivision 1; 356.20, subdivision 4; 356.215, subdivision 4; 356.216; and 356.70.

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

Quist introduced:

H. F. No. 441, A bill for an act relating to Independent School District No. 508, St. Peter; authorizing a fund transfer.

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

Jennings, L.; Carlson, D., and Schafer introduced:

H. F. No. 442, A bill for an act relating to drainage; recodifying the drainage law with some modifications; appropriating money; imposing penalties; proposing coding for new law as Minnesota Statutes, chapter 106A; repealing Minnesota Statutes 1984, chapter 106.

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

Carlson, J.; Anderson, R., and Forsythe introduced:

H. F. No. 443, A bill for an act relating to human services; eliminating employable persons from general assistance eligibility; amending Minnesota Statutes 1984, sections 256D.01, subdivision 1a; and 256D.05, subdivision 1; repealing Minnesota Statutes 1984, sections 256D.111; 256D.112; 268.685; 268.80; and 268.81.

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

Dempsey, Wenzel, Gruenes, Osthoff and Piepho introduced:

H. F. No. 444, A bill for an act relating to education; establishing a demonstration voucher program for pupils; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 129B.

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

### GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole with Jennings, D., in the Chair for 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 recommendations of the Committee were reported to the House:

H. F. No. 265 was recommended to pass.

S. F. No. 100 was recommended for progress.

S. F. No. 122, the unofficial engrossment, which it recommended to pass with the following amendments:

Offered by Knickerbocker:

Page 3, after line 20, insert:

"Sec. 3. Minnesota Statutes 1984, section 43A.04, subdivision 1, is amended to read:



Subdivision 1. [STATEWIDE LEADERSHIP.] The commissioner shall be the chief personnel and labor relations manager of the civil service in the executive branch.

(a) Whenever any power or responsibility is given to the commissioner by any provision of Laws 1981, Chapter 210, unless otherwise expressly provided, the power or authority shall apply to all employees of agencies in the executive branch and to employees in classified positions in the office of the legislative auditor, the Minnesota state retirement system, *the public employees retirement association*, and the teacher's retirement association. Unless otherwise provided by law, the power or authority shall not apply to unclassified employees in the legislative and judicial branches.

(b) The commissioner shall operate an information system from which personnel data, as defined in section 13.43, concerning employees and applicants for positions in the classified service can be retrieved.

The commissioner shall have access to all public and private personnel data kept by appointing authorities which will aid in the discharge of the commissioner's duties.

(c) The commissioner may consider and investigate any matters concerned with the administration of provisions of Laws 1981, Chapter 210 and may order any remedial actions consistent with law."

Renumber subsequent sections

Page 10, line 14, after "employees" insert "*who for purposes of these chapters shall be treated as if they were executive branch employees*"

Page 14, line 3, delete "13" and insert "14"

Amend the title as follows:

Page 1, line 9, after "1;" insert "43A.04, subdivision 1.;"

Offered by Knickerbocker:

Page 9, after line 18, insert:

*"(e) The board shall establish procedures governing reimbursement of expenses to board members. These procedures shall define the types of activities and expenses that qualify for reimbursement, shall provide that all out-of-state travel must be authorized by the board, and shall provide for independent verification of claims for expense reimbursement. The procedures must comply with applicable rules and policies of the department of finance and the department of employee relations."*

Offered by Kelly:

Page 5, line 19, delete "*either*"

Page 5, line 20, delete "*, or be retired members of the association*"

Page 7, line 2, delete "*Retired members*"

Page 7, line 3, delete "*shall vote in the area in which they reside.*"

Page 7, delete lines 22 and 23

Offered by Clausnitzer and Krueger:

Page 6, line 4, delete "*As a condition of having*"

Page 6, line 5, delete "*the board make a mailing on his or her behalf,*"

Page 6, line 5, delete "*shall*" and insert "*who:*"

Page 6, delete line 6

Page 6, line 12, after "*election,*" delete "*the*" and insert "*must file a report with*"

Page 6, line 13, delete "*candidate will disclose in writing to*"; before "*board*" insert "*ethical practices*"; after "*board*" insert "*disclosing*"

Page 6, line 14, before "*board*" insert "*ethical practices*"

Page 6, line 15, delete "*adopt policies*" and insert "*prescribe forms*"

Page 6, line 16, delete "*approved expenditures*" and insert "*contributions*"

Page 6, line 17, after the period insert "*These terms do not include the mailing made by the association board on behalf of the candidate. A candidate must file a report within 30 days from the day that the results of the election are announced. The ethical practices board shall maintain these reports and make them available for public inspection in the same manner as the board maintains and makes available other reports filed with it.*"

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

## MOTIONS AND RESOLUTIONS

Sparby moved that his name be stricken as an author on H. F. No. 52. The motion prevailed.

Dimler moved that the name of Segal be added as an author on H. F. No. 145. The motion prevailed.

Olsen, S., moved that the name of Valento be stricken and the name of Bennett be added as an author on H. F. No. 156. The motion prevailed.

Ogren moved that the name of McLaughlin be added as an author on H. F. No. 181. The motion prevailed.

Kalis moved that his name be stricken as an author on H. F. No. 208. The motion prevailed.

Olsen, S., moved that the name of Segal be stricken as an author on H. F. No. 247. The motion prevailed.

Heap moved that the name of McPherson be added as an author on H. F. No. 284. The motion prevailed.

Jacobs moved that the names of Wenzel and Vanasek be added as authors on H. F. No. 342. The motion prevailed.

Thorson moved that the name of Tunheim be added as an author on H. F. No. 362. The motion prevailed.

McDonald moved that the name of Wenzel be added as an author on H. F. No. 373. The motion prevailed.

Fjoslien moved that the name of Dimler be added as an author on H. F. No. 400. The motion prevailed.

Heap moved that H. F. No. 306 be recalled from the Committee on Labor-Management Relations and be re-referred to the Committee on Governmental Operations. The motion prevailed.

Stanis moved that H. F. No. 197 be returned to its author. The motion prevailed.

Jennings, D., for the Committee on Budget, introduced:

House Concurrent Resolution No. 4, A house concurrent resolution setting the maximum limit on taxes and appropriations for the biennium.

The concurrent resolution was referred to the Committee on Budget.

House Resolution No. 3 was reported to the House.

Levi moved that House Resolution No. 3 be now adopted.

#### HOUSE RESOLUTION NO. 3

A house resolution setting the maximum limit on taxes and appropriations for the biennium.

*Be It Resolved* by the House of Representatives of the State of Minnesota that the sum of \$10,562,000,000 is the maximum limit on appropriations for the purpose of expenditures and transfers from the general fund for the fiscal years of 1986 to 1987. This limit is adopted under authority of House rule 5.10.

*Be It Further Resolved* that the Legislature finds that a budget reserve of the sum of \$250,000,000 is adequate to meet the state's needs for the fiscal years of 1986 and 1987.

*Be It Further Resolved* that the sum of (1) the unreserved general fund balance at the end of fiscal year 1985, (2) taxes for purposes of general fund expenditures and transfers for the fiscal years of 1986 and 1987, and (3) non-tax general fund revenues for the fiscal years of 1986 and 1987 shall not exceed the amount of \$10,812,000,000. This limit is adopted under authority of House rule 5.10.

*Be It Further Resolved* that, if any law is enacted to require that taxes currently collected by the state be collected instead by local governments, the maximum limits on general fund taxes and appropriations be reduced by the amount by which the enactment would reduce general fund tax collections for the fiscal years of 1986 and 1987.

A roll call was requested and properly seconded.

Rice moved that House Resolution No. 3 be re-referred to the Committee on Budget.

A roll call was requested and properly seconded.

#### CALL OF THE HOUSE

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

Anderson, G.	Becklin	Boo	Carlson, D.	Cohen
Anderson, R.	Begich	Brandl	Carlson, J.	Dempsey
Backlund	Bennett	Brinkman	Carlson, L.	DenOuden
Battaglia	Blatz	Brown	Clark	Dimler
Beard	Boerboom	Burger	Clausnitzer	Dyke

Elioff	Kiffmeyer	Nelson, K.	Rees	Staten
Ellingson	Knickerbocker	Neuenschwander	Rest	Sviggum
Erickson	Knuth	Norton	Rice	Thiede
Fjoslien	Kostohryz	Ogren	Richter	Thorson
Forsythe	Krueger	Olsen, S.	Rivness	Tjornhom
Frederick	Kvam	Olson, E.	Rodosovich	Tompkins
Frederickson	Levi	Onnen	Rose	Tunheim
Frerichs	Lieder	Osthoff	Schafer	Uphus
Greenfield	Long	Otis	Scheid	Valan
Gutknecht	Marsh	Ozment	Schoenfeld	Valento
Halberg	McDonald	Pappas	Schreiber	Vanasek
Hartle	McEachern	Pauly	Seaberg	Vellenga
Haukoos	McKasy	Peterson	Segal	Voss
Heap	McLaughlin	Piepho	Shaver	Waltman
Himle	McPherson	Piper	Sherman	Wenzel
Jennings, L.	Miller	Poppenhagen	Simoneau	Wynia
Johnson	Minne	Price	Skoglund	Zaffke
Kahn	Munger	Quinn	Solberg	Spk. Jennings, D.
Kalis	Murphy	Quist	Sparby	
Kelly	Nelson, D.	Redalen	Stanius	

Levi 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 Speaker called Halberg to the Chair.

The Speaker resumed the Chair.

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

The question recurred on the Rice motion to re-refer House Resolution No. 3, as amended, to the Committee on Budget and the roll was called.

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

There were 60 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jacobs	McLaughlin	Pappas	Simoneau
Battaglia	Jaros	Minne	Peterson	Skoglund
Beard	Jennings, L.	Munger	Piper	Solberg
Begich	Kahn	Murphy	Price	Sparby
Brandl	Kalis	Nelson, D.	Quinn	Staten
Brinkman	Kelly	Nelson, K.	Rest	Tunheim
Brown	Knuth	Neuenschwander	Rice	Vanasek
Carlson, L.	Kostohryz	Norton	Rivness	Vellenga
Clark	Krueger	Ogren	Rodosovich	Voss
Cohen	Lieder	Olson, E.	Scheid	Welle
Elioff	Long	Osthoff	Schoenfeld	Wenzel
Greenfield	McEachern	Otis	Segal	Wynia

Those who voted in the negative were:

Anderson, R.	Dimler	Heap	Ozment	Stanius
Backlund	Dyke	Himle	Pauly	Sviggum
Becklin	Erickson	Johnson	Piepho	Thiede
Bennett	Fjoslien	Kiffmeyer	Poppenhagen	Thorsen
Bishop	Forsythe	Knickerbocker	Quist	Tjornhom
Blatz	Frederick	Kvam	Redalen	Tompkins
Boerboom	Frederickson	Levi	Rees	Uphus
Boo	Frerichs	Marsh	Richter	Valan
Burger	Gruenes	McDonald	Rose	Valento
Carlson, D.	Gutknecht	McKasy	Schafer	Zaffke
Carlson, J.	Halberg	McPherson	Schreiber	Spk. Jennings, D.
Clausnitzer	Hartinger	Miller	Seaberg	
Dempsey	Hartle	Olsen, S.	Shaver	
DenOuden	Haukoos	Onnen	Sherman	

The motion did not prevail.

McEachern and Nelson, K., moved to amend House Resolution No. 3, as amended by the Committee on Budget, as follows:

Page 2, after line 1, insert:

*"Be It Further Resolved that at least one-third of the maximum limit on appropriations and transfers, but in no case less than \$3,521,000,000, shall be appropriated for payments to school districts for provision of elementary and secondary education. Payments to school districts shall not include appropriations for the operation of the department of education."*

A roll call was requested and properly seconded.

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

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

There were 59 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jacobs	McLaughlin	Peterson	Skoglund
Battaglia	Jaros	Minne	Piper	Solberg
Beard	Jennings, L.	Munger	Price	Sparby
Begich	Kahn	Murphy	Quinn	Staten
Brandl	Kalis	Nelson, D.	Rest	Tunheim
Brinkman	Kelly	Nelson, K.	Rice	Vanasek
Brown	Knuth	Neuenschwander	Riveness	Vellenga
Carlson, L.	Kostohryz	Norton	Rodosovich	Voss
Clark	Krueger	Ogren	Scheid	Welle
Cohen	Lieder	Olson, E.	Schoenfeld	Wenzel
Elioff	Long	Otis	Segal	Wynia
Greenfield	McEachern	Pappas	Simoneau	

Those who voted in the negative were:

Anderson, R.	Dimler	Himle	Pauly	Swiggum
Backlund	Dyke	Johnson	Piepho	Thiede
Becklin	Erickson	Kiffmeyer	Poppenhagen	Thorson
Bennett	Forsythe	Knickerbocker	Quist	Tjornhom
Bishop	Frederick	Kvam	Redalen	Tompkins
Blatz	Frederickson	Levi	Rees	Uphus
Boerboom	Frerichs	Marsh	Richter	Valan
Boo	Gruenes	McDonald	Rose	Valento
Burger	Gutknecht	McKasy	Schafer	Zaffke
Carlson, D.	Halberg	McPherson	Schreiber	Spk. Jennings, D.
Carlson, J.	Hartinger	Miller	Seaberg	
Clausnitzer	Hartle	Olsen, S.	Shaver	
Dempsey	Haukoos	Onnen	Sherman	
DenOuden	Heap	Ozment	Stanius	

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

Wenzel and Osthoff moved to amend House Resolution No. 3, as amended by the Committee on Budget, as follows:

Page 1, line 6, delete "10,562,000,000" and insert "10,460,000,000"

Page 1, line 18, delete "10,812,000,000" and insert "10,710,000,000"

A roll call was requested and properly seconded.

Levi moved to lay the Wenzel and Osthoff amendment on the table.

A roll call was requested and properly seconded.

#### POINT OF ORDER

Voss raised a point of order pursuant to established custom and usage of the House and "Mason's Manual of Legislative Procedure" relating to laying amendments on the table. The Speaker ruled the point of order not well taken and the Levi motion to lay on the table in order.

The question recurred on the Levi motion to lay the Wenzel and Osthoff amendment to House Resolution No. 3, as amended by the Committee on Budget, on the table and the roll was called.

Levi moved that those not voting be excused from voting.

A roll call was requested and properly seconded.

The question was taken on the Levi motion to excuse members from voting and the roll was called. There were 66 yeas and 61 nays as follows:

## Those who voted in the affirmative were:

Anderson, R.	Dyke	Himle	Pauly	Sviggum
Backlund	Erickson	Johnson	Piepho	Thiede
Becklin	Fjoslien	Kiffmeyer	Poppenhagen	Thorson
Bennett	Forsythe	Knickerbocker	Quist	Tjornhom
Bishop	Frederick	Kvam	Redalen	Tompkins
Blatz	Frederickson	Levi	Rees	Uphus
Boerboom	Frerichs	Marsh	Richter	Valan
Boo	Gruenes	McDonald	Rose	Valento
Burger	Gutknecht	McKasy	Schafer	Zaffke
Carlson, J.	Halberg	McPherson	Schreiber	Spk. Jennings, D.
Clausnitzer	Hartinger	Miller	Seaberg	
Dempsey	Hartle	Olsen, S.	Shaver	
DenOuden	Haukoos	Onnen	Sherman	
Dimler	Heap	Ozment	Stanius	

## Those who voted in the negative were:

Anderson, G.	Jacobs	Minne	Piper	Sparby
Battaglia	Jaros	Munger	Price	Staten
Beard	Jennings, L.	Murphy	Quinn	Tunheim
Begich	Kahn	Nelson, D.	Rest	Vanasek
Brandl	Kalis	Nelson, K.	Rice	Vellenga
Brinkman	Kelly	Neuenschwander	Riveness	Voss
Brown	Knuth	Norton	Rodosovich	Welle
Carlson, D.	Kostohryz	Ogren	Scheid	Wenzel
Carlson, L.	Krueger	Olson, E.	Schoenfeld	Wynia
Clark	Lieder	Osthoff	Segal	
Cohen	Long	Otis	Simoneau	
Elioff	McEachern	Pappas	Skoglund	
Greenfield	McLaughlin	Peterson	Solberg	

The motion to excuse members from voting prevailed.

The roll was called on the Levi motion to lay the Wenzel and Osthoff amendment to House Resolution No. 3, as amended by the Committee on Budget, on the table. There were 66 yeas and 59 nays as follows:

## Those who voted in the affirmative were:

Anderson, R.	Erickson	Jacobs	Pauly	Sviggum
Backlund	Fjoslien	Johnson	Piepho	Thorson
Becklin	Forsythe	Kiffmeyer	Poppenhagen	Tjornhom
Bennett	Frederick	Knickerbocker	Quist	Tompkins
Bishop	Frederickson	Kvam	Redalen	Uphus
Blatz	Frerichs	Levi	Rees	Valan
Boerboom	Gruenes	Marsh	Richter	Valento
Boo	Gutknecht	McDonald	Rose	Vellenga
Burger	Halberg	McKasy	Schafer	Welle
Carlson, J.	Hartinger	McPherson	Schreiber	Spk. Jennings, D.
Clausnitzer	Hartle	Miller	Seaberg	
Dempsey	Haukoos	Olsen, S.	Shaver	
Dimler	Heap	Onnen	Sherman	
Dyke	Himle	Ozment	Stanius	

## Those who voted in the negative were:

Anderson, G.	Brinkman	Clark	Ellingson	Kahn
Battaglia	Brown	Cohen	Greenfield	Kalis
Beard	Carlson, D.	DenOuden	Jaros	Kelly
Begich	Carlson, L.	Elioff	Jennings, L.	Knuth



Kostohryz	Nelson, D.	Pappas	Rodosovich	Staten
Krueger	Nelson, K.	Peterson	Scheid	Tunheim
Lieder	Neuenschwander	Piper	Schoenfeld	Vanasek
Long	Norton	Price	Segal	Voss
McEachern	Ogren	Quinn	Simoneau	Wenzel
McLaughlin	Olson, E.	Rest	Skoglund	Wynia
Minné	Osthoff	Rice	Solberg	Zaffke
Murphy	Otis	Riveness	Sparby	

The motion prevailed and the Wenzel and Osthoff amendment was laid on the table.

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

Schoenfeld moved to amend House Resolution No. 3, as amended by the Committee on Budget, as follows:

Page 2, after line 1, insert:

*"Be It Further Resolved that at least \$310,000,000 must be appropriated for fiscal years 1986 and 1987 for establishing new initiatives designed to maintain family farms, revitalize Minnesota's agricultural economy and to restore profitability to this traditional and productive sector of Minnesota's economy."*

A roll call was requested and properly seconded.

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

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

There were 56 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jaros	Minne	Piper	Sparby
Battaglia	Jennings, L.	Munger	Price	Staten
Beard	Kahn	Murphy	Quinn	Tunheim
Begich	Kalis	Nelson, D.	Rest	Vanasek
Brandl	Kelly	Nelson, K.	Rice	Vellenga
Brinkman	Knuth	Neuenschwander	Riveness	Voss
Brown	Kostohryz	Norton	Rodosovich	Welle
Carlson, L.	Krueger	Ogren	Schoenfeld	Wenzel
Clark	Lieder	Olson, E.	Segal	
Cohen	Long	Otis	Simoneau	
Elioff	McEachern	Pappas	Skoglund	
Greenfield	McLaughlin	Peterson	Solberg	

Those who voted in the negative were:

Anderson, R.	Blatz	Carlson, J.	Dyke	Frederickson
Backlund	Boerboom	Clausnitzer	Erickson	Frerichs
Becklin	Boo	Dempsey	Fjoslien	Gutknecht
Bennett	Burger	DenOuden	Forsythe	Halberg
Bishop	Carlson, D.	Dimler	Frederick	Hartinger

Hartle	Levi	Pauly	Schreiber	Tompkins
Haukoos	Marsh	Piepho	Seaberg	Uphus
Heap	McDonald	Poppenhagen	Shaver	Valan
Himle	McKasy	Quist	Sherman	Valento
Jacobs	McPherson	Redalen	Stanius	Zaffke
Johnson	Miller	Rees	Sviggum	Spk. Jennings, D.
Kiffmeyer	Olsen, S.	Richter	Thiede	
Knickerbocker	Onnen	Rose	Thorson	
Kvam	Ozment	Schafer	Tjornhom	

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

Riveness moved to amend House Resolution No. 3, as amended by the Committee on Budget, as follows:

Page 2, after line 1, insert:

*"Be It Further Resolved that at least \$195,000,000 must be appropriated for fiscal years 1986 to 1987 for establishing new initiatives designed to diversify, strengthen, and revitalize the rural economy, promote economic development in rural communities, and aid small businesses."*

A roll call was requested and properly seconded.

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

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

There were 52 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Battaglia	Jaros	Munger	Piper	Sparby
Beard	Jennings, L.	Murphy	Quinn	Staten
Begich	Kahn	Nelson, D.	Rest	Tunheim
Brandl	Knuth	Nelson, K.	Rice	Vanasek
Brinkman	Kostohryz	Neuenschwander	Riveness	Vellenga
Brown	Krueger	Norton	Rodosovich	Voss
Carlson, L.	Lieder	Ogren	Schoenfeld	Wenzel
Clark	Long	Olson, E.	Segal	Wynia
Cohen	McEachern	Otis	Simoneau	
Elioff	McLaughlin	Pappas	Skoglund	
Greenfield	Minne	Peterson	Solberg	

Those who voted in the negative were:

Anderson, R.	Carlson, J.	Frederick	Haukoos	Levi
Backlund	Clausnitzer	Frederickson	Heap	Marsh
Bennett	Dempsey	Frerichs	Himle	McDonald
Blatz	DenOuden	Gruenes	Jacobs	McKasy
Boerboom	Dimler	Gutknecht	Johnson	McPherson
Boo	Dyke	Halberg	Kiffmeyer	Miller
Burger	Erickson	Hartinger	Knickerbocker	Olsen, S.
Carlson, D.	Forsythe	Hartle	Kvam	Onnen

Ozment	Rees	Seaberg	Thiede	Valan
Pauly	Richter	Shaver	Thorson	Valento
Piepho	Rose	Sherman	Tjornhom	Zaffke
Poppenhagen	Schafer	Stanlius	Tompkins	Spk. Jennings, D.
Redalen	Schreiber	Svigum	Uphus	

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

Carlson, L., moved to amend House Resolution No. 3, as amended by the Committee on Budget, as follows:

Page 2, after line 1, insert:

*"Be It Further Resolved that at least \$1,925,000,000 must be appropriated for fiscal years 1986 to 1987 for higher education."*

A roll call was requested and properly seconded.

The question was taken on the Carlson, L., amendment and the roll was called.

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

There were 54 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Minne	Piper	Solberg
Battaglia	Jaros	Munger	Quinn	Sparby
Beard	Jennings, L.	Murphy	Rest	Staten
Begich	Kahn	Nelson, D.	Rice	Tunheim
Brandl	Kalis	Nelson, K.	Riveness	Vanasek
Brinkman	Knuth	Neuenschwander	Rodosovich	Vellenga
Brown	Kostohryz	Norton	Scheid	Voss
Carlson, L.	Krueger	Ogren	Schoenfeld	Welle
Clark	Lieder	Olson, E.	Segal	Wenzel
Cohen	Long	Pappas	Simoneau	Wynia
Elioff	McLaughlin	Peterson	Skoglund	

Those who voted in the negative were:

Anderson, R.	Dimler	Himle	Ozment	Stanlius
Backlund	Dyke	Jacobs	Pauly	Svigum
Becklin	Erickson	Johnson	Piepho	Thiede
Bennett	Forsythe	Kiffmeyer	Poppenhagen	Thorson
Bishop	Frederick	Knickerbocker	Quist	Tjornhom
Blatz	Frederickson	Kvam	Redalen	Tompkins
Boerboom	Frerichs	Levi	Rees	Uphus
Boo	Gruenes	Marsh	Richter	Valan
Burger	Gutknecht	McDonald	Rose	Valento
Carlson, D.	Halberg	McKasy	Schafer	Zaffke
Carlson, J.	Hartinger	McPherson	Schreiber	Spk. Jennings, D.
Clausnitzer	Hartle	Miller	Seaberg	
Dempsey	Haukoos	Olsen, S.	Shaver	
DonOuden	Heap	Onnen	Sherman	

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

Brandl moved to amend House Resolution No. 3, as amended by the Committee on Budget.

A roll call was requested and properly seconded.

Krueger requested a division of the Brandl amendment.

The first portion of the Brandl amendment to House Resolution No. 3, as amended by the Committee on Budget, reads as follows:

Page 1, line 11, delete "250,000,000" and insert "at least 375,000,000"

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

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

There were 50 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jennings, L.	Munger	Piper	Skoglund
Battaglia	Katis	Murphy	Quinn	Solberg
Begich	Kelly	Nelson, D.	Redalen	Sparby
Brandl	Knuth	Nelson, K.	Rest	Staten
Carlson, D.	Kostohryz	Neuenschwander	Rice	Tunheim
Carlson, L.	Krueger	Norton	Riveness	Uphus
Clark	Lieder	Olson, E.	Rodosovich	Vanasek
Cohen	Long	Otis	Schoenfeld	Vellenga
Elioff	McEachern	Pappas	Segal	Voss
Greenfield	McLaughlin	Peterson	Simoneau	Welle

Those who voted in the negative were:

Anderson, R.	Dyke	Jacobs	Onnen	Seaberg
Backlund	Erickson	Johnson	Osthoff	Shaver
Beard	Forsythe	Kiffmeyer	Ozment	Sherman
Becklin	Frederick	Knickerbocker	Pauly	Stanius
Bennett	Frederickson	Kvam	Piepho	Sviggum
Blatz	Frerichs	Levi	Poppenhagen	Thiede
Boerboom	Gruenes	Marsh	Price	Thorsou
Boo	Gutknecht	McDonald	Quist	Tjornhom
Burger	Halberg	McKasy	Rees	Tompkins
Carlson, J.	Hartinger	McPherson	Richter	Valan
Clausnitzer	Hartle	Miller	Rose	Valento
Dempsey	Haukoos	Minne	Schafer	Wenzel
DenOuden	Heap	Ogren	Scheid	Zaffke
Dimler	Himle	Olsen, S.	Schreiber	Spk. Jennings, D.

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

Brandl withdrew the second portion of his amendment to House Resolution No. 3, as amended by the Committee on Budget.

Knuth moved to amend House Resolution No. 3, as amended by the Committee on Budget, as follows:

Page 2, after line 1, insert:

*"Be It Further Resolved that at least \$2,362,000,000 shall be available for fiscal years 1986 and 1987 for direct and indirect property tax relief and state aid to local units of government."*

A roll call was requested and properly seconded.

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

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

There were 52 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Kahn	Munger	Piper	Sparby
Battaglia	Kalis	Murphy	Price	Staten
Beard	Kelly	Nelson, D.	Quinn	Tunheim
Begich	Knuth	Nelson, K.	Rest	Vanasek
Brown	Kostohryz	Neuenschwander	Rice	Voss
Carlson, L.	Krueger	Norton	Riveness	Welle
Clark	Lieder	Ogren	Rodosovich	Wenzel
Cohen	Long	Olson, E.	Schoenfeld	Wynia
Elioff	McEachern	Otis	Simoneau	
Greenfield	McLaughlin	Pappas	Skoglund	
Jaros	Minne	Peterson	Solberg	

Those who voted in the negative were:

Anderson, R.	Dimler	Himle	Ozment	Stanisus
Backlund	Dyke	Jacobs	Pauly	Sviggum
Becklin	Erickson	Johnson	Piepho	Thiede
Bennett	Forsythe	Kiffmeyer	Poppenhagen	Thorson
Blatz	Frederick	Knickerbocker	Quist	Tjornhom
Boerboom	Frederickson	Kvam	Redalen	Tompkins
Boo	Frerichs	Levi	Rees	Uphus
Brinkman	Gruenes	Marsh	Richter	Vaian
Burger	Gutknecht	McDonald	Rose	Valento
Carlson, D.	Halberg	McKasy	Schafer	Zafke
Carlson, J.	Hartinger	McPherson	Schreiber	Spk. Jennings, D.
Clausnitzer	Hartle	Miller	Seaberg	
Dempsey	Haukoos	Olsen, S.	Shaver	
DenOuden	Heap	Onnen	Sherman	

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

Greenfield moved to amend House Resolution No. 3, as amended by the Committee on Budget, as follows:

Page 2, after line 1, insert:

*"Be It Further Resolved that at least \$620,000,000 shall be appropriated for health and human services provided to persons age 65 and over."*

A roll call was requested and properly seconded.

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

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

There were 53 yeas and 68 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Jaros	McLaughlin	Pappas	Skoglund
Battaglia	Jennings, L.	Minne	Peterson	Solberg
Beard	Kahn	Munger	Piper	Sparby
Begich	Kalis	Murphy	Price	Staten
Brinkman	Kelly	Nelson, D.	Rest	Vellenga
Brown	Knuth	Nelson, K.	Rice	Voss
Carlson, L.	Kostohryz	Neuenschwander	Riveness	Welle
Clark	Krueger	Norton	Rodosovich	Wenzel
Cohen	Lieder	Ogren	Schoenfeld	Wynia
Elioff	Long	Olson, E.	Segal	
Greenfield	McEachern	Otis	Simoneau	

Those who voted in the negative were :

Anderson, R.	Dimler	Himle	Pauly	Stanisus
Backlund	Dyke	Jacobs	Piepho	Sviggum
Becklin	Erickson	Johnson	Poppenhagen	Thiede
Bennett	Forsythe	Kiffmeyer	Quist	Thorson
Bishop	Frederick	Knickerbocker	Redalen	Tjornhom
Blatz	Frederickson	Kvam	Rees	Tompkins
Boerboom	Frerichs	Levi	Richter	Tunheim
Boo	Gruenes	Marsh	Rose	Uphus
Burger	Gutknecht	McDonald	Schafer	Valan
Carlson, D.	Halberg	McKasy	Scheid	Valento
Carlson, J.	Hartinger	McPherson	Schreiber	Zaffke
Clausnitzer	Hartle	Miller	Seaberg	Spk. Jennings, D.
Dempsey	Haukoos	Onnen	Shaver	
DenOuden	Heap	Ozment	Sherman	

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

The question was taken on House Resolution No. 3, as amended by the Committee on Budget, and the roll was called.

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

There were 76 yeas and 47 nays as follows :

**Those who voted in the affirmative were :**

Anderson, R.	Dyke	Johnson	Ozment	Sparby
Backlund	Erickson	Kalis	Pauly	Stanius
Becklin	Fjoslien	Kiffmeyer	Piepho	Sviggum
Bennett	Forsythe	Knickerbocker	Poppenhagen	Thorson
Bishop	Frederick	Knuth	Quist	Tjornhom
Blatz	Frederickson	Krueger	Redalen	Tompkins
Boerboom	Frerichs	Kvam	Rees	Uphus
Boo	Gruenes	Levi	Rest	Valan
Brinkman	Gutknecht	Lieder	Richter	Valento
Brown	Halberg	Marsh	Riveness	Welle
Burger	Hartinger	McDonald	Rose	Wenzel
Carlson, J.	Hartle	McKasy	Schafer	Spk. Jennings, D.
Clausnitzer	Haukoos	McPherson	Schoenfeld	
Cohen	Heap	Nelson, D.	Schreiber	
Dempsey	Himle	Olsen, S.	Seaberg	
Dimler	Jacobs	Onnen	Shaver	

**Those who voted in the negative were :**

Anderson, G.	Greenfield	Munger	Peterson	Staten
Battaglia	Jaros	Murphy	Piper	Tunheim
Beard	Jennings, L.	Nelson, K.	Price	Vanasek
Begich	Kahn	Neuenschwander	Quinn	Vellenga
Brandl	Kelly	Norton	Rice	Voss
Carlson, D.	Kostohryz	Ogren	Rodosovich	Wynia
Carlson, L.	McEachern	Olson, E.	Sherman	Zaffke
Clark	McLaughlin	Osthoff	Simoneau	
DenOuden	Miller	Otis	Skoglund	
Elioff	Minne	Pappas	Solberg	

The motion prevailed and House Resolution No. 3, as amended by the Committee on Budget, 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 File was introduced :

McEachern; Nelson, K.; Olsen, S.; Kostohryz and Erickson introduced :

H. F. No. 445, A bill for an act relating to education; enabling the state board of education to authorize school boards to permanently transfer money from one fund to another when unforeseeable events occur within a district; requiring review and recommendations by the advisory council on uniform financial accounting and reporting standards; amending Minnesota Statutes 1984, section 121.912, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 121.

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

## CALL OF THE HOUSE LIFTED

Valento moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

## PROTEST AND DISSENT

Pursuant to Article IV, Section 11, of the Minnesota Constitution, we the undersigned members, register our protest and dissent to the adoption by the Independent Republican majority of the portions of Rule 5.10 which give the Speaker authority to stop, without debate, consideration of bills or amendments.

Debate is essential to a legislature. As documented in "Mason's Manual of Legislative Procedure" it is a fundamental rule of parliamentary practice that opportunity to debate is the right of any member and that right cannot be deprived by the arbitrary will of one member or even of the majority.

Likewise, it is the purpose of a legislature to introduce, debate, consider, and pass bills. No single member can be allowed to thwart that purpose.

Finally, the rights of members of a legislature are founded upon the absolute equality of its members. Every member has the same right to introduce questions and to be heard. No one member has superior rights that infringe on others.

Rule 5.10 deprives members of equality, deprives the body of the right to debate, and obstructs the very purpose for which the legislature was created. We protest enactment of Rule 5.10.

Signatures:

Gordon O. Voss  
Lona Minne  
Wayne Simoneau  
Robert Vanasek  
Loren A. Solberg

## ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, February 18, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, February 18, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives





## STATE OF MINNESOTA

## SEVENTY-FOURTH SESSION - 1985

## FIFTEENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 18, 1985

The House of Representatives convened at 2:00 p.m. and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Reverend Howard C. Gravrock, House Chaplain.

The roll was called and the following members were present:

Anderson, G.	Erickson	Kvam	Pappas	Solberg
Anderson, R.	Fjoslien	Levi	Pauly	Sparby
Backlund	Forsythe	Lieder	Peterson	Stanius
Battaglia	Frederick	Long	Piepho	Staten
Beard	Frederickson	Marsh	Piper	Sviggum
Becklin	Frerichs	McDonald	Poppenhagen	Thiede
Begich	Greenfield	McEachern	Price	Thorson
Bennett	Gruenes	McKasy	Quist	Tjornhom
Bishop	Gutknecht	McLaughlin	Redalen	Tomlinson
Blatz	Halberg	McPherson	Rees	Tompkins
Boerboom	Hartinger	Metzen	Rest	Tunheim
Boo	Hartle	Miller	Rice	Uphus
Brandl	Haukoos	Minne	Richter	Valan
Brinkman	Heap	Munger	Riveness	Valento
Brown	Himle	Murphy	Rodosovich	Vanasek
Burger	Jacobs	Nelson, D.	Rose	Vellenga
Carlson, D.	Jaros	Nelson, K.	Sarna	Voss
Carlson, J.	Jennings, L.	Neuenschwander	Schafer	Waltman
Carlson, L.	Johnson	Norton	Scheid	Welle
Clark	Kahn	O'Connor	Schoenfeld	Wenzel
Clausnitzer	Kalis	Ogren	Schreiber	Wynia
Cohen	Kelly	Olsen, S.	Seaberg	Zaffke
Dempsey	Kiffmeyer	Omann	Segal	Spk. Jennings, D.
DenOuden	Knickerbocker	Onnen	Shaver	
Dyke	Knuth	Osthoff	Sherman	
Elioff	Kostohryz	Otis	Simoneau	
Ellingson	Krueger	Ozment	Skoglund	

A quorum was present.

Dimler; Olson, E., and Quinn 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. 241 and 336 and S. F. No. 122 have been placed in the members' files.

## REPORTS OF STANDING COMMITTEES

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 34, A bill for an act relating to liquor; use of Minnesota grown grapes by farm wineries; amending Minnesota Statutes 1984, section 340.435.

Reported the same back with the following amendments:

Page 1, line 22, delete everything after the period

Page 1, line 23, delete "*farm winery*,"

Page 1, line 25, after "*establish*" insert "*or reestablish*"

With the recommendation that when so amended the bill pass.

The report was adopted.

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 35, A bill for an act relating to agriculture; making certain changes in the family farm security program; amending Minnesota Statutes 1984, sections 16A.80, subdivision 2a; 41.56, subdivisions 3, 4, and 4a; 41.57, subdivisions 2 and 3; 41.59, subdivision 1; 41.61, subdivision 1; and 290.01, subdivision 20b.

Reported the same back with the following amendments:

Page 11, after line 17, insert:

"Sec. 10. [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 Taxes.

The report was adopted.

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 97, A bill for an act relating to liquor; authorizing farm winery licensees to sell cheese and cheese spreads; amending Minnesota Statutes 1984, section 340.435, subdivision 3.

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

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 98, A bill for an act relating to retirement; expanding the availability of certain appropriations for actuarial services.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 210, A bill for an act relating to corporations; providing for the shareholder vote required to amend articles of incorporation in certain cases; amending Minnesota Statutes 1984, section 302A.135, subdivision 4.

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

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 268, A bill for an act relating to the environment; removing statutory provisions for joint and several liability and causation for personal injury; changing the date when liability applies; removing additional defense for abnormally dangerous activity; stating effect of removing certain provisions; amending Minnesota Statutes 1984, sections 115B.05, subdivision 1;

and 115B.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1984, sections 115B.06, subdivision 2; and 115B.07.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Judiciary.

The report was adopted.

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 373, A bill for an act relating to agriculture; appropriating money for the agricultural extension service of the University of Minnesota.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Fjoslien from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 400, A bill for an act relating to charitable gambling; changing the date for licensing by the charitable gambling control board; providing a certain exemption for organizations conducting raffles; amending Minnesota Statutes 1984, section 349.214, subdivision 2; amending Laws 1984, chapter 502, article 12, section 26.

Reported the same back with the following amendments:

Page 1, delete section 2

Page 2, line 2, delete "*Sections 1 and 2 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 everything before "amending"

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 34, 97, 98, 210 and 400 were read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced :

Johnson; Anderson, G.; Frederickson; Anderson, R., and Richter introduced :

H. F. No. 446, A bill for an act relating to counties; permitting the use of a broker to sell county property under certain conditions; amending Minnesota Statutes 1984, section 373.01.

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

Begich, Battaglia, Elioff and Solberg introduced :

H. F. No. 447, A bill for an act relating to transportation; prohibiting certain types of barricades, fences, or obstructions across highways and roads; imposing a penalty; amending Minnesota Statutes 1984, section 160.27, subdivision 5.

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

Blatz, Vellenga, Kiffmeyer, Tjornhom and Greenfield introduced :

H. F. No. 448, A bill for an act relating to crimes; defining sports bookmaking; amending Minnesota Statutes 1984, sections 299C.065, subdivision 1; and 609.75, subdivision 7.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Blatz, Ellingson, Halberg, McPherson and Quinn introduced :

H. F. No. 449, A bill for an act relating to attachments; providing procedures for the prejudgment seizure of property; amending Minnesota Statutes 1984, sections 570.01; 570.02; 570.08; 570.11; 570.12; and 570.14; repealing Minnesota Statutes

1984, sections 570.013; 570.03; 570.04; 570.05; 570.06; 570.07; 570.09; 570.093; and 570.13; proposing coding for new law in Minnesota Statutes, chapter 570.

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

Blatz; Seaberg; Jennings, D.; Bishop and Clausnitzer introduced:

H. F. No. 450, A bill for an act relating to children; replacing the state election campaign fund with a child abuse prevention trust fund; providing for disbursement of funds for child abuse prevention; creating a tax return checkoff to fund the child abuse prevention trust fund; appropriating money; amending Minnesota Statutes 1984, sections 290.06, subdivision 11; and 290.39, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 257 and 290; repealing Minnesota Statutes 1984, sections 10A.30 to 10A.335.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

McKasy; Dempsey; Olsen, S., and Piepho introduced:

H. F. No. 451, A bill for an act relating to environment; providing reciprocal access to courts and administrative agencies for injuries caused by transboundary pollution; proposing coding for new law in Minnesota Statutes, chapter 116.

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

McKasy; Dempsey; Olsen, S., and Piepho introduced:

H. F. No. 452, A bill for an act relating to uniform acts; enacting the Uniform Conservation Easement Act; proposing coding for new law as Minnesota Statutes, chapter 84C.

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

Hartle, Kalis, Frerichs, Schreiber and Erickson introduced:

H. F. No. 453, A bill for an act relating to public improvements; authorizing the issuance of state bonds for improvements at the Minnesota agricultural interpretive center; appropriating money.

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

McKasy; Halberg; Blatz; Carlson, D., and Vanasek introduced:

H. F. No. 454, A bill for an act relating to motor vehicles; providing defense to charge of operating motor vehicle without valid registration; amending Minnesota Statutes 1984, sections 168.09, by adding a subdivision; and 168.11, by adding a subdivision.

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

Minne, Boerboom, Onnen and Greenfield introduced:

H. F. No. 455, A bill for an act relating to human services; establishing a program in the department of economic security to distribute grants to centers that provide independent living services; appropriating money; amending Minnesota Statutes 1984, section 129A.01; proposing coding for new law in Minnesota Statutes, chapter 129A.

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

Blatz, Vellenga, Hartinger, Kiffmeyer and Kelly introduced:

H. F. No. 456, A bill for an act relating to waters; providing for revocation of a watercraft license when the watercraft is used by an operator who is arrested for operating the watercraft while under the influence of alcohol or who refuses chemical testing; requiring the court to restrain a person from operating watercraft when that person is convicted of operating watercraft while under the influence of alcohol; prescribing penalties; amending Minnesota Statutes 1984, section 361.12, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 361.

The bill was read for the first time and referred to the Committee on Crime and Family Law.



Himle, Sviggum, Scheid, Gutknecht and Bennett introduced:

H. F. No. 457, A bill for an act relating to unemployment compensation; regulating benefit eligibility related to receipt of severance pay; amending Minnesota Statutes 1984, section 268.08, subdivision 3.

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

Dimler, Osthoff, Pauly, Jacobs and Tjornhom introduced:

H. F. No. 458, A bill for an act relating to taxation, sales and use; providing for collection of tax on property purchased for resale by nonprofit organizations; proposing coding for new law in Minnesota Statutes, chapter 297A.

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

Rees, Poppenhagen, Becklin and Wynia introduced:

H. F. No. 459, A bill for an act relating to alcoholic beverages; prohibiting practices by licensees which may tend to increase consumption of alcoholic beverages; amending Minnesota Statutes 1984, section 340.14, by adding a subdivision.

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

Olson, E., and Poppenhagen introduced:

H. F. No. 460, A bill for an act relating to public welfare; providing for state payment of the entire nonfederal share of the cost of certain assistance programs for members of the White Earth Indian Reservation; amending Minnesota Statutes 1984, section 256.965.

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

Cohen, Vellenga, Bennett, Rose and Norton introduced:

H. F. No. 461, A bill for an act relating to courts; providing that Ramsey municipal court judges shall set salaries of conciliation court referees in Ramsey county; amending Minnesota Statutes 1984, section 488A.30, subdivision 1.

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

Cohen; Olson, E.; Krueger; Brown and Riveness introduced:

H. F. No. 462, A bill for an act relating to post-secondary education; reducing the tuition component required to pay in part for instruction costs; amending Minnesota Statutes 1984, section 135A.03, subdivision 1.

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

Jaros introduced:

H. F. No. 463, A bill for an act relating to unemployment compensation; regulating benefit eligibility for certain employees of institutions of higher education; amending Minnesota Statutes 1984, section 268.08, subdivision 6.

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

Shaver, Blatz, Tjornhom, Scheid and Carlson, J., introduced:

H. F. No. 464, A bill for an act relating to taxation; income; changing the method of indexing the tax brackets, standard deduction, and personal credits; amending Minnesota Statutes 1984, section 290.06, subdivision 2d; repealing Minnesota Statutes 1984, sections 290.06, subdivision 2f; and 290.18, subdivision 4.

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

Battaglia, Elioff, Begich and Murphy introduced:

H. F. No. 465, A bill for an act relating to state government; requiring the governor to establish the Minnesota department of jobs and training to administer all programs for current or potential labor force participants; establishing an advisory task force; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 4.

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

Nelson, K.; Rose; Vellenga; Valento and Stanius introduced:

H. F. No. 466, A bill for an act relating to crimes; allowing the testimony of the complaining victim of child abuse to be taken by closed-circuit television; proposing coding for new law in Minnesota Statutes, chapter 631.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Halberg, McKasy, Dempsey, Schafer and Cohen introduced:

H. F. No. 467, A bill for an act relating to marriage dissolution; clarifying the application of the child support guidelines; amending Minnesota Statutes 1984, sections 518.17, subdivision 5; and 518.551, subdivision 5.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

McPherson, Becklin, Kelly, Gutknecht and Clausnitzer introduced:

H. F. No. 468, A bill for an act relating to state departments and agencies; clarifying the duties of the state demographer; adding to the nongeneral fund staff complement of the land management information center; amending Minnesota Statutes 1984, sections 275.14; 368.01, subdivision 1a; and 368.015.

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

Voss, Munger, Segal, Murphy and Sparby introduced:

H. F. No. 469, A bill for an act relating to post-secondary education; reducing the tuition component required to pay in part for instruction costs; amending Minnesota Statutes 1984, section 135A.03, subdivision 1.

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

Erickson; Haukoos; Anderson, G.; Jennings, D., and McEachern introduced:

H. F. No. 470, A bill for an act relating to education; authorizing the establishment of joint vocational technical districts; proposing coding for new law in Minnesota Statutes, chapter 136D.

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

Battaglia, Staten, Begich and Elioff introduced:

H. F. No. 471, A bill for an act relating to the city of Ely; authorizing the city to operate a casino gaming facility regulated by the charitable gambling control board.

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

Battaglia introduced:

H. F. No. 472, A bill for an act relating to game and fish; setting a limit on walleyes taken from Lake of the Woods and Rainy Lake; amending Minnesota Statutes 1984, section 101.41, by adding a subdivision.

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

Dimler; Boerboom; Frederickson; Carlson, J., and Thorson introduced:

H. F. No. 473, A bill for an act relating to education; changing the basic maintenance mill rate to 20 mills; amending Minnesota Statutes 1984, section 124A.02, subdivision 7.

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

Hartinger introduced:

H. F. No. 474, A bill for an act relating to human services; requiring a six-month residency in Minnesota for general assistance; proposing coding for new law in Minnesota Statutes, chapter 256D.

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

Dimler, Dempsey, Brandl, Uphus and Sparby introduced:

H. F. No. 475, A bill for an act relating to taxation: income; abolishing the farm loss modifications; amending Minnesota Statutes 1984, sections 290.01, subdivisions 20a, 20b, and 20f; 290.05, subdivision 3; 290.09, subdivisions 1 and 7; 290.091; 290.095, subdivisions 7 and 11; 290A.03, subdivision 3; repealing Minnesota Statutes 1984, section 290.09, subdivision 29.

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

Heap; Nelson, K.; Piepho; Haukoos and Carlson, L., introduced:

H. F. No. 476, A bill for an act relating to education; vocational; removing a restriction for awarding associate degrees; amending Minnesota Statutes 1984, section 136C.042, subdivision 1.

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

Heap; Carlson, D.; Nelson, K.; Erickson and Carlson, L., introduced:

H. F. No. 477, A bill for an act relating to vocational education; discontinuing program elimination standards based on placement ratios and class size; repealing Minnesota Statutes 1984, section 136C.27, subdivision 1.

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

Begich, Minne and Battaglia introduced:

H. F. No. 478, A bill for an act relating to taxation; changing the funding for enterprise zones; amending Minnesota Statutes 1984, section 273.1314, subdivision 8.

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

Begich, Battaglia and Elioff introduced:

H. F. No. 479, A bill for an act relating to game and fish; authorizing free fishing licenses for totally and permanently disabled public employees; amending Minnesota Statutes 1984, section 98.47, by adding a subdivision.

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

Begich, Battaglia, Elioff and Solberg introduced:

H. F. No. 480, A bill for an act relating to public utilities; requiring certain utility pole guy lines to be marked with reflector tape; proposing coding for new law in Minnesota Statutes, chapter 237.

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

Olsen, S.; Heap; Tompkins; Segal and McPherson introduced:

H. F. No. 481, A bill for an act relating to education; providing levy authority for intermediate school districts for energy retrofit and asbestos removal or encapsulation purposes; amending Minnesota Statutes 1984, sections 136D.27; 136D.74, subdivision 2; and 136D.87.

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

Skoglund, Cohen, Rees, Thorson and Olson, E., introduced:

H. F. No. 482, A bill for an act relating to the legislature; prohibiting the payment of honorariums to legislators during the legislative session; amending Minnesota Statutes 1984, section 3.099.

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

Neuenschwander; Rose; Battaglia; Carlson, D., and Nelson, D., introduced:

H. F. No. 483, A bill for an act relating to natural resources; establishing an aspen recycling program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 88.

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

Sherman, Kiffmeyer, Kelly, Valento and Pappas introduced:

H. F. No. 484, A bill for an act relating to corrections; authorizing the commissioner of corrections to prescribe the conditions under which persons on work release may retain and expend their earnings; providing for inmate contribution to funds for programs to aid victims of crime; clarifying the provisions relating to the use of force by correctional officers in preventing escape; providing preference to county employees displaced when counties change over and request probation services for county courts from the state; removing obsolete language; amending Minnesota Statutes 1984, sections 241.26, subdivisions 1 and 5; 243.23, subdivision 3; 243.52; 260.311, subdivisions 1 and 5; 401.01, subdivision 1; 401.02, subdivisions 1 and 4; and 401.11.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Erickson introduced:

H. F. No. 485, A bill for an act relating to the city of Lismore; authorizing it to issue bonds for municipal facilities.

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

Schafer, Hartle, Rees and McEachern introduced:

H. F. No. 486, A bill for an act relating to education; authorizing the interdistrict cooperation aid and levy proceeds to be used to pay administrative expenses attributable to interdistrict cooperation programs; amending Minnesota Statutes 1984, section 124.272, subdivision 3.

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

Schafer and McEachern introduced:

H. F. No. 487, 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 coding for new law in Minnesota Statutes, chapter 120.

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

Fjoslien; Rose; Carlson, D.; Krueger and Battaglia introduced:

H. F. No. 488, A bill for an act relating to appropriations; appropriating money for walleyed pike fingerling production and related educational documentation.

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

Carlson, L.; Krueger; Price; Erickson and Heap introduced:

H. F. No. 489, A bill for an act relating to education; establishing courseware integration centers; providing grants for centers for the 1986-1987 school year; providing grants to encourage using technology in school district management; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 129B.

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



Johnson, Poppenhagen, Miller, Stanius and Boerboom introduced:

H. F. No. 490, A bill for an act relating to state government; regulating mandates to local units of government; proposing coding for new law as Minnesota Statutes, chapter 256F.

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

Vanasek, Clark, Staten, Skoglund and Long introduced:

H. F. No. 491, A bill for an act relating to commerce; prohibiting the sale of certain gold coins; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 325F.

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

Pappas, Knickerbocker, McLaughlin, Haukoos and Bennett introduced:

H. F. No. 492, A bill for an act relating to state departments and agencies; requiring agencies to provide services and materials in languages other than English; proposing coding for new law as Minnesota Statutes, chapter 15B.

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

Krueger introduced:

H. F. No. 493, A bill for an act relating to courts; providing that civil judgments may be satisfied by installment payments; providing procedures for collection of civil judgments; amending Minnesota Statutes 1984, sections 487.23, by adding subdivisions; 488A.09, by adding subdivisions; and 488A.26, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 484.

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

**Krueger introduced :**

H. F. No. 494, A bill for an act relating to education; requiring an adult chaperon on school buses who will accompany grade K-3 children across streets; amending Minnesota Statutes 1984, section 169.44, by adding a subdivision.

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

**Pauly, Osthoff, Scheid, Dempsey and Tompkins introduced :**

H. F. No. 495, A bill for an act relating to public finance; modifying provisions that allocate industrial revenue bond authority; clarifying the duties of the department of energy and economic development; amending Minnesota Statutes 1984, sections 116J.58, subdivision 4; 474.16, subdivisions 1 and 5, and by adding subdivisions; 474.17, subdivisions 1, 2, and 3; 474.18, subdivisions 2, 3, and 4, and by adding a subdivision; 474.19, subdivisions 1, 2, 3, 4, 5, 6, and 7, and by adding subdivisions; 474.20, subdivisions 1 and 2; 474.22; and 474.23.

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

**Seaberg, Tompkins and Metzen introduced :**

H. F. No. 496, A bill for an act relating to eminent domain; mandating disclosure of certain relationships; providing means for objecting to commissioners; requiring commissioners to take an oath; amending Minnesota Statutes 1984, section 117.075.

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

**Jennings, L., and Stanius introduced :**

H. F. No. 497, A bill for an act relating to corrections; requiring the commissioner of corrections to limit the offering of printing services of Lino Lakes to governmental and nonprofit organizations; amending Minnesota Statutes 1984, section 241.-27, by adding a subdivision.

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

Skoglund; McKasy; Blatz; Olsen, S., and Voss introduced:

H. F. No. 498, A bill for an act relating to insurance; authorizing domestic companies to purchase or sell certain futures contracts; amending Minnesota Statutes 1984, section 61A.28, subdivision 2.

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

Seaberg, Vellenga and Anderson, R., introduced:

H. F. No. 499, A bill for an act relating to housing; regulating powers of the Minnesota housing finance agency; setting limits on loan authority, terms and amounts; providing for administrative changes in various loan programs; amending Minnesota Statutes 1984, sections 462A.03, subdivisions 13 and 14; 462A.05, subdivisions 11, 12, 14a, 15a, 23, and by adding subdivisions; 462A.07, subdivisions 14 and 15; 462A.08, subdivision 3; 462A.20, subdivision 3; 462A.21, subdivision 6, and by adding a subdivision; 462A.22, subdivision 1; and 462C.09, by adding a subdivision.

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

Krueger introduced:

H. F. No. 500, A bill for an act relating to occupations and professions; providing for estimates of attorney's fees; proposing coding for new law in Minnesota Statutes, chapter 549.

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

Begich, Battaglia, Elioff, Solberg and Minne introduced:

H. F. No. 501, A bill for an act relating to economic development; creating the Northeastern Minnesota employment and training program; granting certain powers and duties to the commissioners of economic security and human services; providing for the use of public funds in certain public and private jobs and training programs in the counties of St. Louis, Lake, Cook, and Itasca; requiring coordination with other state agencies and reports to the governor and legislature; appropriating money.

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

**Beard and Price introduced :**

H. F. No. 502, A bill for an act relating to highway traffic regulations; requiring defendants to pay for alcohol problem assessments; providing state reimbursement for alcohol problem assessments; amending Minnesota Statutes 1984, section 169.124, subdivision 3.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

**Skoglund, Rees, Thorson and Olson, E., introduced :**

H. F. No. 503, A bill for an act relating to governmental operations; prohibiting any governmental entity from engaging a lobbyist; imposing penalties; proposing coding for new law in Minnesota Statutes, chapter 10A.

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

**Begich introduced :**

H. F. No. 504, A bill for an act relating to malt beverages; requiring identification of kegs and purchasers thereof; prescribing a penalty; proposing coding for new law in Minnesota Statutes, chapter 340.

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

**Hartinger introduced :**

H. F. No. 505, A bill for an act relating to local government; requiring statutory and home rule charter cities to file certain documents in public libraries; proposing coding for new law in Minnesota Statutes, chapter 471.

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

**Battaglia and Neuenschwander introduced :**

H. F. No. 506, A bill for an act relating to state lands; conveying lands to the federal government for Voyageurs National Park; appropriating money; amending Minnesota Statutes 1984, section 84B.03, subdivision 4.

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

Olsen, S.; Knickerbocker; Heap; Blatz and Pauly introduced:

H. F. No. 507, A bill for an act relating to Hennepin county; setting the form in which county board members' salaries must be stated; amending Laws 1982, chapter 577, section 14.

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

Poppenhagen introduced:

H. F. No. 508, A bill for an act relating to the city of Detroit Lakes; permitting the establishment of a port authority.

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

Ogren, Rose, Segal, Kvam and Schafer introduced:

H. F. No. 509, A bill for an act relating to statutes; providing free distribution of Minnesota Statutes to library of largest municipality of each county; amending Minnesota Statutes 1984, section 3C.12, subdivision 2.

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

Bishop, Backlund, Murphy, Levi and Dempsey introduced:

H. F. No. 510, A bill for an act relating to human services; establishing a children's trust fund for the prevention of child abuse and neglect; establishing an income tax checkoff to provide money for the fund; proposing coding for new law in Minnesota Statutes, chapters 256 and 290.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Bishop, Blatz, Hartinger and Staten introduced:

H. F. No. 511, A bill for an act relating to crimes; clarifying the elements of the crime of assault in the second degree; amending Minnesota Statutes 1984, section 609.222.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Simoneau introduced:

H. F. No. 512, A bill for an act relating to public employment labor relations; providing for designation of multi-employer countywide bargaining units; amending Minnesota Statutes 1984, section 179A.09, by adding a subdivision.

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

Sviggum, Waltman, Frederickson, Vellenga and Long introduced:

H. F. No. 513, A bill for an act relating to state government; regulating the career executive service; specifying executive branch conflicts of interest; providing for review of state trooper arbitration awards; regulating approved complements; regulating liquidation of vacation leave; amending Minnesota Statutes 1984, sections 16A.123, subdivision 3; 16B.65, subdivision 3; 43A.17, subdivision 8; 43A.21, subdivision 5; 43A.38, subdivision 5; 62D.22, subdivision 7; and 299D.03, subdivision 11.

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

Ogren, O'Connor and Price introduced:

H. F. No. 514, A bill for an act relating to criminal justice; clarifying the procedure for making certain claims against the state; placing restrictions on places where work in restitution or community service may be performed; amending Minnesota Statutes 1984, sections 3.739, subdivisions 2 and 2a; and 609.135, subdivision 1.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Ogren and Carlson, D., introduced:

H. F. No. 515, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to lease peat lands for wild rice farming; providing for appraisal and administration of leases; proposing coding for new law in Minnesota Statutes, chapter 92.

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

Johnson, Dyke, Frederickson, Hartle and Hartinger introduced:

H. F. No. 516, A bill for an act relating to counties; authorizing reimbursement to county commissioners and county officers for certain expenses; renaming the county executive secretary; fixing expenditure authority for certain county activities; removing provisions for county purchasing agents, demonstration and experiment farms, and seed and feed loans; revising the language of the text of chapters concerning county powers and county boards; amending Minnesota Statutes 1984, sections 375.055, by adding a subdivision; 375.48, subdivisions 1 and 2; 375.49, subdivisions 1 and 2; 375.50; 375A.07, subdivision 1; chapters 370; 371; 372; 374; 376; 377; 392; and 395; proposing new law coded in Minnesota Statutes, chapter 382; repealing Minnesota Statutes 1984, sections 374.05; 377.02; 377.04; 392.01; 392.02; 392.03; 395.01; 395.02; 395.03; 395.14; 395.15; 395.16; 395.17; 395.18; 395.19; 395.20; 395.21; 395.22; 395.23; and 395.24.

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

Knickerbocker; Skoglund; Olsen, S.; Hartle and Otis introduced:

H. F. No. 517, A bill for an act relating to insurance; authorizing the use of funding agreements; prescribing powers of the commissioner; proposing coding for new law in Minnesota Statutes, chapter 61A.

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

Heap introduced:

H. F. No. 518, A bill for an act relating to taxation; property tax refund; clarifying the term "property taxes payable"; amending Minnesota Statutes 1984, section 290A.03, subdivision 13.

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

Redalen; Sparby; Carlson, D.; Lieder and Dyke introduced:

H. F. No. 519, A bill for an act relating to taxation; providing a property tax credit for agricultural property; reducing the assessment ratio on commercial-industrial property; increasing the income limitation in the farm loss modification provision; exempting sales of repair and replacement parts for farm machinery and liquidation sales of farm machinery from sales tax; amending Minnesota Statutes 1984, sections 273.13, subdivision 9; 290.09, subdivision 29; and 297A.25, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 273.

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

Johnson, Kalis, Zaffke, Quist and Redalen introduced:

H. F. No. 520, A bill for an act relating to counties; permitting the consolidation of the offices of county auditor and county treasurer under certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 382.

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

Johnson; Anderson, G.; Zaffke; Richter and Lieder introduced:

H. F. No. 521, A bill for an act relating to counties; allowing counties to dispose of interests in land without reserving mineral rights under certain circumstances; amending Minnesota Statutes 1984, section 373.01, subdivision 1.

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

Senate Concurrent Resolution No. 7, A concurrent resolution declaring an economic emergency, declaring the need for Congressional hearings on the crisis, federal legislation, and the use of the powers of the state's executive branch.

PATRICK E. FLAHAVEN, Secretary of the Senate



Senate Concurrent Resolution No. 7 was referred to the Committee on Rules and Legislative Administration.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 46.

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. 69.

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. 223.

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. 263.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 46, A bill for an act relating to commerce; changing a cross reference relating to undistributed property after dissolution of a cooperative; amending Minnesota Statutes 1984, section 308.14, subdivision 3b.

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

S. F. No. 69, A bill for an act relating to transportation; redesignating portion of trunk highway; amending Minnesota Statutes 1984, section 161.14, subdivision 6.

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

S. F. No. 223, A bill for an act relating to agriculture; establishing a legal assistance program; providing requirements for persons receiving legal assistance; providing contracting authority to fund the legal assistance program; providing requirements for the program contractor; requiring reports on the legal assistance program; appropriating money.

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

S. F. No. 263, A bill for an act relating to agriculture; providing a mechanism to aid restructuring of existing farm loans; providing for payment of interest on loans to farmers; appropriating money.

The bill was read for the first time.

#### SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Anderson, G., moved that the rule therein be suspended and an urgency be declared so that S. F. No. 263 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 Anderson, G., motion and the roll was called. There were 60 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jacobs	McLaughlin	Otis	Simoneau
Battaglia	Jaros	Metzen	Pappas	Skoglund
Beard	Jennings, L.	Minne	Peterson	Solberg
Begich	Kahn	Munger	Piper	Sparby
Brandl	Kalis	Murphy	Price	Staten
Brinkman	Kelly	Nelson, D.	Rest	Tomlinson
Brown	Knuth	Nelson, K.	Rice	Tunheim
Carlson, L.	Kostohryz	Neuenschwander	Riveness	Vanasek
Clark	Krueger	Norton	Rodosovich	Voss
Cohen	Lieder	O'Connor	Sarna	Welle
Elioff	Long	Ogren	Scheid	Wenzel
Greenfield	McEachern	Osthoff	Schoenfeld	Wynia

Those who voted in the negative were:

Anderson, R.	Dyke	Himle	Ozment	Sviggum
Backlund	Erickson	Johnson	Pauly	Thiede
Becklin	Fjoslien	Kiffmeyer	Piepho	Thorson
Bennett	Forsythe	Knickerbocker	Poppenhagen	Tjornhom
Bishop	Frederick	Kvam	Quist	Tompkins
Blatz	Frederickson	Levi	Redalen	Uphus
Boerboom	Frerichs	Marsh	Rees	Valan
Boo	Gruenes	McDonald	Richter	Valento
Burger	Gutknecht	McKasy	Rose	Waltman
Carlson, D.	Halberg	McPherson	Schafer	Zaffke
Carlson, J.	Hartinger	Miller	Schreiber	Spk. Jennings, D.
Clausnitzer	Hartle	Olsen, S.	Seaberg	
Dempsey	Haukoos	Omman	Sherman	
DenOuden	Heap	Onnen	Stanius	

The motion did not prevail.

S. F. No. 263 was referred to the Committee on Financial Institutions and Insurance.

### CONSENT CALENDAR

H. F. No. 336 was reported to the House.

Pauly moved to amend H. F. No. 336, as follows:

Page 2, after line 24, insert

*"For purposes of this section, "issuer" means a local issuer or the higher education coordinating board."*

The motion prevailed and the amendment was adopted.

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

H. F. No. 336, A bill for an act relating to public finance; providing for allocation of 1984 state private activity bond issuance authority; proposing coding for new law in Minnesota Statutes, chapter 474.

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, G.	Becklin	Boo	Carlson, J.	Dempsey
Anderson, R.	Begich	Brandl	Carlson, L.	Dyke
Backlund	Bennett	Brinkman	Clark	Elioff
Battaglia	Blatz	Burger	Clausnitzer	Erickson
Beard	Boerboom	Carlson, D.	Cohen	Fjoslien

Forsythe	Kiffmeyer	Nelson, K.	Rest	Sviggum
Frederick	Knuth	Neuenschwander	Rice	Thiede
Frederickson	Kostohryz	Norton	Richter	Thorson
Frerichs	Krueger	O'Connor	Riveness	Tjornhom
Greenfield	Kvam	Ogren	Rodosovich	Tomlinson
Gruenes	Levi	Olsen, S.	Rose	Tompkins
Gutknecht	Lieder	Omann	Sarna	Tunheim
Halberg	Long	Onnen	Schafer	Uphus
Hartinger	Marsh	Osthoff	Scheid	Valan
Hartle	McDonald	Otis	Schoenfeld	Valento
Haukoos	McEachern	Ozment	Schreiber	Vanasek
Heap	McKasy	Pappas	Scaberger	Vellenga
Himle	McLaughlin	Pauly	Segal	Voss
Jacobs	McPherson	Peterson	Sherman	Waltman
Jaros	Metzen	Piepho	Simoneau	Welle
Jennings, L.	Miller	Piper	Skoglund	Wenzel
Johnson	Minne	Poppenhagen	Solberg	Wynia
Kahn	Munger	Price	Sparby	Spk. Jennings, D.
Kalis	Murphy	Redalen	Stanius	
Kelly	Nelson, D.	Rees	Staten	

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

### CALENDAR

S. F. No. 122, A bill for an act relating to retirement; public employees retirement association; setting the salary range of the executive director; changing the membership of the board; providing qualifications for the executive director; requiring advice and consent of the senate for appointment of the executive director; defining the duties of the board; ending the terms of current board members; defining the duties of the executive director; amending Minnesota Statutes 1984, sections 15A.081, subdivision 1; 43A.10, subdivision 6; and 353.03, subdivisions 1, 1a, 2, 3, 3a, and 5; proposing coding for new law in Minnesota Statutes, chapter 353.

The bill was read for the third 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, G.	Brown	Forsythe	Jennings, L.	Marsh
Anderson, R.	Burger	Frederick	Johnson	McDonald
Backlund	Carlson, D.	Frederickson	Kahn	McEachern
Battaglia	Carlson, J.	Frerichs	Kalis	McKasy
Beard	Carlson, L.	Greenfield	Kelly	McLaughlin
Becklin	Clark	Gruenes	Kiffmeyer	McPherson
Begich	Clausnitzer	Gutknecht	Knickerbocker	Metzen
Bennett	Cohen	Halberg	Knuth	Miller
Bishop	Dempsey	Hartinger	Kostohryz	Minne
Blatz	Dyke	Hartle	Krueger	Munger
Boerboom	Elioff	Haukoos	Kvam	Murphy
Boo	Ellingson	Heap	Levi	Nelson, L.
Brandl	Erickson	Himle	Lieder	Nelson, K.
Brinkman	Fjoslien	Jacobs	Long	Neuenschwander

Norton	Piepho	Sarna	Sparby	Valento
O'Connor	Piper	Schafer	Stanius	Vanasek
Ogren	Poppenhagen	Scheid	Staten	Vellenga
Olsen, S.	Price	Schoenfeld	Sviggum	Voss
Omann	Quist	Schreiber	Thiede	Waltman
Onnen	Redalen	Seaberg	Thorson	Welle
Osthoff	Rees	Segal	Tjornhom	Wenzel
Otis	Rest	Shaver	Tomlinson	Wynia
Ozment	Richter	Sherman	Tompkins	Zaffke
Pappas	Riveness	Simoneau	Tunheim	Spk. Jennings, D.
Pauly	Rodosovich	Skoglund	Uphus	
Peterson	Rose	Solberg	Valan	

The bill was passed and its title agreed to.

H. F. No. 265, A bill for an act relating to insurance; dram-shop liability; authorizing annual aggregate policy limits; amending Minnesota Statutes 1984, section 340.11, subdivision 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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Krueger	Otis	Sherman
Anderson, R.	Fjoslien	Kvam	Ozment	Simoneau
Backlund	Forsythe	Levi	Pappas	Skoglund
Battaglia	Frederick	Lieder	Pauly	Solberg
Beard	Frederickson	Long	Peterson	Sparby
Becklin	Frerichs	Marsh	Piepho	Stanius
Begich	Greenfield	McDonald	Piper	Staten
Bennett	Gruenes	McEachern	Poppenhagen	Sviggum
Bishop	Gutknecht	McKasy	Price	Thiede
Blatz	Halberg	McLaughlin	Quist	Thorson
Boerboom	Hartinger	McPherson	Redalen	Tjornhom
Boo	Hartle	Metzen	Rees	Tomlinson
Brandl	Haukoos	Miller	Rest	Tompkins
Brinkman	Heap	Minne	Rice	Tunheim
Brown	Himle	Munger	Richter	Uphus
Burger	Jacobs	Murphy	Riveness	Valan
Carlson, D.	Jaros	Nelson, D.	Rodosovich	Valento
Carlson, J.	Jennings, L.	Nelson, K.	Rose	Vanasek
Carlson, L.	Johnson	Neuenschwander	Sarna	Vellenga
Clark	Kahn	Norton	Schafer	Voss
Clausnitzer	Kalis	O'Connor	Scheid	Waltman
Cohen	Kelly	Ogren	Schoenfeld	Welle
Dempsey	Kiffmeyer	Olsen, S.	Schreiber	Wenzel
Dyke	Knickerbocker	Omann	Seaberg	Wynia
Elioff	Knuth	Onnen	Segal	Zaffke
Ellingson	Kostohryz	Osthoff	Shaver	Spk. Jennings, D.

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 Jennings, D., in the Chair for

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 recommendations of the Committee were reported to the House:

S. F. No. 100 was recommended to pass.

H. F. No. 241 was recommended for progress.

On the motion of Levi 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:

Skoglund; Scheid; Cohen; Otis; Nelson, D.; Jennings, L.; Metzen; Voss; Rodosovich; Murphy; Krueger; Brandl; Tunheim; Price; Knuth; Brown; Welle; Rest; Lieder; Olson, E.; Riveness; Kahn; Long; Norton and Nelson, K., offered an amendment to S. F. No. 100.

#### POINT OF ORDER

Schreiber raised a point of order pursuant to rule 3.10 that the Skoglund et al. amendment was not in order. Chairperson Jennings, D., ruled the point of order well taken and the amendment out of order.

Norton appealed the decision of the Chair.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of Chairperson Jennings, D., stand as the judgment of the House?" and the roll was called. There were 72 yeas and 34 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Brandl	Erickson	Halberg	Johnson
Backlund	Burger	Fjoslien	Hartinger	Kelly
Becklin	Carlson, D.	Forsythe	Hartle	Kiffmeyer
Bennett	Carlson, J.	Frederick	Haukoos	Knickerbocker
Blatz	Clausnitzer	Frederickson	Heap	Krueger
Boerboom	Dempsey	Gruenes	Himle	Kvam
Boo	Dyke	Gutknecht	Jacobs	Levi

Marsh	Onnen	Richter	Sviggum	Waltman
McDonald	Ozment	Rose	Thiede	Welle
McKasy	Pappas	Scheid	Thorson	Wenzel
McPherson	Pauly	Schreiber	Tjornhom	Zaffke
Miller	Piepho	Seaberg	Tompkins	Spk. Jennings, D.
Neuenschwander	Poppenhagen	Shaver	Uphus	
Oisen, S.	Redalen	Sherman	Valan	
Omann	Rees	Stanisus	Valento	

Those who voted in the negative were :

Battaglia	Greenfield	Nelson, D.	Price	Skoglund
Beard	Jennings, L.	Norton	Rest	Solberg
Brown	Kahn	O'Connor	Rice	Sparby
Carlson, L.	Knuth	Ogren	Riveness	Staten
Clark	Kostohryz	Otis	Rodosovich	Vanasek
Cohen	Lieder	Peterson	Sarna	Voss
Elioff	McLaughlin	Piper	Segal	

So it was the judgment of the House that the decision of Chairperson Jennings, D., should stand.

### MOTIONS AND RESOLUTIONS

Knickerbocker moved that the names of Gutknecht, Sviggum and Dempsey be added as authors on H. F. No. 98. The motion prevailed.

Knickerbocker moved that the names of Ozment, Gutknecht and Simoneau be added as authors on H. F. No. 110. The motion prevailed.

Kvam moved that the name of Jacobs be added as an author on H. F. No. 265. The motion prevailed.

Knickerbocker moved that the name of Stanisus be stricken as an author on H. F. No. 272. The motion prevailed.

Wenzel moved that the name of Neuenschwander be added as an author on H. F. No. 404. The motion prevailed.

Elioff moved that the name of Clark be added as an author on H. F. No. 410. The motion prevailed.

McDonald moved that the name of Carlson, D., be stricken and the names of Long, Schafer, Sparby and Fjoslien be added as authors on H. F. No. 417. The motion prevailed.

Nelson, D., moved that the name of Segal be added as an author on H. F. No. 439. The motion prevailed.

Pauly moved that H. F. No. 495 be recalled from the Committee on Appropriations and be re-referred to the Committee on Taxes. The motion prevailed.

Gruenes and Marsh introduced:

House Resolution No. 6, A house resolution recognizing the outstanding Parents are Teachers program and Family Oriented Structured Preschool Activity program achievements at the St. Cloud Area Vocational Technical Institute.

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

#### POINT OF ORDER

Voss raised a point of order pursuant to rule 5.9 that H. F. No. 400 be re-referred to the Committee on Taxes. The Speaker ruled the point of order well taken and H. F. No. 400 was re-referred to the Committee on Taxes.

#### ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, February 21, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, February 21, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives





## STATE OF MINNESOTA

## SEVENTY-FOURTH SESSION - 1985

## SIXTEENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 21, 1985

The House of Representatives convened at 2:00 p.m. and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Reverend Mark Wiberg, Mount Olivet Lutheran Church, Minneapolis, Minnesota.

The roll was called and the following members were present:

Anderson, G.	Erickson	Krueger	Otis	Shaver
Anderson, R.	Fjoslien	Kvam	Ozment	Sherman
Backlund	Forsythe	Levi	Pappas	Simoneau
Battaglia	Frederick	Lieder	Pauly	Skoglund
Beard	Frederickson	Long	Peterson	Solberg
Becklin	Frerichs	Marsh	Piepho	Sparby
Begich	Greenfield	McDonald	Piper	Stanius
Bennett	Gruenes	McEachern	Poppenhagen	Staten
Bishop	Gutknecht	McKasy	Price	Sviggum
Blatz	Halberg	McLaughlin	Quinn	Thiede
Boerboom	Hartinger	McPherson	Quist	Thorson
Boo	Hartle	Metzen	Redalen	Tjornhom
Brandl	Haukoos	Miller	Rees	Tomlinson
Brinkman	Heap	Minne	Rest	Tompkins
Brown	Himle	Munger	Rice	Tunheim
Burger	Jacobs	Murphy	Richter	Uphus
Carlson, D.	Jaros	Nelson, D.	Riveness	Valan
Carlson, J.	Jennings, L.	Neuenschwander	Rodosovich	Valento
Carlson, L.	Johnson	Norton	Rose	Vellenga
Clausnitzer	Kahn	O'Connor	Sarna	Voss
Cohen	Kalis	Ogren	Schafer	Waltman
Dempsey	Kelly	Olsen, S.	Scheid	Welle
DenOuden	Kiffmeyer	Olson, E.	Schoenfeld	Wenzel
Dimler	Knickerbocker	Omman	Schreiber	Wynia
Dyke	Knuth	Onnen	Seaberg	Zaffke
Elioff	Kostohryz	Osthoff	Segal	Spk. Jennings, D.

A quorum was present.

Clark; Ellingson; Nelson, K., and Vanasek 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. 97, 98, 210, 34 and 336 and S. F. Nos. 46, 263, 69 and 223 have been placed in the members' files.

## REPORTS OF STANDING COMMITTEES

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 67, A bill for an act relating to judges; providing for the manner of filling vacancies in the office of judge; proposing coding for new law in Minnesota Statutes, chapter 480B.

Reported the same back with the following amendments:

Page 2, line 13, delete "(4)" and insert "(3)"

Page 2, line 17, delete "clause (1) or (4)" and insert "clauses (1) to (4)"

Page 2, line 31, delete "six" and insert "seven"

With the recommendation that when so amended the bill pass.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 68, A bill for an act relating to trusts; eliminating the requirement of qualifying trustees in certain cases; amending Minnesota Statutes 1984, section 524.3-913.

Reported the same back with the following amendments:

Page 1, line 18, after "is" insert "expressly requested by will or"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 140, A bill for an act relating to financial institutions; providing for deposits by minors and deposits in multi-

party accounts; regulating multi-party accounts; amending Minnesota Statutes 1984, sections 48.30; 52.13; 528.02, subdivisions 3, 6, 8, and 11; 528.04; 528.05; 528.06; 528.07; 528.08; 528.09; 528.10; 528.11; 528.13; and 528.15; proposing coding for new law in Minnesota Statutes, chapters 48, 51A, and 52; repealing Minnesota Statutes 1984, sections 51A.26; 51A.28; 528.02, subdivision 15; and 528.12.

Reported the same back with the following amendments:

Page 11, line 36, delete the second comma

Page 11, line 36, strike "sections 3 to 27"

With the recommendation that when so amended the bill pass.

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 151, A bill for an act relating to education; prohibiting a school district from commencing the school year prior to Labor Day; amending Minnesota Statutes 1984, section 126.12.

Reported the same back with the following amendments:

Page 1, line 12, after "year" insert "*for grades kindergarten through twelve*"

Page 1, line 14, after the period insert "*To the extent possible, those districts which enter into interdistrict cooperation aid agreements pursuant to section 124.272 are encouraged to adopt similar school calendars.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 213, A bill for an act relating to crimes; authorizing parents of children in day care facilities to be informed of abuse reports under the reporting of maltreatment of minors act; amending Minnesota Statutes 1984, section 626.556, subdivision 10.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 626.556, subdivision 10b, is amended to read:

Subd. 10b. [DUTIES OF COMMISSIONER; NEGLECT OR ABUSE IN A FACILITY.] If the report alleges that a child in the care of a facility as defined in subdivision 2 is neglected, physically abused, or sexually abused by an individual in that facility, the commissioner shall immediately investigate. The commissioner shall arrange for the transmittal to him of reports received by local agencies and may delegate to a local welfare agency the duty to investigate reports. In conducting an investigation under this section, the commissioner has the powers and duties specified for local welfare agencies under this section. *The commissioner or the local welfare agency may interview any children who are or have been in the care of the facility under investigation and their parents, guardians, or legal custodians.*

*Prior to any interview, the commissioner or local welfare agency shall provide the following information to the parent, guardian, or legal custodian of a child who will be interviewed: the name of the facility, the fact that a report alleging neglect, physical abuse, or sexual abuse of a child in the facility has been received, and the nature of the alleged neglect, physical abuse, or sexual abuse.*

Sec. 2. Minnesota Statutes 1984, section 626.556, is amended by adding a subdivision to read:

Subd. 10c. [NOTIFICATION OF NEGLECT OR ABUSE IN A FACILITY.] *When a report is received that alleges neglect, physical abuse, or sexual abuse of a child in a facility required to be licensed pursuant to sections 245.781 to 245.812, the commissioner or the local welfare agency investigating the report shall provide the following information to the parent, guardian, or legal custodian of a child alleged to have been neglected, physically abused, or sexually abused: the name of the facility, the fact that a report alleging neglect, physical abuse, or sexual abuse of a child in the facility has been received, and the nature of the alleged neglect, physical abuse, or sexual abuse. The commissioner or the local welfare agency may also provide this information to the parent, guardian, or legal custodian of each child in the facility if the investigative agency knows or has reason to believe the alleged neglect, physical abuse, or sexual abuse has occurred.*

*When the commissioner or local welfare agency has completed its investigation, every parent, guardian, or legal custodian notified of the investigation shall be provided with the following*

*information in a written report: the name of the facility investigated, the nature of the alleged neglect, physical abuse, or sexual abuse, relevant information obtained from medical or other records reviewed, the investigator's name, a summary of the investigation findings, and a statement whether the report was found to be substantiated, unsubstantiated, or could not be either substantiated or disproved. The report shall be written in a manner that protects the identity of the reporter and the child and shall not contain the name, or to the extent possible, reveal the identity of the alleged perpetrator or of those interviewed during the investigation. The commissioner or local welfare agency may also provide the written report to the parent, guardian, or legal custodian of each child in the facility.*

Sec. 3. Minnesota Statutes 1984, section 626.556, subdivision 11, is amended to read:

Subd. 11. [RECORDS.] All records maintained by a local welfare agency under this section, including any written reports filed under subdivision 7, shall be private data on individuals, except insofar as copies of reports are required by subdivision 7 to be sent to the local police department or the county sheriff, and except as otherwise provided in subdivision 10c. 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 involving 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 those sections, except that the name of the reporter shall be confidential while the report is under assessment or investigation. After the assessment or 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 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 assessment or 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 assessment or 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 assessment or investigation, cannot be substantiated or disproved to the satisfaction of the local welfare agency, local police department or county sheriff may be kept for a period of one year. If the local welfare agency, 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. 4. Minnesota Statutes 1984, section 626.557, is amended by adding a subdivision to read:

*Subd. 11a. [LICENSING AGENCY NOTICE TO PARENT OR GUARDIAN.] When a licensing agency receives a report of alleged abuse or neglect of a vulnerable adult in a facility required to be licensed pursuant to section 144A.02 or sections 245.781 to 245.812, the agency shall provide the following information to the parents, guardian, conservator, spouse, legal representative, or other person identified as next of kin of a vulnerable adult alleged to have been abused or neglected: the name of the facility, the fact that a report of alleged abuse or neglect of a vulnerable adult in the facility has been received, and the nature of the alleged abuse or neglect. The licensing agency may also inform the parents, guardian, conservator, spouse, legal representative, or other person identified as next of kin of each vulnerable adult in the facility.*

*When the licensing agency's investigation is complete, the licensing agency shall send a copy of the investigation memorandum prepared pursuant to subdivision 12 to every parent, guardian, conservator, spouse, legal representative, or other person identified as next of kin notified of the investigation. The licensing agency may also provide a copy of the investigation memorandum to the parent, guardian, conservator, spouse, legal representative, or other person identified as next of kin of each vulnerable adult in the facility where a report of alleged abuse or neglect was made.*

Sec. 5. Minnesota Statutes 1984, section 626.557, subdivision 12, is amended to read:

*Subd. 12. [RECORDS.] During the licensing agency's investigation, all data collected pursuant to this section shall be classified as investigative data pursuant to section 13.39 except that information may be disclosed as provided in subdivision 11a. After the licensing agency's investigation is complete, all data collected and maintained on individuals shall be private data. Both during the licensing agency's investigation and after*

*the licensing agency's investigation is complete, all data collected and maintained pursuant to this section shall be made available to prosecuting authorities and law enforcement officials, local welfare agencies, and licensing agencies investigating the alleged abuse or neglect. Except as otherwise provided in this subdivision, after the licensing agency's investigation is complete, the name of the reporter shall be disclosed only upon court order based on a finding that the report was false and made in bad faith.*

Each licensing agency shall maintain summary records of reports of (SUSPECTED) *alleged* abuse or neglect and (SUSPECTED) *alleged* violations of the requirements of this section with respect to facilities or persons licensed or credentialed by that agency. As part of these records, the agency shall prepare an investigation memorandum. The investigation memorandum shall be accessible to the public pursuant to section 13.03. It shall contain a complete review of the agency's investigation, including but not limited to the (FACILITY'S) *name of any facility investigated, (IF ANY), a statement of the nature of the (SUSPECTED) alleged* abuse or neglect or *other* violation of the requirements of this section, pertinent information obtained from medical or other records reviewed, the investigator's name, a summary of the investigation's findings, (AND) a statement of (ANY DETERMINATION MADE OR) *whether the report was found to be substantiated, false, or unsubstantiated, and a statement of any action taken by the agency.* The investigation memorandum shall be written in a manner which protects the identity of the reporter and of the vulnerable adult and may not contain the name or, to the extent possible, the identity of the alleged perpetrator or of those interviewed during the investigation. (DURING THE LICENSING AGENCY'S INVESTIGATION, ALL DATA COLLECTED PURSUANT TO THIS SECTION SHALL BE CLASSIFIED AS INVESTIGATIVE DATA PURSUANT TO SECTION 13.39. 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 SHALL BE MADE AVAILABLE TO PROSECUTING AUTHORITIES AND LAW ENFORCEMENT OFFICIALS, LOCAL WELFARE AGENCIES, AND LICENSING AGENCIES INVESTIGATING THE ALLEGED ABUSE OR NEGLECT. NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE NAME OF THE REPORTER SHALL BE DISCLOSED ONLY UPON A FINDING BY THE COURT THAT THE REPORT WAS FALSE AND MADE IN BAD FAITH.)

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."

Delete the title and insert:

"A bill for an act relating to the maltreatment of minors or vulnerable adults in certain licensed facilities; providing for notification of parents or guardians after reports of alleged abuse; clarifying certain provisions; amending Minnesota Statutes 1984, sections 626.556, subdivisions 10b, 11, and by adding a subdivision; and 626.557, subdivision 12, and by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 320, A bill for an act relating to the city of Roseville; increasing the total number of on-sale liquor licenses.

Reported the same back with the following amendments:

Page 1, line 9, delete "30" and insert "36"

With the recommendation that when so amended the bill pass.

The report was adopted.

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 438, A bill for an act relating to housing; raising the limit on the total amount of Minnesota housing finance agency bonds and notes outstanding; amending Minnesota Statutes 1984, section 462A.22, subdivision 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

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

House Resolution No. 1, A house resolution extending condolences to the families and friends of the volunteer firefighters who died in a fire in Sauk Centre and indicating appreciation to all firefighters.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

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

House Concurrent Resolution No. 3, A house concurrent resolution providing for a joint convention of the Senate and the House of Representatives to elect members of the Board of Regents of the University of Minnesota.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 67, 68, 140, 151, 213 and 320 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Jacobs introduced:

H. F. No. 522, A bill for an act relating to taxation; adopting federal taxable income for individual income tax purposes; reducing the tax rate; amending Minnesota Statutes 1984, sections 41.55; 290.01, subdivisions 19, 20, 20a, 20b, and 20d; 290.012, subdivision 2; 290.06, subdivisions 2c, 2d, 3f, and 11; 290.068, subdivisions 1, 3, and 4; 290.069, subdivisions 4b, 5, 6, and 7; 290.08, subdivision 1; 290.09, subdivisions 1, 2, and 29; 290.091; 290.095, subdivisions 7, 9, and 11; 290.10; 290.101, subdivision 1; 290.12, subdivisions 1 and 2; 290.14; 290.16, subdivision 1a; 290.23, subdivisions 3 and 5; 290.311, subdivision 1; 290.37, subdivisions 1 and 3; 290.38; 290.39, subdivisions 1a and 2; 290.46;

290.49, subdivision 10; 290.92, subdivisions 2a, 5, and 21; 290.93, subdivision 10; 290.9726, subdivision 1; 290.974; and 290A.03, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 290; repealing Minnesota Statutes 1984, sections 41.58, subdivision 3; 41.59, subdivisions 2 and 3; 290.01, subdivisions 20c, 20f, and 26; 290.06, subdivisions 3e, 14, 16, 17, 18, and 19; 290.069, subdivisions 4 and 4a; 290.077, subdivision 4; 290.08, subdivisions 23 and 24; 290.088; 290.089; 290.17, subdivision 1a; 290.18, subdivision 2; 290.41, subdivision 5; and 290.9726, subdivision 5.

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

Anderson, R., introduced:

H. F. No. 523, A bill for an act relating to industrial development bonds; requiring the refund of application deposits to the city of Fergus Falls.

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

Anderson, R., introduced:

H. F. No. 524, A bill for an act relating to industrial development bonds; requiring the refund of certain 1984 application deposits.

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

Olsen, S.; Erickson; McEachern and Nelson, K., introduced:

H. F. No. 525, A bill for an act relating to education; requiring an educational cooperative service unit to conduct a meeting annually to discuss issues of mutual concern and to facilitate coordination and cooperation; amending Minnesota Statutes 1984, section 123.58, by adding a subdivision.

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

Solberg, Begich, Redalen and Neuenschwander introduced:

H. F. No. 526, A bill for an act relating to local government; fixing conditions of certain energy improvement loans; amending Minnesota Statutes 1984, section 471.65.

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

Carlson, D., for the Committee on Transportation, introduced:

H. F. No. 527, A resolution memorializing the President and Congress of the United States to take prompt action to enact an interstate cost estimate bill.

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

McLaughlin, Long, Otis, Staten and Kahn introduced:

H. F. No. 528, A bill for an act relating to Special School District No. 1 of the city of Minneapolis; increasing the size of the board of education to nine members; providing for six members to be elected by districts; amending Laws 1959, chapter 462, section 3, subdivisions 1 and 3, as amended and renumbered.

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

Knickerbocker, Sviggum, Norton, Waltman and Simoneau introduced:

H. F. No. 529, A bill for an act relating to state and local government; providing procedures for the conduct of meetings by public bodies; amending Minnesota Statutes 1984, sections 62E.10, subdivision 4; 116C.60; 129.121, subdivision 5; 144.413, subdivision 3; 144.581, subdivision 4; and 400.04, subdivision 3; proposing coding for new law as Minnesota Statutes, chapter 471A; repealing Minnesota Statutes 1984, section 471.705.

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

Waltman, Richter and Uphus introduced :

H. F. No. 530, A bill for an act relating to commerce; regulating transient merchants; amending Minnesota Statutes 1984, sections 329.099; 329.14; and 329.15.

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

Nelson, K.; Kelly; Sherman; Ozment and Lieder introduced :

H. F. No. 531, A bill for an act relating to drivers licenses; prohibiting driver's license renewal for traffic violators with outstanding fines; amending Minnesota Statutes 1984, section 171.16, subdivision 3.

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

Poppenhagen introduced :

H. F. No. 532, A bill for an act relating to commerce; changing a cross reference relating to undistributed property after dissolution of a cooperative; amending Minnesota Statutes 1984, section 308.14, subdivision 3b.

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

Rose, Kalis, Knuth, Himle and Carlson, D., introduced :

H. F. No. 533, A bill for an act relating to occupations and professions; concerning the practice of veterinary medicine; allowing foreign veterinary graduates to be admitted to practice under certain conditions; amending Minnesota Statutes 1984, sections 156.001; 156.02, subdivision 1; 156.081, subdivision 2; and 156.12, subdivision 2; repealing Minnesota Statutes 1984, section 156.09.

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

Begich, Battaglia, Solberg and O'Connor introduced :

H. F. No. 534, A bill for an act relating to traffic regulations; providing that excessive motor vehicle speed of not more than ten miles per hour is a conservation violation; providing a penalty; amending Minnesota Statutes 1984, section 169.141, subdivision 2, and by adding a subdivision.

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

Sherman, Valento, Kahn, Onnen and Dempsey introduced :

H. F. No. 535, A bill for an act relating to public health; prohibiting the use of lead in solder in certain instances; proposing coding for new law in Minnesota Statutes, chapter 145.

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

Sparby; Carlson, D., and Begich introduced :

H. F. No. 536, A bill for an act relating to public safety; regulating transportation of firearms and bows; amending Minnesota Statutes 1984, section 100.29, subdivision 5.

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

Solberg and Neuenschwander introduced :

H. F. No. 537, A bill for an act relating to Itasca county; changing the permissible expenditure on tourist, agricultural, and industrial promotion; amending Laws 1965, chapter 326, section 1, subdivision 5, as amended.

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

Onnen, Tomlinson and Schreiber introduced :

H. F. No. 538, A bill for an act relating to taxation; updating income tax provisions to changes in the Internal Revenue Code; amending Minnesota Statutes 1984, sections 290.01, subdivisions 20, 20a, 20b, and 21; 290.032, subdivision 1; 290.06, subdivision 14; 290.067, subdivision 1; 290.068, subdivisions 2, 4, and 5; 290.07, subdivisions 5 and 7; 290.071, subdivision 5; 290.079, subdivision 1; 290.08, subdivision 26; 290.089, subdivision 7; 290.09, subdivisions 7 and 19; 290.091; 290.10; 290.13, subdivision 1; 290.131, subdivision 1; 290.132, subdivision 1; 290.133, subdivision 1; 290.135, subdivision 1; 290.136, subdivision 1; 290.14; 290.16, subdivisions 3, 7, 9, 13, 15, 16, and by adding a subdivision; 290.17, subdivision 2; 290.21, subdivision 4; 290.23, subdivision 5; 290.26, subdivision 2; 290.31, subdivisions 2, 4, and 5; 290.37, subdivision 1; 290.39, subdivision 2; 290.41, subdivision 1, and by adding a subdivision; 290.53, subdivision 9; 290.65, subdivision 16; 290.93, subdivisions 1, 3, 5, 6, 7, and 10; and 290A.03, subdivision 3; repealing Laws 1984, chapter 502, article 2, section 4.

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

Gruenes, Price, Omann, Jacobs and Redalen introduced :

H. F. No. 539, A bill for an act relating to utilities; excepting certain public utility pipelines from county and environmental quality board regulation; authorizing settlement in cases of proposed general rate increases by public utilities upon review and approval by public utilities commission; authorizing department of public service to consolidate prehearing discovery activities of attorney general regarding utility rate changes; eliminating depreciation as factor in commission determination of fair rate of return for utility; allowing certain advertising expense of utility to be considered for rate purposes; providing new standard for intervention cost reimbursement in rate proceedings; increasing cost limitation for utility to acquire use of additional operating unit before commission authorization is required; amending Minnesota Statutes 1984, sections 116I.01, subdivision 3; 216B.16, subdivisions 1a, 2, 6, 8, and 10; and 216B.50, subdivision 1.

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

Clark; Anderson, R., and Onnen introduced:

H. F. No. 540, A bill for an act relating to human services; conforming liquid asset limits in the Minnesota supplemental aid program for persons eligible by reason of old age or disability to the limits prescribed by the federal supplemental security income program; amending Minnesota Statutes 1984, section 256D.37, subdivision 2.

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

Pappas, Seaberg, McKasy, Valento and Kiffmeyer introduced:

H. F. No. 541, A bill for an act relating to taxation; property; exempting certain real property owned by certain fraternal organizations; amending Minnesota Statutes 1984, section 272.02, subdivision 1.

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

McLaughlin, Rest, Brandl and Clark introduced:

H. F. No. 542, A bill for an act relating to taxation; income; modifying the minimum tax; amending Minnesota Statutes 1984, section 290.091.

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

Halberg, Tompkins, Cohen, Himle and Backlund introduced:

H. F. No. 543, A bill for an act relating to human rights; removing a statutory prohibition on waiver of remedies under the human rights act; repealing Minnesota Statutes 1984, section 363.031.

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



Schreiber introduced :

H. F. No. 544, A bill for an act relating to private activity bonds; modifying the method of allocating authority to issue private activity obligations; correcting erroneous references; appropriating money; amending Minnesota Statutes 1984, sections 116J.58, subdivision 4; 474.16, by adding subdivisions; 474.17, subdivisions 1, 3, and 4; 474.19; 474.20; 474.22; and 474.23; proposing coding for new law in Minnesota Statutes, chapter 474; repealing Minnesota Statutes 1984, sections 474.16, subdivisions 3 and 4; 474.18; 474.24; and Laws 1984, chapter 582, section 23.

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

Poppenhagen, Sviggum, Simoneau, Schoenfeld and Heap introduced :

H. F. No. 545, A bill for an act relating to insurance; removing the limits on credits offered on workers' compensation insurance premiums; amending Minnesota Statutes 1984, section 79.55, by adding a subdivision.

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

Sviggum, Kvam, Quist, Greenfield and Welle introduced :

H. F. No. 546, A bill for an act relating to human services; requiring a study and report on public guardianship.

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

Clausnitzer, Shaver and Heap introduced :

H. F. No. 547, A bill for an act relating to local government; providing conditions for the adoption or amendment of comprehensive municipal plans; amending Minnesota Statutes 1984, section 462.355, subdivision 3.

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

McKasy, Blatz, Norton, Schreiber and Brandl introduced:

H. F. No. 548, A bill for an act relating to taxation; increasing the income tax itemized deduction for use of an automobile for volunteer services; amending Minnesota Statutes 1984, section 290.089, subdivision 2.

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

Boo, Schafer and Shaver introduced:

H. F. No. 549, A bill for an act relating to elections; permitting employers to deduct pay from employees who take time off from work to vote; amending Minnesota Statutes 1984, section 204C.04.

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

Voss, Murphy, Jacobs, Knuth and Price introduced:

H. F. No. 550, A bill for an act relating to taxation; sales and use; motor vehicle excise; reducing the general rate to five percent; amending Minnesota Statutes 1984, sections 297A.02, subdivision 1; 297A.03, subdivision 2; and 297A.14.

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

Begich, Battaglia, Rose and Carlson, D., introduced:

H. F. No. 551, A bill for an act relating to game and fish; prohibiting harassment of hunters, trappers, and fishers; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 97.

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

Halberg, Brinkman, Dempsey, Voss and Gruenes introduced :

H. F. No. 552, A bill for an act relating to insurance; providing for the regulation of fraternal benefit societies; proposing coding for new law as Minnesota Statutes, chapter 64B; repealing Minnesota Statutes 1984, sections 64A.01 to 64A.48.

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

Nelson, K.; Quinn; McEachern; Erickson and Olsen, S., introduced :

H. F. No. 553, A bill for an act relating to education; establishing a task force to study and make recommendations about educational options for pupils in 11th and 12th grades; appropriating money.

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

Otis; Olsen, S.; Nelson, K., and Backlund introduced :

H. F. No. 554, A bill for an act relating to education; establishing a statewide task force to facilitate cooperation between teachers in the schools and parents.

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

Nelson, K.; Erickson; McEachern; Thiede and Tunheim introduced :

H. F. No. 555, A bill for an act relating to education; adding academic contests and conferences to the responsibilities of the Minnesota state high school league; amending Minnesota Statutes 1984, section 129.121, subdivision 1.

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

Dempsey, Minne, Scheid, Marsh and Carlson, J., introduced :

H. F. No. 556, A bill for an act relating to taxation; modifying certain procedures relating to taxpayer appeals; requiring apportionment of levies in specific situations; changing the tax treat-

ment of certain exempt property; clarifying the calculation of property tax credits; clarifying the tax treatment of certain pipelines; modifying provisions relating to the payment of property taxes; allowing for sales of sample packs of cigarettes containing 25 cigarettes; clarifying procedures relating to the sale of cigarettes to American Indians; altering the eligibility for confessions of judgment; providing for the recording of state deeds; modifying the deed stamp tax procedure; clarifying the computation of gross earnings tax for taconite railroads; clarifying labor credit provisions; clarifying process of taconite aid guarantee phase out; clarifying cost of doing business provisions for cigarette wholesalers; requiring payment of current taxes before conveyance of registered land; allowing for memorializing of state deeds on certificates of title; clarifying cancellation of contract for deed provisions; amending Minnesota Statutes 1984, sections 270.076, subdivision 2; 270.11, subdivision 7; 270.12, subdivision 3; 272.01, subdivision 2, and by adding a subdivision; 272.02, subdivision 1; 273.123, subdivision 5; 273.13, subdivision 4; 273.138, subdivision 5; 273.33, subdivisions 1 and 2; 279.01, subdivision 1; 279.37, subdivision 1; 282.01, subdivision 6; 282.014; 282.301; 282.33, subdivision 1; 282.36; 287.25; 294.22; 297.03, subdivision 10; 297.041; 298.02, subdivision 1; 298.225; 325D.32, subdivisions 10 and 11; 473H.10, subdivision 3; 508.47, subdivision 1; 508.71, subdivision 4; 559.21, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 273; repealing Minnesota Statutes 1984, sections 273.19; 297.02, subdivision 2; and 477A.04.

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

Rose, Osthoff and Wynia introduced:

H. F. No. 557, A bill for an act relating to the University of Minnesota; appropriating money for road improvements in the city of Falcon Heights.

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

Blatz, Riveness and Himle introduced:

H. F. No. 558, A bill for an act relating to metropolitan government; providing conditions for the disposal of certain sports facilities property; amending Minnesota Statutes 1984, section 473.556, subdivision 6.

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

Nelson, D.; Seaberg; Clausnitzer; Pappas and Rest introduced:

H. F. No. 559, A bill for an act relating to marriage dissolution; requiring child support obligors to file address changes with the family court and the ex-spouse; amending Minnesota Statutes 1984, section 518.55, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Richter, Poppenhagen and Anderson, R., introduced:

H. F. No. 560, A bill for an act relating to the city of New York Mills; authorizing the city of New York Mills to open New York Mills hospital as an intermediate care facility.

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

Halberg, McKasy, Tompkins, Levi and Forsythe introduced:

H. F. No. 561, A bill for an act relating to marriage dissolution; eliminating the statistical report form requirement; repealing Minnesota Statutes 1984, section 518.147.

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

Wynia, Brinkman, Rees, Valan and Scheid introduced:

H. F. No. 562, A bill for an act relating to insurance; providing for the regulation of insurance holding company systems; modifying the commissioner's jurisdiction with respect to acquisitions of control; making miscellaneous style and form changes; amending Minnesota Statutes 1984, section 60D.02, subdivisions 1, 2, and 4; repealing Minnesota Statutes 1984, sections 60D.01, subdivision 8; and 60D.02, subdivision 5.

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

Nelson, D.; McKasy; Vanasek; Onnen and Quist introduced:

H. F. No. 563, A bill for an act relating to real property; changing the manner of serving notice to register title to real estate; amending Minnesota Statutes 1984, sections 508.16, subdivision 1; 508.29; 508.39; and 508A.39.

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

Piepho, Boerboom, Thorson, Elioff and Sherman introduced:

H. F. No. 564, A bill for an act relating to education; adjusting the determination of tuition; amending Minnesota Statutes 1984, section 135A.03, subdivision 1.

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

Welle, Redalen and Peterson introduced:

H. F. No. 565, A bill for an act relating to soil and water conservation; changing powers and duties of the state board; amending Minnesota Statutes 1984, section 40.03, subdivision 4.

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

Segal; Erickson; Nelson, K.; Olsen, S., and Schafer introduced:

H. F. No. 566, A bill for an act relating to education; establishing a health awareness program in public elementary and secondary schools; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124.

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

Backlund, Clark, Battaglia, McPherson and Thiede introduced:

H. F. No. 567, A bill for an act relating to education; clarifying the least restrictive environment for the handicapped; amending Minnesota Statutes 1984, section 120.17, subdivision 3a.

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

Halberg, Bishop and Cohen introduced :

H. F. No. 568, A bill for an act relating to causes of action; allowing an award of damages for mental anguish in actions for death by wrongful act; amending Minnesota Statutes 1984, section 573.02, subdivisions 1 and 4.

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

Schreiber; Tomlinson; Jennings, D.; Levi and Norton introduced :

H. F. No. 569, A bill for an act relating to taxation; providing a procedure for temporary updating of income tax references to the Internal Revenue Code in certain instances; proposing coding for new law in Minnesota Statutes, chapter 290.

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

Kelly, Seaberg, Greenfield and McLaughlin introduced :

H. F. No. 570, A bill for an act relating to the supreme court; removing the sunset provision for the surcharge on filing fees in civil actions to fund legal services; repealing Laws 1982, chapter 489, section 11.

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

Ozment, Levi, Valento, Stanius and Voss introduced :

H. F. No. 571, A bill for an act relating to the legislature; establishing a commission to review metropolitan government; proposing coding for new law in Minnesota Statutes, chapter 3.

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

Fjoslien, Munger, Wenzel, Uphus and McDonald introduced :

H. F. No. 572, A bill for an act relating to agriculture; appropriating money for additional apiary inspection staff and staff support.

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

Nelson, K.; Skoglund and Pauly introduced:

H. F. No. 573, A bill for an act relating to human services; establishing a children's trust fund for the prevention of child abuse and neglect; establishing an income tax checkoff to provide money for the fund; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 256 and 290.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

### 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. 336, A bill for an act relating to public finance; providing for allocation of 1984 state private activity bond issuance authority; proposing coding for new law in Minnesota Statutes, chapter 474.

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. 328.

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. 196.

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. 412.

PATRICK E. FLAHAVEN, Secretary of the Senate



## FIRST READING OF SENATE BILLS

S. F. No. 328, A bill for an act relating to charitable gambling; changing the effective date for licensing by the charitable gambling control board; clarifying that certain revenue may be used for arts education programs; amending Minnesota Statutes 1984, section 349.212, subdivision 3; and Laws 1984, chapter 502, article 12, section 26.

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

S. F. No. 196, A bill for an act relating to crimes; requiring the county attorney to prosecute failure to report child abuse or neglect; providing for the reporting of child abuse or neglect; defining certain terms; clarifying immunity from liability for reporting child abuse or neglect; providing for concise summaries of disposition of reports; making technical changes; prescribing penalties; amending Minnesota Statutes 1984, sections 388.051, subdivision 2; and 626.556, subdivisions 1, 2, 3, 4, 4a, 5, 6, 9, and 11.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

S. F. No. 412, A bill for an act relating to housing; raising the limit on the total amount of Minnesota housing finance agency bonds and notes outstanding; amending Minnesota Statutes 1984, section 462A.22, subdivision 1.

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

## CONSENT CALENDAR

H. F. No. 98, A bill for an act relating to retirement; expanding the availability of certain appropriations for actuarial services.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Boerboom	Dempsey	Frederickson	Himle
Anderson, R.	Boo	DenOuden	Greenfield	Jacobs
Backlund	Brinkman	Dimler	Gruenes	Jaros
Battaglia	Brown	Dyke	Gutknecht	Jennings, L.
Beard	Burger	Elioff	Halberg	Johnson
Becklin	Carlson, J.	Erickson	Hartinger	Kalis
Begich	Carlson, L.	Fjoslien	Hartle	Kelly
Bennett	Clausnitzer	Forsythe	Haukoos	Kiffmeyer
Blatz	Cohen	Frederick	Heap	Knickerbocker

Knuth	Murphy	Poppenhagen	Schoenfeld	Tomlinson
Kostohryz	Nelson, D.	Price	Seaberg	Tompkins
Krueger	Norton	Quinn	Segal	Tunheim
Levi	O'Connor	Quist	Shaver	Uphus
Lieder	Ogren	Redalen	Sherman	Valan
Long	Olsen, S.	Rees	Simoneau	Valento
Marsh	Olson, E.	Rest	Skoglund	Vellenga
McDonald	Onnen	Rice	Solberg	Voss
McEachern	Osthoff	Richter	Sparby	Waltman
McLaughlin	Otis	Riveness	Stanius	Wenzel
McPherson	Ozment	Rodosovich	Staten	Wynia
Metzen	Pappas	Rose	Sviggunn	Zaffke
Miller	Pauly	Sarna	Thiede	Spk. Jennings, D.
Minne	Peterson	Schafer	Thorson	
Munger	Piper	Scheid	Tjornhom	

The bill was passed and its title agreed to.

## CALENDAR

### POINT OF ORDER

Voss raised a point of order pursuant to rule 5.10 that S. F. No. 100 was out of order. The Speaker ruled the point of order not well taken and S. F. No. 100 in order.

S. F. No. 100, A bill for an act relating to taxation; income; adopting federal changes relating to interest on mortgage subsidy bonds; amending Minnesota Statutes 1984, section 290.01, 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 121 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dimler	Jennings, L.	Munger	Price
Backlund	Dyke	Johnson	Murphy	Quinn
Battaglia	Elioff	Kelly	Nelson, D.	Quist
Beard	Erickson	Kiffmeyer	Neuenschwander	Redalen
Becklin	Fjoslien	Knickerbocker	Norton	Rees
Begich	Forsythe	Knuth	O'Connor	Rest
Bennett	Frederick	Kostohryz	Ogren	Rice
Bishop	Frederickson	Krueger	Olsen, S.	Richter
Blatz	Frerichs	Kvam	Olson, E.	Riveness
Boerboom	Greenfield	Levi	Omann	Rodosovich
Boo	Gruenes	Lieder	Onnen	Rose
Brinkman	Gutknecht	Long	Osthoff	Sarna
Brown	Halberg	Marsh	Otis	Schafer
Burger	Hartinger	McDonald	Ozment	Scheid
Carlson, D.	Hartle	McKasy	Pappas	Schreiber
Carlson, J.	Haukoos	McLaughlin	Pauly	Seaberg
Carlson, L.	Heap	McPherson	Peterson	Segal
Clausnitzer	Himle	Metzen	Piepho	Shaver
Cohen	Jacobs	Miller	Piper	Sherman
Dempsey	Jaros	Minne	Poppenhagen	Simoneau

Skoglund	Sviggum	Tomlinson	Valan	Waltman
Solberg	Thiede	Tompkins	Valento	Wenzel
Sparby	Thorson	Tunheim	Vellenga	Wynia
Stanius	Tjornhom	Uphus	Voss	Spk. Jennings, D.
Staten				

Those who voted in the negative were:

Anderson, G.	DenOuden	Kalis	Schoenfeld	Zaffke
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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 Jennings, D., in the Chair for 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 recommendations of the Committee were reported to the House:

H. F. No. 241 was recommended for progress.

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

### MOTIONS AND RESOLUTIONS

Tompkins moved that her name be stricken as an author on H. F. No. 9. The motion prevailed.

Welle moved that the name of Boerboom be added as chief author and the name of Welle be shown as second author on H. F. No. 195. The motion prevailed.

Minne moved that the name of Bishop be added as an author on H. F. No. 455. The motion prevailed.

Battaglia moved that the name of McLaughlin be added as an author on H. F. No. 465. The motion prevailed.

Hartinger moved that the name of Clausnitzer be added as an author on H. F. No. 474. The motion prevailed.

Beard moved that the name of Segal be added as an author on H. F. No. 502. The motion prevailed.

Ogren moved that the name of Blatz be added as an author on H. F. No. 514. The motion prevailed.

McKasy moved that H. F. No. 452 be recalled from the Committee on Environment and Natural Resources and be re-referred to the Committee on Judiciary. The motion prevailed.

McKasy moved that H. F. No. 451 be recalled from the Committee on Environment and Natural Resources and be re-referred to the Committee on Judiciary. The motion prevailed.

McLaughlin moved that H. F. No. 159 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Commerce and Economic Development. The motion prevailed.

House Resolution No. 1 was reported to the House.

#### HOUSE RESOLUTION NO. 1

A house resolution extending condolences to the families and friends of the volunteer firefighters who died in a fire in Sauk Centre and indicating appreciation to all firefighters.

*Whereas*, a major fire broke out in Noah's Ark restaurant near Sauk Centre on the morning of January 7, 1985; and

*Whereas*, the fire call was responded to by volunteer firefighters from Sauk Centre; and

*Whereas*, the fire initially appeared to be small and restricted to the interior of the second story of the restaurant; and

*Whereas*, three firefighters, Doug Zabel, David Kane, and Tim Proell, were on the "deck" of the restaurant planning how to attack the fire and preparing to open the door to the second floor when the deck collapsed beneath them; and

*Whereas*, despite the prompt and desperate efforts of fellow firefighters to rescue them, Doug Zabel and David Kane did not survive and Tim Proell was badly burned; and

*Whereas*, the firefighting profession is exceeded by no other professions in danger and difficulty; and

*Whereas*, every year the firefighters of Minnesota are responsible for saving the lives of many people and millions of dollars in property; and

*Whereas*, many firefighters are volunteers who earn their livelihood in other professions and take on the danger and difficulty of firefighting out of a sense of public service; and

*Whereas*, all firefighters are highly trained experts in their profession; and

*Whereas*, the untimely deaths of firefighters David Kane and Doug Zabel recall to mind the debt owed by everyone not only to those who died or were injured in the Sauk Centre fire but to all firefighters; and

*Whereas*, it is desirable also to extend sympathy to the families and friends of the deceased firefighters because of their grievous loss; *Now, Therefore*,

*Be It Resolved* by the House of Representatives of the State of Minnesota that it extends its condolences to the families of firefighters Doug Zabel and David Kane and hopes that the families' knowledge that their losses are felt by many people will lighten each of their personal losses.

*Be It Further Resolved* that it calls upon all Minnesotans to remember the debt they owe to all firefighters and urges them to express their gratitude.

*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 by his signature and that of the Speaker, and present them to the families of firefighters Doug Zabel and David Kane, the Chief of the Sauk Centre Fire Department, and to representatives of professional and volunteer firefighters associations.

Uphus moved that House Resolution No. 1 be now adopted. The motion prevailed and House Resolution No. 1 was adopted.

House Concurrent Resolution No. 3 was reported to the House.

#### HOUSE CONCURRENT RESOLUTION NO. 3

A house concurrent resolution providing for a joint convention of the Senate and the House of Representatives to elect members of the Board of Regents of the University of Minnesota.

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

(1) The House of Representatives and the Senate shall meet in joint convention on Tuesday, March 19, 1985, in the chamber of the House of Representatives to elect members to the Board of Regents of the University of Minnesota.

(2) The Education Committee of the Senate and the Education Committee of the House of Representatives, in a joint meeting, are appointed to submit a slate of nominations and to report the slate at the meeting of the joint convention.

Erickson moved that House Concurrent Resolution No. 3 be now adopted. The motion prevailed and House Concurrent Resolution No. 3 was adopted.

Dyke and McDonald introduced:

House Resolution No. 7, A house resolution expressing the sense of the House of Representatives that the Federal Deposit Insurance Corporation should adopt a phased approach to the revaluation of assets based on agricultural real estate.

#### SUSPENSION OF RULES

Dyke moved that the rules be so far suspended that House Resolution No. 7 be now considered and be placed upon its adoption. The motion prevailed.

#### HOUSE RESOLUTION NO. 7

A house resolution expressing the sense of the House of Representatives that the Federal Deposit Insurance Corporation should adopt a phased approach to the revaluation of assets based on agricultural real estate.

*Whereas*, high interest rates, low farm prices, and declining real estate values have created a crisis in domestic agricultural finance; and

*Whereas*, problems in agricultural finance inevitably result in an instability in the entire rural economy; and

*Whereas*, instability in the rural economy, particularly that caused by declining land values, has precipitated failure in numerous rural lending institutions; and

*Whereas*, the Federal Deposit Insurance Corporation has, as a matter of policy, required large and sudden revaluations of assets based on agricultural real estate; and

*Whereas*, this revaluation has precipitated the sudden classification of many agricultural loans as needing special observation; and

*Whereas*, a phased approach to revaluation would give local lenders much more flexibility in dealing with marginal credit lines; *Now, Therefore*,

*Be It Resolved* by the House of Representatives of the State of Minnesota that it is the sense of the House of Representatives that the Federal Deposit Insurance Corporation should establish a policy which uses a phased approach to revaluation of assets based on agricultural real estate.

Dyke moved that House Resolution No. 7 be now adopted. The motion prevailed and House Resolution No. 7 was adopted.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following change in committee assignments:

Taxes: Remove the name of Jennings, D., and add the name of Quist.

#### ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, February 25, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, February 25, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTY-FOURTH SESSION - 1985

## SEVENTEENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 25, 1985

The House of Representatives convened at 2:00 p.m. and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Reverend Walter Wietzke, St. Mark Evangelical Lutheran Church, St. Paul, Minnesota.

The roll was called and the following members were present:

Anderson, G.	Ellingson	Kostohryz	Osthoff	Shaver
Backlund	Erickson	Krueger	Otis	Sherman
Battaglia	Fjoslien	Kvam	Ozment	Simoneau
Beard	Forsythe	Levi	Pappas	Skoglund
Becklin	Frederick	Lieder	Pauly	Solberg
Begich	Frederickson	Long	Peterson	Stanius
Bennett	Frerichs	Marsh	Piepho	Staten
Bishop	Greenfield	McDonald	Piper	Sviggum
Blatz	Gruenes	McEachern	Poppenhagen	Thiede
Boerboom	Gutknecht	McKasy	Price	Thorson
Boo	Halberg	McLaughlin	Quinn	Tjornhom
Brandl	Hartinger	McPherson	Quist	Tomlinson
Brinkman	Hartle	Metzen	Redalen	Tompkins
Brown	Haukoos	Miller	Rees	Tunheim
Burger	Heap	Minne	Rest	Uphus
Carlson, D.	Himle	Munger	Richter	Valan
Carlson, J.	Jacobs	Murphy	Riveness	Valento
Carlson, L.	Jaros	Nelson, D.	Rodosovich	Vanasek
Clark	Jennings, L.	Neuenschwander	Rose	Vellenga
Clausnitzer	Johnson	Norton	Sarna	Voss
Cohen	Kahn	O'Connor	Schafer	Waltman
Dempsey	Kalis	Ogren	Scheid	Welle
DenOuden	Kelly	Olsen, S.	Schoenfeld	Wenzel
Dimler	Kiffmeyer	Olson, E.	Schreiber	Wynia
Dyke	Knickerbocker	Omann	Seaberg	Zaffke
Elioff	Knuth	Onnen	Segal	Spk. Jennings, D.

A quorum was present.

Anderson, R.; Nelson, K., and Sparby 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. 67, 68, 140, 151, 213 and 320 and S. F. Nos. 196, 328 and 412 have been placed in the members' files.

## REPORTS OF STANDING COMMITTEES

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

H. F. No. 9, A resolution memorializing Congress to call a constitutional convention to propose an amendment to the United States Constitution to require a balanced federal budget.

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

The report was adopted.

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 155, A bill for an act relating to weights and measures; specifying the contents of a cord of freshly cut rough green aspen; amending Minnesota Statutes 1984, section 239.33.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 385, A bill for an act relating to occupations and professions; providing advertising restrictions for plumbers; proposing coding for new law in Minnesota Statutes, chapter 326.

Reported the same back with the following amendments:

Page 1, after line 25, insert

“Sec. 2. [EFFECTIVE DATE.]

*Section 1 is effective January 1, 1986.”*

With the recommendation that when so amended the bill pass.

The report was adopted.

Schreiber from the Committee on Taxes to which was referred:

S. F. No. 328, A bill for an act relating to charitable gambling; changing the effective date for licensing by the charitable gambling control board; clarifying that certain revenue may be used for arts education programs; amending Minnesota Statutes 1984, section 349.212, subdivision 3; and Laws 1984, chapter 502, article 12, section 26.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 349.212, subdivision 1, is amended to read:

Subdivision 1. [RATE.] There is hereby imposed a tax on all lawful gambling conducted by (LICENSED) organizations *licensed by the board* at the rate specified in this subdivision. The tax imposed by this section is in lieu of the tax imposed by section 297A.02 and of all local taxes and license fees.

On all lawful gambling the tax is ten percent of the gross receipts of a licensed organization from lawful gambling less prizes actually paid out, payable by the organization.

Sec. 2. Minnesota Statutes 1984, section 349.212, subdivision 3, is amended to read:

Subd. 3. [ANNUAL APPROPRIATION.] At the end of each fiscal year, the commissioner of finance shall certify to the state treasurer the total revenues collected by the board from taxes and fees imposed by (THIS ARTICLE) *sections 349.11 to 349.22* minus the amount appropriated by law from the general fund to the board for its expenses and operations. The net revenue so certified shall be expended by legislative appropriation (TO THE DEPARTMENT OF EDUCATION FOR EXPENDITURE, IN CONSULTATION WITH THE STATE ARTS BOARD, AS GRANTS FOR PROGRAMS, CONSTRUCTION, MAINTENANCE, AND OPERATION OF ONE OR MORE SCHOOLS FOR THE ARTS LOCATED WITHIN THE STATE, OR THE PURPOSES RECOMMENDED BY THE MINNESOTA SCHOOL FOR THE ARTS PLANNING TASK FORCE) *for arts education programs*, except that any part of the amount so certified which is not appropriated for the purposes set forth in this subdivision may be appropriated for any other purpose.

Sec. 3. Laws 1984, chapter 502, article 12, section 26, is amended to read:

## Sec. 26. [EFFECTIVE DATE.]

Sections 7 and 24 are effective the day following final enactment. *Sections 9 and 10 are effective June 1, 1985. All other sections of this article are effective March 1, 1985. All licenses issued by local units of government under Minnesota Statutes 1982, sections 349.16 and 349.26 expire on February 28, 1985. An organization which held a local license to conduct lawful gambling on February 28, 1985, or which holds a license granted under section 4 may continue to conduct the forms of gambling authorized by the local license without a license from the board until June 1, 1985, provided that the organization complies with all other applicable laws and rules of the board, or is in compliance with the emergency ordinance adopted under section 4, if applicable.*

## Sec. 4. [CITIES AND COUNTIES; TEMPORARY LICENSING AUTHORITY.]

*A county or home rule charter or statutory city may by emergency ordinance establish a system for the licensing of organizations to operate gambling devices and to conduct raffles from February 28, 1985, to May 31, 1985. The system must be consistent with Minnesota Statutes 1982, chapter 349.*

*The emergency ordinance may go into effect without hearing, notice, or publication, but the county or city shall promptly, after adoption, hold hearings to consider any necessary alterations in the ordinance. No ordinance may remain in effect after May 31, 1985. This section supersedes any inconsistent provision of law, charter, or ordinance.*

## Sec. 5. [EFFECTIVE DATE.]

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

Amend the title as follows:

Page 1, line 5, after the semicolon insert "authorizing emergency licensing ordinances by local units of government;"

Page 1, line 7, delete "subdivision" and insert "subdivisions 1 and"

With the recommendation that when so amended the bill pass.

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

S. F. No. 54, A bill for an act relating to agriculture; establishing an emergency farm operating loans program; providing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 17.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

**"Section 1. [17.90] [MINNESOTA EMERGENCY FARM OPERATING LOANS PROGRAM.]**

*Subdivision 1. [CITATION.] This section may be cited as the "Minnesota emergency farm operating loans act."*

*Subd. 2. [LEGISLATIVE FINDINGS, PUBLIC PURPOSE, SCOPE OF PROGRAM.] The legislature finds that many farm families face extreme financial hardship or possible foreclosure in 1985 because of their inability to obtain farm operating loans at affordable rates of interest. In many of these cases excessive interest rates reduce projected cash flow to a level where lending institutions refuse to renew a line of credit or demand the partial or total liquidation of remaining assets.*

*The legislature further finds that with relatively little public expense, and with the voluntary cooperation and assistance of Minnesota farm lenders, operating loans can be made to farm operators at an interest rate that will allow continuation of viable farm operations during 1985.*

*The legislature further finds that the use of money in the general fund for the purpose of assisting qualified farm operators is a public purpose and is necessary to protect the health, safety, and general welfare of the people of this state.*

*The purpose of this program is to identify and assist those farm operations which are in need of farm operating loans during the 1985 planting and growing season but which, solely because annual interest rates are currently far in excess of an affordable rate, are unable to project a positive annual cash flow. The combination of farm lender participation and minimal state support will make credit available to eligible farm operations at an annual interest rate substantially below the prime rate. Credit at the state supported interest rate will enable many farm operations to project a positive annual cash flow, securing the stability of farm families and farm communities, relieving farm lenders from carrying numerous classified farm loans, and reducing excessive pressures for social services needed to assist displaced farm families.*

*Subd. 3. [DEFINITIONS.] For purposes of this section the words and phrases defined here have the meanings given:*

*(1) "Commissioner" means the commissioner of agriculture. Actions of the commissioner pursuant to this act shall be taken only after consultation with the family farm advisory council established in section 41.54.*

*(2) "Farm lender" means a state or federally chartered bank, farm credit system lender, or other regulated financial institution that regularly provides commercial farm operating loans to Minnesota farm operators.*

*(3) "Eligible farm operator" means a Minnesota resident who is the operator of a family farm or family farm corporation and who faces severe economic difficulty in 1985 but whose farming operation is sufficiently sound to be financially viable through the year if operating credit were available at a reduced interest rate, except that only a farm operation with a debt-to-asset ratio of 50 percent or higher is an eligible farm operator. Real estate values used in calculating the debt-to-asset ratio shall be the regional federal land bank values as of December 31, 1984. Eligible farm operator may be further defined by the commissioner to accomplish the purposes of this section.*

*(4) "Commissioner's index interest rate" means the interest rate certified by the commissioner pursuant to subdivision 5, clause (2), for purposes of calculating maximum allowable interest rates for emergency farm operating loans.*

*Subd. 4. [STATE SHARE OF INTEREST RATE.] A farm lender which qualifies for participation under provisions of subdivision 5 may receive state funds equal to an annual interest rate of 5-1/2 percent on a qualifying emergency farm operating loan upon application to the commissioner. One-half of the state share of interest shall be paid to the participating farm lender when the loan is disbursed to the farm borrower and the remainder upon maturity of the emergency farm operating loan.*

*Subd. 5. [AGREEMENT BY PARTICIPATING FARM LENDERS.] A farm lender that wishes to receive state funds and participate in the emergency farm operating loans program must agree in writing to conditions and guidelines established by the commissioner in consultation with the family farm advisory council. The conditions and guidelines established by the commissioner shall include at least the following:*

*(1) The farm lender must agree to make emergency farm operating loans not exceeding \$75,000 each in principal amount to eligible farm operators.*

*(2) The farm lender must agree to make emergency farm operating loans to eligible farm operators at an interest rate of*

*no more than the commissioner's index interest rate less five percent. The commissioner's index interest rate shall be the current lending rate of the federal intermediate credit bank to production credit associations as certified monthly by the commissioner.*

*(3) The farm lender must agree to maximize the benefit of the emergency farm operating loans program by identifying farm operators whose current loans are classified or who can show positive cash flow projections only at the reduced interest rate.*

*(4) The farm lender must agree to submit each application for an emergency farm operating loan, including all necessary supporting documentation, to the commissioner for review and determination of eligibility.*

*(5) The farm lender must agree to offer to pay one-half of enrollment fees for loan recipients who wish to enroll and participate in a vocational-agricultural adult farm business management program/agricultural extension service or equivalent post-secondary farm management training program or an equivalent farm management service. A participating farm lender is not required to pay farm management program enrollment fees for more than one person per emergency farm operating loan.*

*(6) The farm lender must agree to meet reporting requirements of the commissioner with respect to state funds used in the emergency farm operating loans program.*

*(7) A farm lender need not make an emergency farm loan to a farm operator unable to project a positive cash flow after making adjustment for the interest reduction provided by the emergency farm operating loans program.*

*Subd. 6. [AGREEMENT BY PARTICIPATING FARM BORROWERS.] A farm borrower who wishes to receive an emergency farm operating loan from a participating farm lender must agree to conditions and guidelines established by the commissioner and the lender. The conditions and guidelines established by the commissioner shall include at least the following:*

*(1) The farm borrower must agree to provide documentation of farm operating expenses during the previous two years.*

*(2) The farm borrower must agree to allow the farm lender, the commissioner, or a qualified third party to analyze relevant farm financial information if so requested.*

*(3) The farm borrower must agree to allow information provided to the farm lender or the commissioner under this subdivision to be collected and analyzed by the agricultural extension*

*service adult vocational-agricultural farm management program if so requested and agree to enroll in a farm business management program.*

*Subd. 7. [DUTIES OF THE COMMISSIONER.] Pursuant to the goals of this section, the commissioner in consultation with the family farm advisory council shall develop guidelines for the state emergency farm operating loans program. Guidelines must be sensitive to the needs of farm lenders and farm operators. In the most expedient manner possible, with due regard to the security of state funds and the needs of farm lenders, the commissioner shall design and implement a plan to identify eligible farm lenders willing to participate in the program; write and have published guidelines by which the program will operate; review loan applications; distribute state funds to participating farm lenders upon the maturity of approved loans; and monitor the effectiveness and efficiency of the program. Guidelines for the program may be adopted without regard to chapter 14 except sections 14.37 and 14.40.*

*The commissioner shall review loan applications submitted by participating farm lenders within five working days, except that if a loan application is deficient in content the time for review may be extended as necessary.*

*The commissioner must make every reasonable effort to assure that state funds are distributed systematically to all parts of the state, with emphasis given to the areas where farm operating credit is least available.*

*In order to achieve maximum benefits, the commissioner may give preference to eligible farm lenders willing to issue emergency farm operating loans at an annual interest rate lower than five points below the commissioner's index interest rate.*

*On May 1, 1985 and every third month thereafter until February 1, 1986, the commissioner shall report to the chairpersons of the agriculture and appropriations committees of the house and the agriculture and natural resources and finance committees of the senate on the implementation and economic impact of the emergency farm operating loans program. In the quarterly report the commissioner shall describe the current economic situation in the agricultural sector of the state economy.*

*Not later than April 15, 1986, the commissioner must report to the governor and the legislature on the overall effectiveness and efficiency of the state emergency farm operating loans program.*

*Subd. 8. [EMERGENCY FARM OPERATING LOANS FUND, CREATION.] There is created an emergency farm operating loans fund. Money in this account may be certified by*

*the commissioner for disbursement and paid to farm lenders participating in the state emergency farm operating loans program. Any money remaining in the emergency farm operating loans fund on June 30, 1986, must be returned to the general fund.*

*Subd. 9. [PENALTIES.] Any willful or intentional misrepresentation of farm operating expenses or other required information by any farm lender or emergency operating loan recipient, or any use of funds obtained under the emergency farm operating loans act for other than the specified purposes of the loan shall be a gross misdemeanor.*

**Sec. 2. [APPROPRIATIONS.]**

*There is appropriated on the effective date of this act \$25,000,000 from the general fund to the emergency farm operating loans fund. There is appropriated from the general fund to the commissioner of agriculture for the fiscal year ending June 30, 1985 the sum of \$60,500.*

**Sec. 3. [EFFECTIVE DATE.]**

*Sections 1 and 2 of this act are effective the day following final enactment."*

With the recommendation that when so amended the bill pass.

**MINORITY REPORT**

**February 21, 1985**

We, the undersigned, being a minority of the Committee on Appropriations, recommend that S. F. No. 54, do pass with the following amendments:

Delete everything after the enacting clause and insert:

**"ARTICLE 1**

**Section 1. [17.90] [MINNESOTA EMERGENCY FARM OPERATING LOANS PROGRAM.]**

*Subdivision 1. [CITATION.] This section may be cited as the "Minnesota emergency farm operating loans act."*

*Subd. 2. [LEGISLATIVE FINDINGS, PUBLIC PURPOSE, SCOPE OF PROGRAM.] The legislature finds that many farm families face extreme financial hardship or possible foreclosure in 1985 because of their inability to obtain farm operating loans*



at affordable rates of interest. In many of these cases excessive interest rates reduce projected cash flow to a level where lending institutions refuse to renew a line of credit or demand the partial or total liquidation of remaining assets.

The legislature further finds that with relatively little public expense, and with the voluntary cooperation and assistance of Minnesota farm lenders, operating loans can be made to farm operators at an interest rate that will allow continuation of viable farm operations during 1985.

The legislature further finds that the use of money in the general fund for the purpose of assisting qualified farm operators is a public purpose and is necessary to protect the health, safety, and general welfare of the people of this state.

The purpose of this program is to identify and assist those farm operations which are in need of farm operating loans during the 1985 planting and growing season but which, solely because annual interest rates are currently far in excess of an affordable rate, are unable to project a positive annual cash flow. The combination of farm lender participation and minimal state support will make credit available to eligible farm operations at an annual interest rate substantially below the prime rate. Credit at the state supported interest rate will enable many farm operations to project a positive annual cash flow, securing the stability of farm families and farm communities, relieving farm lenders from carrying numerous classified farm loans, and reducing excessive pressures for social services needed to assist displaced farm families.

Subd. 3. [DEFINITIONS.] For purposes of this section the words and phrases defined here have the meanings given:

(1) "Commissioner" means the commissioner of agriculture. Actions of the commissioner pursuant to this act shall be taken only after consultation with the family farm advisory council established in section 41.54.

(2) "Farm lender" means a state or federally chartered bank, farm credit system lender, or other regulated financial institution that regularly provides commercial farm operating loans to Minnesota farm operators.

(3) "Eligible farm operator" means a Minnesota resident who is the operator of a family farm or family farm corporation and who faces severe economic difficulty in 1985 but whose farming operation is sufficiently sound to be financially viable through the year if operating credit were available at a reduced interest rate, except that only a farm operation with a debt-to-asset ratio of 50 percent or higher is an eligible farm operator. Real estate values used in calculating the debt-to-asset ratio shall be the re-

gional federal land bank values as of December 31, 1984. Eligible farm operator may be further defined by the commissioner to accomplish the purposes of this section.

(4) "Commissioner's index interest rate" means the interest rate certified by the commissioner pursuant to subdivision 5, clause (2), for purposes of calculating maximum allowable interest rates for emergency farm operating loans.

(5) "Farmers home administration" means the farmers home administration of the United States Department of Agriculture.

(6) "Emergency farm operating loan" means a loan to an eligible farm operator for new operating expenses or for the restructuring of existing farm debt.

Subd. 4. [STATE SHARE OF INTEREST RATE.] A farm lender which qualifies for participation under provisions of subdivision 5 may receive state funds equal to an annual interest rate of 5-1/2 percent on a qualifying emergency farm operating loan upon application to the commissioner. The state share of interest shall be paid to the participating farm lender upon maturity of the emergency farm operating loan.

Subd. 5. [AGREEMENT BY PARTICIPATING FARM LENDERS.] A farm lender that wishes to receive state funds and participate in the emergency farm operating loans program must agree in writing to conditions and guidelines established by the commissioner in consultation with the family farm advisory council. The conditions and guidelines established by the commissioner shall include at least the following:

(1) The farm lender must agree to make emergency farm operating loans not exceeding \$100,000 each in principal amount to eligible farm operators.

(2) The farm lender must agree to make emergency farm operating loans to eligible farm operators at an interest rate of no more than the commissioner's index interest rate less five percent. The commissioner's index interest rate shall be the current lending rate of the federal intermediate credit bank to production credit associations as certified monthly by the commissioner.

(3) The farm lender must agree to review all classified farm loans and determine which farm loans the bank will submit to the farmers home administration for loan guarantees and debt restructuring.

(4) The farm lender must agree to apply for the farmers home administration approved lenders' program.

(5) *The farm lender must agree to submit each application for an emergency farm operating loan, including all necessary supporting documentation, to the commissioner for review and determination of eligibility.*

(6) *The farm lender must agree to offer to pay one-half of enrollment fees for loan recipients who wish to enroll and participate in a vocational-agricultural adult farm business management program/agricultural extension service or equivalent post-secondary farm management training program or an equivalent farm management service. A participating farm lender is not required to pay farm management program enrollment fees for more than one person per emergency farm operating loan.*

(7) *The farm lender must agree to meet reporting requirements of the commissioner with respect to state funds used in the emergency farm operating loans program.*

(8) *A farm lender need not make an emergency farm loan to a farm operator unable to project a positive cash flow after making adjustment for the interest reduction provided by the emergency farm operating loans program.*

*Subd. 6. [AGREEMENT BY PARTICIPATING FARM BORROWERS.] A farm borrower who wishes to receive an emergency farm operating loan from a participating farm lender must agree to conditions and guidelines established by the commissioner and the lender. The conditions and guidelines established by the commissioner shall include at least the following:*

(1) *The farm borrower must agree to provide documentation of farm operating expenses during the previous two years.*

(2) *The farm borrower must agree to allow the farm lender, the commissioner, or a qualified third party to analyze relevant farm financial information if so requested.*

(3) *The farm borrower must agree to allow information provided to the farm lender or the commissioner under this subdivision to be collected and analyzed by the agricultural extension service adult vocational-agricultural farm management program if so requested and agree to enroll in a farm business management program.*

*Subd. 7. [DUTIES OF THE COMMISSIONER.] Pursuant to the goals of this section, the commissioner in consultation with the family farm advisory council shall develop guidelines for the state emergency farm operating loans program. Guidelines must be sensitive to the needs of farm lenders and farm operators. In the most expedient manner possible, with due regard to the security of state funds and the needs of farm*

lenders, the commissioner shall design and implement a plan to identify eligible farm lenders willing to participate in the program; write and have published guidelines by which the program will operate; review loan applications and approve those that qualify; distribute state funds to participating farm lenders upon the maturity of approved loans; and monitor the effectiveness and efficiency of the program. Guidelines for the program may be adopted without regard to chapter 14 except sections 14.37 and 14.40. A summary of the guidelines must be printed in the state register not less than five calendar days before the first emergency farm operating loans submitted to the commissioner by participating farm lenders are approved.

The commissioner shall review and approve or deny loan applications submitted by participating farm lenders within five working days, except that if a loan application is deficient in content the time for approval or denial may be extended as necessary.

The commissioner must make every reasonable effort to assure that state funds are distributed systematically to all parts of the state, with emphasis given to the areas where farm operating credit is least available.

In order to achieve maximum benefits, the commissioner may give preference to eligible farm lenders willing to issue emergency farm operating loans at an annual interest rate lower than five points below the commissioner's index interest rate.

On May 1, 1985 and every third month thereafter until February 1, 1986, the commissioner shall report to the chairpersons of the agriculture and appropriations committees of the house and the agriculture and natural resources and finance committees of the senate on the implementation and economic impact of the emergency farm operating loans program. In the quarterly report the commissioner shall describe the current economic situation in the agricultural sector of the state economy.

Not later than April 15, 1986, the commissioner must report to the governor and the legislature on the overall effectiveness and efficiency of the state emergency farm operating loans program.

Subd. 8. [EMERGENCY FARM OPERATING LOANS FUND, CREATION.] There is created an emergency farm operating loans fund. Money in this account may be certified by the commissioner for disbursement and paid to farm lenders participating in the state emergency farm operating loans program. Any money remaining in the emergency farm operating loans fund on June 30, 1987, must be returned to the general fund.

*Subd. 9. [PENALTIES.] Any willful or intentional misrepresentation of farm operating expenses or other required information by any farm lender or emergency operating loan recipient, or any use of funds obtained under the emergency farm operating loans act for other than the specified purposes of the loan shall be a gross misdemeanor.*

**Sec. 2. [APPROPRIATIONS.]**

*There is appropriated on the effective date of this article \$30,000,000 from the general fund to the emergency farm operating loans fund. There is appropriated from the general fund to the commissioner of agriculture for the fiscal year ending June 30, 1985, the sum of \$60,500 for administrative purposes.*

**Sec. 3. [EFFECTIVE DATE.]**

*Sections 1 and 2 are effective the day following final enactment.*

**ARTICLE 2**

**Section 1. [FARM CRISIS CREDIT.]**

*Subdivision 1. [CREDIT.] For taxes payable in 1985 and 1986 only, the county auditor shall reduce the tax on all agricultural land classified pursuant to section 273.13, subdivision 4 or 6, by an amount equal to 25 percent of the net tax payable on the qualifying property after reductions of the tax pursuant to sections 124.2137, 273.115, 273.116, 273.123, 273.13, 273.135, 273.1391, and 473H.10. The credit must be applied against the first one-half property tax payment which is due on or before May 15. For taxes payable in 1985, the county auditor shall notify each affected taxpayer by May 1, 1985, of the revised May 15, 1985, payment amount on each piece of qualifying property. If the credit amount for taxes payable in 1985 exceeds any unpaid taxes on May 15, 1985, the auditor shall apply any remaining credit amount to the second one-half payment due on or before October 15, 1985.*

*This credit applies to the land and buildings and structures located on it, except for all dwellings and one acre of land for each dwelling.*

*Subd. 2. [CERTIFICATIONS.] The county auditor shall certify to the commissioner of revenue at the times required by the commissioner the amounts computed under subdivision 1. The commissioner of revenue shall review the certifications to determine their accuracy. He may make necessary changes in a certification or return it to the county auditor for corrections.*

*Subd. 3. [LIMITATION.] The amount of the reduction provided under this section which any taxpayer can receive on all agricultural property which he owns must not exceed \$2,000. In the case of property owned by more than one person, the maximum amount of the reduction applies to the total of all the owners.*

*Subd. 4. [REIMBURSEMENT.] Revenue lost as a result of the reduction of property taxes pursuant to this section must be paid to local taxing jurisdictions according to the provisions of sections 273.13, subdivision 15a, and 273.1392.*

*Subd. 5. [APPROPRIATION.] There is appropriated from the general fund to the commissioners of revenue and education the amounts required to make the payments under subdivision 4.*

## Sec. 2. [EFFECTIVE DATE.]

*Section 1 is effective the day after final enactment.*

## ARTICLE 3

Section 1. Minnesota Statutes 1984, section 297A.01, subdivision 15, is amended to read:

Subd. 15. "Farm machinery" means (NEW OR USED) machinery, equipment, implements, accessories and contrivances used directly and principally in the production for sale, but not including the processing, of livestock, dairy animals, dairy products, poultry and poultry products, fruits, vegetables, forage, grains and bees and apiary products. "Farm machinery" shall include machinery for the preparation, seeding or cultivation of soil for growing agricultural crops, harvesting and threshing of agricultural products, and certain machinery for dairy, livestock and poultry farms, together with barn cleaners, milking systems, grain dryers, automatic feeding systems and similar installations. Irrigation equipment sold for exclusively agricultural use, including pumps, pipe fittings, valves, sprinklers and other equipment necessary to the operation of an irrigation system when sold as part of an irrigation system, except irrigation equipment which is situated below ground and considered to be a part of the real property, shall be included in the definition of farm machinery. Logging equipment, except chain saws, shall be included in the definition of farm machinery. Repair or replacement parts for farm machinery shall not be included in the definition of farm machinery.

Tools, shop equipment, grain bins, feed bunks, fencing material, communication equipment and other farm supplies shall not be considered to be farm machinery. "Farm machinery" does not include motor vehicles taxed under chapter 297B, snow-

mobiles, snow blowers, lawn mowers, garden-type tractors or garden tillers and the repair and replacement parts for those vehicles and machines.

Sec. 2. Minnesota Statutes 1984, section 297A.02, subdivision 2, is amended to read:

Subd. 2. [MACHINERY AND EQUIPMENT.] Notwithstanding the provisions of subdivision 1, the rate of the excise tax imposed upon sales of *new* farm machinery, special tooling, and capital equipment is four percent.

Sec. 3. Minnesota Statutes 1984, section 297A.14, is amended to read:

297A.14 [USING, STORING OR CONSUMING TANGIBLE PERSONAL PROPERTY; ADMISSIONS; UTILITIES.]

For the privilege of using, storing or consuming in Minnesota tangible personal property, tickets or admissions to places of amusement and athletic events, electricity, gas, and local exchange telephone service purchased for use, storage or consumption in this state, a use tax is imposed on every person in this state at the rate of six percent of the sales price of sales at retail unless the tax imposed by section 297A.02 was paid on the sales price. Notwithstanding the provisions of the preceding sentence, the rate of the use tax imposed upon the sales price of sales of *new* farm machinery, special tooling, and capital equipment is four percent.

A motor vehicle subject to tax under this section shall be taxed at its fair market value at the time of transport into Minnesota if the motor vehicle was acquired more than three months prior to its transport into this state.

Sec. 4. Minnesota Statutes 1984, 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, except when sold for fund-raising purposes by a nonprofit organization that provides educational and social activities for young people primarily aged 18 and under;

(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-half 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 state 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, 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. The term "publication" shall not include magazines and periodicals sold over the counter. 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 building,

construction or reconstruction materials purchased by a contractor or a subcontractor as a part of a lump-sum contract or similar type of contract with a guaranteed maximum price covering both labor and materials for use in the construction, alteration or repair of a building or facility. This exemption does not apply to construction materials purchased by tax exempt entities or their contractors to be used in constructing buildings or facilities which will not be used principally by the tax exempt entities;

(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. For purposes of this clause, sales by a nonprofit organization shall be deemed to be "isolated or occasional" if they occur at sale events that have a duration of three or fewer consecutive days. The granting of the privilege of admission to places of amusement and the privilege of use of amusement devices by a nonprofit organization at an isolated or occasional event conducted on property owned or leased for a continuous period of more than 30 days by the nonprofit organization are also exempt. The exemption provided for isolated sales of tangible personal property and of the granting of admissions or the privilege of use of amusement devices by nonprofit organizations pursuant to this clause shall be available only if the sum of the days on which the organization and any subsidiary nonprofit organization sponsored by it that does not have a separate sales tax exemption permit conduct sales of tangible personal property, plus the days with respect to which the organization charges for the use of amusement devices or admission to places of amusement, does not exceed eight days in a calendar year. For purposes of this clause, a "nonprofit organization" means any corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, no part of the net earnings of which inures to the benefit of a private individual;

(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. Sales exempted by this clause include sales pursuant to section 297A.01, subdivision 3, clauses (d) and (f). This exemption shall not apply to building, construction or reconstruction materials purchased by a contractor or a subcontractor as a part of a lump-sum contract or similar type of contract with a guaranteed maximum price covering both labor and materials for use in the construction, alteration or repair of a building or facility. This exemption does not apply to construction materials purchased by tax exempt entities or their contractors to be used in constructing buildings or facilities which will not be used principally by the tax exempt entities;

(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, sub-

contractors, 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 receipts from the sale of residential heating fuels in the following manner:

(i) all fuel oil, coal, wood, steam, hot water, 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 Minnesota Statutes 1980, 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, 1982; 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;

(aa) The gross receipts from the sale of a manufactured home, as defined in section 327.31, subdivision 6, to be used by the purchaser for residential purposes, unless the sale is the first retail sale of the manufactured home in this state;

(bb) The gross receipts from the sale of equipment used for processing solid or hazardous waste at a resource recovery facility, as defined in section 115A.03, subdivision 28;

(cc) *The gross receipts from the sale of and storage, use, or consumption of used farm machinery and repair and replacement parts for farm machinery.*

#### Sec. 5. [EFFECTIVE DATE.]

*Sections 1 to 4 are effective for sales after April 30, 1985."*

Delete the title and insert:

"A bill for an act relating to agriculture; establishing an emergency farm operating loans program; providing a property tax credit in 1985 and 1986 for agricultural property; exempting used farm machinery and repair or replacement parts from the sales tax; providing penalties; appropriating money; amending Minnesota Statutes 1984, sections 297A.01, subdivision 15; 297A.02, subdivision 2; 297A.14; and 297A.25, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 17."

JERRY SCHOENFELD, HENRY J. KALIS, PHYLLIS KAHN, RICHARD COHEN and MARY MURPHY.

Schoenfeld moved that the Minority Report on S. F. No. 54 be substituted for the Majority Report and that the Minority Report be now adopted.

A roll call was requested and properly seconded.

#### CALL OF THE HOUSE

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

Anderson, G.	Erickson	Krueger	Otis	Shaver
Backlund	Fjoslien	Kvam	Ozment	Simoneau
Battaglia	Forsythe	Levi	Pappas	Skoglund
Beard	Frederick	Lieder	Pauly	Solberg
Becklin	Frederickson	Long	Peterson	Stanius
Begich	Frerichs	Marsh	Piepho	Staten
Bennett	Greenfield	McDonald	Piper	Sviggum
Bishop	Gruenes	McEachern	Poppenhagen	Thiede
Blatz	Gutknecht	McKasy	Price	Thorson
Boerboom	Halberg	McLaughlin	Quinn	Tjornhom
Boo	Hartinger	McPherson	Quist	Tomlinson
Brandl	Hartle	Metzen	Redalen	Tompkins
Brinkman	Haukoos	Miller	Rees	Tunheim
Brown	Hcap	Minne	Rest	Uphus
Burger	Himle	Munger	Richter	Valan
Carlson, D.	Jacobs	Murphy	Riveness	Valento
Carlson, J.	Jaros	Nelson, D.	Rodosovich	Vanasek
Carlson, L.	Jennings, L.	Neuenschwander	Rose	Vellenga
Clark	Johnson	Norton	Sarna	Voss
Clausnitzer	Kalis	O'Connor	Schafer	Waltman
Cohen	Kelly	Ogren	Scheid	Welle
DenOuden	Kiffmeyer	Olson, E.	Schoenfeld	Wenzel
Dimler	Knickerbocker	Omann	Schreiber	Wynia
Dyke	Knuth	Onnen	Seaberg	Zaffke
Elioff	Kostohryz	Osthoff	Segal	Spk. Jennings, D.

Levi 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 adoption of the Minority Report on S. F. No. 54 and the roll was called.

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

There were 61 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Carlson, L.	Jaros	Krueger	Munger
Battaglia	Clark	Jennings, L.	Lieder	Murphy
Beard	Cohen	Kahn	Long	Nelson, D.
Begich	Elioff	Kalis	McEachern	Neuenschwander
Brandl	Ellingson	Kelly	McLaughlin	Norton
Brinkman	Greenfield	Knuth	Metzen	O'Connor
Brown	Jacobs	Kostohryz	Minne	Ogren

Olson, E.	Price	Sarna	Solberg	Vellenga
Osthoff	Quinn	Schoenfeld	Staten	Voss
Otis	Rest	Segal	Tomlinson	Welle
Pappas	Riveness	Simoneau	Tunheim	Wenzel
Peterson	Rodosovich	Skoglund	Vanasek	Wynia
Piper				

Those who voted in the negative were:

Backlund	Dimler	Haukoos	Omann	Shaver
Becklin	Dyke	Himle	Onnen	Sherman
Bennett	Erickson	Johnson	Ozment	Stanius
Bishop	Fjoslien	Kiffmeyer	Pauly	Sviggum
Blatz	Forsythe	Knickerbocker	Piepho	Thiede
Boerboom	Frederick	Kvam	Poppenhagen	Thorson
Boo	Frederickson	Levi	Quist	Tjornhom
Burger	Frerichs	Marsh	Redalen	Tompkins
Carlson, D.	Gruenes	McDonald	Rees	Valan
Carlson, J.	Gutknecht	McKasy	Richter	Valento
Clausnitzer	Halberg	McPherson	Rose	Waltman
Dempsey	Hartinger	Miller	Schafer	Zaffke
DenOuden	Hartle	Olsen, S.	Seaberg	Spk. Jennings, D.

The Minority Report on S. F. No. 54 was not adopted.

The question recurred on the adoption of the Majority Report from the Committee on Appropriations relating to S. F. No. 54. The Majority Report on S. F. No. 54 was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 9, 155 and 385 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. No. 54 was read for the second time.

## SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Redalen moved that the rule therein be suspended and an urgency be declared so that S. F. No. 54 be given its third reading and be placed upon its final passage. The motion prevailed.

Redalen moved that the rules of the House be so far suspended that S. F. No. 54 be given its third reading and be placed upon its final passage. The motion prevailed.

S. F. No. 54 was reported to the House.

Redalen moved to amend S. F. No. 54, the second unofficial engrossment, as follows:



Page 2, line 6, delete "*solely*" and after "*because*" insert "*of large*"

Page 2, line 7, after "*annual*" insert "*payments and high*", after "*rates*" delete the rest of the line

Page 2, line 8, delete "*affordable rate*"

Page 2, lines 13 and 14, delete "*project a positive annual cash flow*" and insert "*remain in farming*"

Page 2, line 34, after "*higher*" insert "*and with a negative cash flow at the lender's prevailing interest rates*"

Page 3, line 35, delete "*identifying farm*" and insert "*directing assistance to applicants who would not otherwise receive spring operating loans. The approved applicants must show a positive cash flow at the reduced interest rate; be able to demonstrate a reasonable chance of obtaining debt restructuring necessary to achieve a positive cash flow; or show the ability to repay the operating loan.*"

Page 3, delete line 36

Page 4, delete line 1

Page 5, line 13, delete "*upon the maturity of approved loans*" and insert "*as specified in subdivision 4*"

The motion prevailed and the amendment was adopted.

Erickson moved to amend S. F. No. 54, the second unofficial engrossment, as amended, as follows:

Page 4, line 6, after "*to pay*", delete "*one-half of*"

Page 4, line 7, after "*enrollment fees*" insert "*, less the amount of any locally available reduction in or subsidy to fees ordinarily paid by the enrollee,*"

The motion prevailed and the amendment was adopted.

Anderson, G., moved to amend S. F. No. 54, the second unofficial engrossment, as amended, as follows:

Page 1, after the enacting clause insert "*Article 1*"

Page 2, line 21, delete "*act*" and insert "*Article*"

Page 6, line 21, delete "*act*" and insert "*Article*"

Page 6, line 27, delete "of this act"

Page 6, after line 35, insert:

"Article 2

Section 1. [FARM CRISIS CREDIT.]

*Subdivision 1. [CREDIT.] For taxes payable in 1985 and 1986 only, the county auditor shall reduce the tax on all agricultural land classified pursuant to section 273.13, subdivision 4 or 6, by an amount equal to 25 percent of the net tax payable on the qualifying property after reductions of the tax pursuant to sections 124.2137, 273.115, 273.116, 273.123, 273.13, 273.135, 273.1391, and 473H.10. The credit must be applied against the first one-half property tax payment which is due on or before May 15. For taxes payable in 1985, the county auditor shall notify each affected taxpayer by May 1, 1985, of the revised May 15, 1985, payment amount on each piece of qualifying property. If the credit amount for taxes payable in 1985 exceeds any unpaid taxes on May 15, 1985, the auditor shall apply any remaining credit amount to the second one-half payment due on or before October 15, 1985.*

*This credit applies to the land and buildings and structures located on it, except for all dwellings and one acre of land for each dwelling.*

*Subd. 2. [CERTIFICATIONS.] The county auditor shall certify to the commissioner of revenue at the times required by the commissioner the amounts computed under subdivision 1. The commissioner of revenue shall review the certifications to determine their accuracy. He may make necessary changes in a certification or return it to the county auditor for corrections.*

*Subd. 3. [LIMITATION.] The amount of the reduction provided under this section which any taxpayer can receive on all agricultural property which he owns must not exceed \$2,000. In the case of property owned by more than one person, the maximum amount of the reduction applies to the total of all the owners.*

*Subd. 4. [REIMBURSEMENT.] Revenue lost as a result of the reduction of property taxes pursuant to this section must be paid to local taxing jurisdictions according to the provisions of sections 273.13, subdivision 15a, and 273.1392.*

*Subd. 5. [APPROPRIATION.] There is appropriated from the general fund to the commissioners of revenue and education the amounts required to make the payments under subdivision 4.*

**Sec. 2. [EFFECTIVE DATE.]**

*Section 1 is effective the day after final enactment.*

**Article 3**

Section 1. Minnesota Statutes 1984, section 297A.01, subdivision 15, is amended to read:

Subd. 15. "Farm machinery" means (NEW OR USED) machinery, equipment, implements, accessories and contrivances used directly and principally in the production for sale, but not including the processing, of livestock, dairy animals, dairy products, poultry and poultry products, fruits, vegetables, forage, grains and bees and apiary products. "Farm machinery" shall include machinery for the preparation, seeding or cultivation of soil for growing agricultural crops, harvesting and threshing of agricultural products, and certain machinery for dairy, livestock and poultry farms, together with barn cleaners, milking systems, grain dryers, automatic feeding systems and similar installations. Irrigation equipment sold for exclusively agricultural use, including pumps, pipe fittings, valves, sprinklers and other equipment necessary to the operation of an irrigation system when sold as part of an irrigation system, except irrigation equipment which is situated below ground and considered to be a part of the real property, shall be included in the definition of farm machinery. Logging equipment, except chain saws, shall be included in the definition of farm machinery. Repair or replacement parts for farm machinery shall not be included in the definition of farm machinery.

Tools, shop equipment, grain bins, feed bunks, fencing material, communication equipment and other farm supplies shall not be considered to be farm machinery. "Farm machinery" does not include motor vehicles taxed under chapter 297B, snowmobiles, snow blowers, lawn mowers, garden-type tractors or garden tillers and the repair and replacement parts for those vehicles and machines.

Sec. 2. Minnesota Statutes 1984, section 297A.02, subdivision 2, is amended to read:

Subd. 2. [MACHINERY AND EQUIPMENT.] Notwithstanding the provisions of subdivision 1, the rate of the excise tax imposed upon sales of *new* farm machinery, special tooling, and capital equipment is four percent.

Sec. 3. Minnesota Statutes 1984, section 297A.14, is amended to read:

**297A.14 [USING, STORING OR CONSUMING TANGIBLE PERSONAL PROPERTY; ADMISSIONS; UTILITIES.]**

For the privilege of using, storing or consuming in Minnesota tangible personal property, tickets or admissions to places of amusement and athletic events, electricity, gas, and local exchange telephone service purchased for use, storage or consumption in this state, a use tax is imposed on every person in this state at the rate of six percent of the sales price of sales at retail unless the tax imposed by section 297A.02 was paid on the sales price. Notwithstanding the provisions of the preceding sentence, the rate of the use tax imposed upon the sales price of sales of *new* farm machinery, special tooling, and capital equipment is four percent.

A motor vehicle subject to tax under this section shall be taxed at its fair market value at the time of transport into Minnesota if the motor vehicle was acquired more than three months prior to its transport into this state.

Sec. 4. Minnesota Statutes 1984, 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, except when sold for fundraising purposes by a nonprofit organization that provides educational and social activities for young people primarily aged 18 and under;

(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-half 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, 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. The term "publication" shall not include magazines and periodicals sold over the counter. 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 building, construction or reconstruction materials purchased by a contractor or a subcontractor as a part of a lump-sum contract or similar type of contract with a guaranteed maximum price covering both labor and materials for use in the construction, alteration or repair of a building or facility. This exemption does not apply to construction materials purchased by tax exempt entities or their contractors to be used in constructing buildings or facilities which will not be used principally by the tax exempt entities;

(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. For purposes of this clause, sales by a nonprofit organization shall be deemed to be "isolated or occasional" if they occur at sale events that have a duration of three or fewer consecutive days. The granting of the privilege of admission to places of amusement and the privilege of use of amusement devices by a nonprofit organization at an isolated or occasional event conducted on property owned or leased for a continuous period of more than 30 days by the nonprofit organization are also exempt. The exemption provided for isolated sales of tangible personal

property and of the granting of admissions or the privilege of use of amusement devices by nonprofit organizations pursuant to this clause shall be available only if the sum of the days on which the organization and any subsidiary nonprofit organization sponsored by it that does not have a separate sales tax exemption permit conduct sales of tangible personal property, plus the days with respect to which the organization charges for the use of amusement devices or admission to places of amusement, does not exceed eight days in a calendar year. For purposes of this clause, a "nonprofit organization" means any corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, no part of the net earnings of which inures to the benefit of a private individual;

(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. Sales exempted by this clause include sales pursuant to section 297A.-01, subdivision 3, clauses (d) and (f). This exemption shall not apply to building, construction or reconstruction materials purchased by a contractor or a subcontractor as a part of a lump-sum contract or similar type of contract with a guaranteed maximum price covering both labor and materials for use in the construction, alteration or repair of a building or facility. This exemption does not apply to construction materials purchased by tax exempt entities or their contractors to be used in constructing buildings or facilities which will not be used principally by the tax exempt entities;

(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 merchan-

dise 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, hot water, 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 Minnesota Statutes 1980, 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, 1982; 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;

(aa) The gross receipts from the sale of a manufactured home, as defined in section 327.31, subdivision 6, to be used by

the purchaser for residential purposes, unless the sale is the first retail sale of the manufactured home in this state;

(bb) The gross receipts from the sale of equipment used for processing solid or hazardous waste at a resource recovery facility, as defined in section 115A.03, subdivision 28;

(cc) *The gross receipts from the sale of and storage, use, or consumption of used farm machinery and repair and replacement parts for farm machinery.*

**Sec. 5. [EFFECTIVE DATE.]**

*Sections 1 to 4 are effective for sales after April 30, 1985."*

Amend the title as follows:

Page 1, line 3, after the first semicolon insert "providing a property tax credit in 1985 and 1986 for agricultural property; exempting used farm machinery and repair or replacement parts from the sales tax;"

Page 1, line 4, after the semicolon insert "amending Minnesota Statutes 1984, sections 297A.01, subdivision 15; 297A.02, subdivision 2; 297A.14; and 297A.25, subdivision 1;"

A roll call was requested and properly seconded.

The question was taken on the Anderson, G., amendment and the roll was called.

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

There were 57 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jacobs	McLaughlin	Pappas	Staten
Battaglia	Jaros	Minne	Peterson	Tomlinson
Beard	Jennings, L.	Munger	Piper	Tunheim
Begich	Kahn	Murphy	Price	Vanasek
Brinkman	Kalis	Nelson, D.	Quinn	Vellenga
Brown	Kelly	Neuenschwander	Rest	Voss
Carlson, L.	Knuth	Norton	Rodosovich	Welle
Clark	Kostohryz	O'Connor	Schoenfeld	Wenzel
Cohen	Krueger	Ogren	Segal	Wynia
Elioff	Lieder	Olson, E.	Simoneau	
Ellingson	Long	Osthoff	Skoglund	
Greenfield	McEachern	Otis	Solberg	

Those who voted in the negative were:

Backlund	Dimler	Himle	Ozment	Sherman
Becklin	Dyke	Johnson	Pauly	Stanius
Bennett	Erickson	Kiffmeyer	Piepho	Sviggum
Bishop	Fjoslien	Knickerbocker	Poppenhagen	Thiede
Blatz	Forsythe	Kvam	Quist	Thorson
Boerboom	Frederick	Levi	Redalen	Tjornhom
Boo	Frederickson	Marsh	Rees	Tompkins
Brandl	Frerichs	McDonald	Richter	Uphus
Burger	Gruenes	McKasy	Riveness	Valan
Carlson, D.	Gutknecht	McPherson	Rose	Valento
Carlson, J.	Hartinger	Miller	Schafer	Waltman
Clausnitzer	Hartle	Olsen, S.	Schreiber	Zaffke
Dempsey	Haukoos	Omann	Seaberg	Spk. Jennings, D.
DenOuden	Heap	Onnen	Shaver	

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

Schoenfeld moved to amend S. F. No. 54, the second unofficial engrossment, as amended, as follows:

Page 3, after line 7, insert:

*"(5) 'Emergency farm operating loan' means a loan for new operating expenses or for restructuring of existing farm debt."*

Page 3, line 25, delete "75,000" and insert "100,000"

Page 6, line 22, delete "25,000,000" and insert "30,000,000"

A roll call was requested and properly seconded.

Levi moved that those not voting be excused from voting.

A roll call was requested and properly seconded.

The question was taken on the Levi motion to excuse members from voting and the roll was called. There were 67 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Backlund	Forsythe	Knickerbocker	Piepho	Thorson
Bennett	Frederick	Krueger	Poppenhagen	Tjornhom
Bishop	Frederickson	Kvam	Redalen	Tompkins
Blatz	Frerichs	Levi	Rees	Uphus
Boerboom	Gruenes	Marsh	Richter	Valan
Boo	Gutknecht	McDonald	Rose	Valento
Burger	Halberg	McKasy	Schafer	Vellenga
Carlson, J.	Hartinger	McPherson	Schreiber	Waltman
Clausnitzer	Hartle	Metzen	Seaberg	Wynia
Dempsey	Haukoos	Miller	Shaver	Zaffke
Dimler	Heap	Olsen, S.	Sherman	Spk. Jennings, D.
Dyke	Himle	Onnen	Staten	
Erickson	Johnson	Ozment	Sviggum	
Fjoslien	Kiffmeyer	Pauly	Thiede	

## Those who voted in the negative were:

Anderson, G.	Elioff	McEachern	Otis	Simoneau
Battaglia	Ellingson	McLaughlin	Pappas	Skoglund
Beard	Greenfield	Minne	Peterson	Solberg
Becklin	Jacobs	Munger	Piper	Stanius
Begich	Jaros	Murphy	Price	Tomlinson
Brandl	Jennings, L.	Nelson, D.	Quinn	Tunheim
Brinkman	Kahn	Neuenschwander	Rest	Vanasek
Brown	Kalis	Norton	Riveness	Voss
Carlson, D.	Kelly	O'Connor	Rodosovich	Welle
Carlson, L.	Knuth	Ogren	Sarna	Wenzel
Clark	Kostohryz	Olson, E.	Scheid	
Cohen	Lieder	Omann	Schoenfeld	
DenOuden	Long	Osthoff	Segal	

The motion to excuse members from voting prevailed.

The roll was called on the Schoenfeld amendment to S. F. No. 54, the second unofficial engrossment, as amended. There were 55 yeas and 70 nays as follows:

## Those who voted in the affirmative were:

Anderson, G.	Ellingson	Lieder	Otis	Skoglund
Battaglia	Greenfield	Long	Pappas	Solberg
Beard	Jacobs	McEachern	Peterson	Staten
Begich	Jaros	McLaughlin	Piper	Tomlinson
Brandl	Jennings, L.	Minne	Price	Tunheim
Brinkman	Kahn	Munger	Quinn	Vanasek
Brown	Kalis	Nelson, D.	Rest	Vellenga
Carlson, L.	Kelly	Neuenschwander	Rodosovich	Voss
Clark	Knuth	Norton	Schoenfeld	Welle
Cohen	Kostohryz	Ogren	Segal	Wenzel
Elioff	Krueger	Olson, E.	Simoneau	Wynia

## Those who voted in the negative were:

Backlund	Dyke	Himle	Onnen	Shaver
Becklin	Erickson	Johnson	Osthoff	Sherman
Bennett	Fjoslien	Kiffmeyer	Ozment	Stanius
Bishop	Forsythe	Knickerbocker	Pauly	Sviggun
Blatz	Frederick	Kvam	Piepho	Thiede
Boerboom	Frederickson	Levi	Poppenhagen	Thorson
Boo	Frerichs	Marsh	Quist	Tjornhom
Burger	Gruenes	McDonald	Redalen	Tompkins
Carlson, D.	Gutknecht	McKasy	Rees	Uphus
Carlson, J.	Halberg	McPherson	Richter	Valan
Clausnitzer	Hartinger	Miller	Schafer	Valento
Dempsey	Hartle	Murphy	Scheid	Waltman
DenOuden	Haukoos	Olsen, S.	Schreiber	Zaffke
Dimler	Heap	Omann	Seaberg	Spk. Jennings, D.

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

Tomlinson moved to amend S. F. No. 54, the second unofficial engrossment, as amended, as follows:

Page 1, after the enacting clause insert "Article 1"

Page 2, line 21, delete "act" and insert "Article"

Page 6, line 21, delete "act" and insert "Article"

Page 6, line 27, delete "of this act"

Page 6, after line 28, insert:

"Article 2

**Section 1. [DEFERRAL OF 1985 TAXES ON AGRICULTURAL HOMESTEADS.]**

*Notwithstanding the provisions of Minnesota Statutes, section 279.01, or any other law to the contrary, taxes otherwise due on May 15, 1985, on class 3b or class 3cc agricultural property may be paid at any time before October 16, 1985, and no penalty shall be charged upon that tax if paid by October 15, 1985.*

*By April 30, 1985, the county treasurer shall mail a notice regarding the availability of this deferral, in a form prepared by the commissioner of revenue, to each owner of class 3b or 3cc agricultural property who is responsible for payment of tax on the property.*

**Sec. 2. [TEMPORARY STATE REIMBURSEMENT.]**

**Subdivision 1. [PAYMENT TO TAXING DISTRICTS.]**  
*Payment from the general fund shall be made for the purpose of temporarily replacing the revenue, receipt of which is deferred as a result of the property tax deferral provided in section 1.*

*The county auditor shall certify by May 20, 1985, the amount of taxes deferred. The commissioner may review the certification to determine its accuracy and may correct the certification or return it to the county auditor for corrections. On May 30, 1985, the commissioner of revenue shall pay to each taxing district, other than school districts, the amount of tax, receipt of which was deferred. The amount of deferred tax receipts otherwise payable to school districts shall be certified to the department of education by the department of revenue and paid by the commissioner of education on May 29, 1985. The amount received by a school district pursuant to this subdivision shall be recognized as revenue in the same manner as if it were property tax revenue received through the May 20, 1985 settlement.*

**Subd. 2. [REPAYMENT TO STATE.]** *By October 31, 1985, the county auditor shall reimburse the state for all payments made to taxing districts within the county pursuant to subdivision 1. The county treasurer shall make settlement with the county auditor on October 21, 1985, for the deferred tax payments made by October 15, 1985, under section 1. The county*

*auditor shall apportion the receipts among the taxing districts and issue a warrant to the county treasurer who shall pay to the state treasurer the amount of state reimbursement which each taxing district received pursuant to subdivision 1. Any shortfall shall be deducted from the amounts apportioned to the taxing districts on that settlement date and paid to the state treasurer. Payments made to the state treasurer under this section shall be deposited in the budget reserve account of the general fund.*

*Subd. 3. [APPROPRIATION.] Notwithstanding the provisions of Minnesota Statutes, section 16A.15, subdivision 6, there is appropriated from the budget reserve fund in the state treasury to the commissioner of revenue and the commissioner of education the amounts necessary to make the payments required by this section.*

**Sec. 3. [EFFECTIVE DATE.]**

*Sections 1 and 2 are effective the day after final enactment."*

Amend the title as follows:

Page 1, line 3, after the first semicolon insert "allowing deferred payments of first half property taxes on agricultural homesteads in 1985; providing for loans of state funds to taxing districts;"

A roll call was requested and properly seconded.

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

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

There were 59 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Battaglia	Greenfield	Metzen	Pappas	Simoneau
Beard	Jaros	Minne	Peterson	Skoglund
Begich	Kahn	Munger	Piper	Solberg
Boo	Kalis	Murphy	Price	Staten
Brandl	Kelly	Nelson, D.	Quinn	Tomlinson
Brinkman	Knuth	Neuenschwander	Rest	Tunheim
Brown	Kostohryz	Norton	Riveness	Vellenga
Carlson, L.	Krueger	O'Connor	Rodosovich	Voss
Clark	Lieder	Ogren	Sarna	Welle
Cohen	Long	Olson, E.	Scheid	Wenzel
Elioff	McEachern	Osthoff	Schoenfeld	Wynia
Ellingson	McLaughlin	Otis	Segal	

Those who voted in the negative were:

Anderson, G.	Dyke	Himle	Omann	Shaver
Backlund	Erickson	Jacobs	Onnen	Sherman
Becklin	Fjoslien	Jennings, L.	Ozment	Stanius
Bennett	Forsythe	Johnson	Pauly	Sviggum
Bishop	Frederick	Kiffmeyer	Piepho	Thiede
Blatz	Frederickson	Knickerbocker	Poppenhagen	Thorson
Boerboom	Frerichs	Kvam	Quist	Tjornhom
Burger	Gruenes	Levi	Redalen	Tompkins
Carlson, D.	Gutknecht	Marsh	Rees	Uphus
Carlson, J.	Halberg	McDonald	Richter	Valan
Clausnitzer	Hartinger	McKasy	Rose	Valento
Dempsey	Hartle	McPherson	Schafer	Waltman
DenOuden	Haukoos	Miller	Schreiber	Zaffke
Dimler	Heap	Olsen, S.	Seaberg	Spk. Jennings, D.

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

S. F. No. 54, A bill for an act relating to agriculture; establishing an emergency farm operating loans program; providing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 17.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Kostohryz	Otis	Segal
Backlund	Fjoslien	Krueger	Ozment	Shaver
Battaglia	Forsythe	Kvam	Pappas	Sherman
Beard	Frederick	Levi	Pauly	Simoneau
Becklin	Frederickson	Lieder	Peterson	Skoglund
Begich	Frerichs	Long	Piepho	Solberg
Bennett	Greenfield	Marsh	Piper	Stanius
Bishop	Gruenes	McDonald	Poppenhagen	Staten
Blatz	Gutknecht	McEachern	Price	Sviggum
Boo	Halberg	McKasy	Quinn	Thorson
Brandl	Hartinger	McLaughlin	Quist	Tjornhom
Brinkman	Hartle	Metzen	Redalen	Tomlinson
Brown	Haukoos	Miller	Rees	Tompkins
Burger	Heap	Minne	Rest	Tunheim
Carlson, D.	Himle	Munger	Rice	Uphus
Carlson, L.	Jacobs	Murphy	Richter	Valan
Clark	Jaros	Nelson, D.	Riveness	Valento
Clausnitzer	Jennings, L.	Neuenschwander	Rodosovich	Vanasek
Cohen	Johnson	Norton	Rose	Vellenga
Dempsey	Kahn	O'Connor	Sarna	Voss
DenOuden	Kalis	Ogren	Schafer	Waltman
Dimler	Kelly	Olsen, S.	Scheid	Welle
Dyke	Kiffmeyer	Olsen, E.	Schoenfeld	Wenzel
Elioff	Knickerbocker	Omann	Schreiber	Wynia
Ellingson	Knuth	Onnen	Seaberg	Spk. Jennings, D.



Those who voted in the negative were:

Boerboom      Carlson, J.      McPherson      Thiede      Zaffke

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

## SECOND READING OF SENATE BILLS, Continued.

S. F. No. 328 was read for the second time.

### SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Wenzel and Fjoslien moved that the rule therein be suspended and an urgency be declared so that S. F. No. 328 be given its third reading and be placed upon its final passage.

A roll call was requested and properly seconded.

The question was taken on the Wenzel and Fjoslien motion and the roll was called.

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

There were 94 yeas and 24 nays as follows:

Those who voted in the affirmative were:

Backlund	Dyke	Kiffmeyer	Onnen	Sherman
Battaglia	Elioff	Knuth	Osthoff	Simoneau
Beard	Ellingson	Krueger	Ozment	Stanisus
Becklin	Erickson	Kvam	Pappas	Svigum
Begich	Fjoslien	Levi	Pauly	Thiede
Bennett	Forsythe	Lieder	Peterson	Thorson
Bishop	Frederick	Marsh	Piepho	Tjornhom
Blatz	Frederickson	McDonald	Poppenhagen	Tompkins
Boerboom	Frerichs	McEachern	Quist	Tunheim
Boo	Cruenes	McKasy	Rees	Uphus
Brinkman	Gutknecht	McPherson	Rest	Valan
Burger	Hartinger	Metzen	Rice	Valento
Carlson, D.	Hartle	Miller	Richter	Vanasek
Carlson, J.	Haukoos	Minne	Riveness	Vellenga
Carlson, L.	Heap	Nelson, D.	Rodosovich	Waltman
Clausnitzer	Himle	Neuenschwander	Rose	Wenzel
Cohen	Jacobs	Olsen, S.	Schafer	Zaffke
Dempsey	Jennings, L.	Olson, E.	Schreiber	Spk. Jennings, D.
Dimler	Johnson	Omann	Shaver	

Those who voted in the negative were:

Greenfield	Kahn	Long	Murphy	Otis
Halberg	Kalis	McLaughlin	O'Connor	Piper
Jaros	Kostohryz	Munger	Ogren	Price

Quinn  
Scheid

Seaberg  
Skoglund

Staten  
Tomlinson

Voss  
Welle

Wynia

The motion prevailed.

Wenzel and Fjoslien moved that the rules of the House be so far suspended that S. F. No. 328 be given its third reading and be placed upon its final passage. The motion prevailed.

S. F. No. 328 was reported to the House.

Fjoslien moved to amend S. F. No. 328, the unofficial engrossment, as follows:

Page 2, line 25, delete "*all other applicable laws and rules of the board*" and insert "*the terms and conditions of the license in effect on February 28, 1985*"

Page 2, line 34, before the period insert "*, and may include provisions to extend licenses in effect on February 28, 1985 until May 31, 1985 and charge a fee for the extension*"

The motion prevailed and the amendment was adopted.

Kahn; Voss; Carlson, D.; DenOuden and Miller moved to amend S. F. No. 328, the unofficial engrossment, as amended, as follows:

Pages 1 and 2, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 1984, section 349.212, subdivision 3, is amended to read:

Subd. 3. [ANNUAL APPROPRIATION.] At the end of each fiscal year, the commissioner of finance shall certify to the state treasurer the total revenues collected by the board from taxes and fees imposed by (THIS ARTICLE) *sections 349.11 to 349.22* minus the amount appropriated by law from the general fund to the board for its expenses and operations. The net revenue so certified shall be (EXPENDED BY LEGISLATIVE APPROPRIATION TO THE DEPARTMENT OF EDUCATION FOR EXPENDITURE, IN CONSULTATION WITH THE STATE ARTS BOARD, AS GRANTS FOR PROGRAMS, CONSTRUCTION, MAINTENANCE, AND OPERATION OF ONE OR MORE SCHOOLS FOR THE ARTS LOCATED WITHIN THE STATE, OR THE PURPOSES RECOMMENDED BY THE MINNESOTA SCHOOL FOR THE ARTS PLANNING TASK FORCE EXCEPT THAT ANY PART OF THE AMOUNT SO CERTIFIED WHICH IS NOT APPROPRIATED FOR THE PURPOSES SET FORTH IN THIS SUBDIVISION MAY BE APPROPRIATED FOR ANY OTHER PURPOSE) *deposited in the state treasury and credited to the general fund.*"

Amend the title as follows :

Page 1, lines 4 and 5, delete "clarifying that certain revenue may be used for arts education programs;"

A roll call was requested and properly seconded.

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

The question was taken on the Kahn et al. amendment and the roll was called.

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

There were 78 yeas and 49 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Dyke	Kelly	Pappas	Sherman
Beard	Ellingson	Kiffmeyer	Pauly	Skoglund
Becklin	Forsythe	Knickerbocker	Piepho	Stanius
Bennett	Frederick	Krueger	Poppenhagen	Sviggum
Bishop	Frederickson	Kvam	Price	Thiede
Blatz	Frerichs	Levi	Quist	Tjornhom
Boerboom	Cutknecht	Lieder	Redalen	Tomlinson
Boo	Halberg	McEachern	Rice	Tompkins
Brandl	Hartinger	McKasy	Richter	Uphus
Burger	Hartle	McPherson	Rodosovich	Valento
Carlson, D.	Haukoos	Metzen	Rose	Voss
Carlson, J.	Heap	Miller	Schafer	Waltman
Clausnitzer	Himle	Olson, E.	Scheid	Zaffke
Dempsey	Johnson	Omann	Schoenfeld	Spk. Jennings, D.
DenOuden	Kahn	Onnen	Schreiber	
Dimler	Kalis	Ozment	Seaberg	

Those who voted in the negative were :

Backlund	Fjoslien	Minne	Peterson	Staten
Battaglia	Greenfield	Murphy	Piper	Thorson
Begich	Gruenes	Nelson, D.	Quinn	Tunheim
Brinkman	Jacobs	Neuenschwander	Rees	Valan
Brown	Jennings, L.	Norton	Rest	Vanasek
Carlson, L.	Knuth	O'Connor	Riveness	Vellenga
Clark	Kostohryz	Ogren	Sarna	Welle
Cohen	Marsh	Olsen, S.	Segal	Wenzel
Elioff	McDonald	Osthoff	Shaver	Wynia
Erickson	McLaughlin	Otis	Solberg	

The motion prevailed and the amendment was adopted.

S. F. No. 328, A bill for an act relating to charitable gambling ; changing the effective date for licensing by the charitable gambling control board ; clarifying that certain revenue may be used for arts education programs ; authorizing emergency licensing ordinances by local units of government ; amending Minnesota

Statutes 1984, section 349.212, subdivisions 1 and 3; and Laws 1984, chapter 502, article 12, section 26.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Krueger	Otis	Sherman
Backlund	Ellingson	Kvam	Ozment	Solberg
Battaglia	Erickson	Levi	Pappas	Stanius
Beard	Fjoslien	Lieder	Peterson	Staten
Becklin	Forsythe	Marsh	Piepho	Svigzum
Begich	Frederick	McDonald	Poppenhagen	Thiede
Bennett	Frederickson	McEachern	Price	Thorson
Blatz	Frerichs	McKasy	Quinn	Tjornhom
Boerboom	Gruenes	McLaughlin	Quist	Tomlinson
Boo	Gutknecht	McPherson	Redalen	Tompkins
Brandl	Halberg	Metzen	Rees	Tunheim
Brinkman	Hartinger	Miller	Rest	Uphus
Brown	Hartle	Minne	Rice	Vaian
Burger	Haukoos	Murphy	Richter	Valento
Carlson, D.	Heap	Nelson, D.	Riveness	Vanasek
Carlson, J.	Himle	Neuenschwander	Rodosovich	Yellenga
Carlson, L.	Jacobs	Norton	Rose	Voss
Clark	Jennings, L.	O'Connor	Sarna	Waltman
Clausnitzer	Johnson	Ogren	Schafer	Welle
Cohen	Kahn	Olsen, S.	Schoenfeld	Wenzel
Dempsey	Kalis	Olson, E.	Schreiber	Wynia
DenOuden	Kiffmeyer	Omann	Seaberg	Zaffke
Dimler	Knickerbocker	Onnen	Segal	Spk. Jennings, D.
Dyke	Knuth	Osthoff	Shaver	

Those who voted in the negative were:

Greenfield	Kostohryz	Munger	Piper	Skoglund
Jaros	Long	Pauly	Scheid	

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

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Gruenes; Nelson, K.; Tompkins and Wynia introduced:

H. F. No. 574, A bill for an act relating to education; requiring school districts to provide special instruction and services for handicapped children under the age of four and their families; requiring certain agencies and political subdivisions to maintain certain services and funding levels for young handicapped children and their families until agreements are reached; appropri-

ating money; amending Minnesota Statutes 1984, sections 120.03; 120.17, subdivisions 1, 2, 3, 3a, and by adding subdivisions; 124.17, subdivision 1; 124.223; and 124.32, by adding a subdivision.

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

Gutknecht; Carlson, D.; Osthoff; Quist and McEachern introduced:

H. F. No. 575, A bill for an act relating to animals; establishing a rabies control program; proposing coding for new law in Minnesota Statutes, chapter 346.

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

Begich, Valento, Neuenschwander, Sviggum and Battaglia introduced:

H. F. No. 576, A bill for an act relating to local government; setting authority to regulate firearms and related matters; amending Minnesota Statutes 1984, sections 624.7132, subdivision 16; and 624.717; proposing coding for new law in Minnesota Statutes, chapter 471; repealing Minnesota Statutes 1984, section 624.718.

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

Piper; Carlson, D.; Anderson, G.; Brown and Vellenga introduced:

H. F. No. 577, A bill for an act relating to agriculture; declaring a public economic emergency to exist; prohibiting mortgage foreclosure sales for one year; prohibiting repossession, foreclosure sales, and foreclosure sales of agricultural personal property for one year; providing for an application to the court to allow foreclosure sales; prohibiting actions for deficiency judgments; providing for the parties to compromise; providing legal representation by the attorney general's office for certain persons; and repealing the act after one year.

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

Krueger introduced:

H. F. No. 578, A bill for an act relating to state government; proposing an amendment to the Minnesota Constitution, article IV, section 23; article V, sections 1, 3, and 4; article VII, section 8; article VIII, section 2; article XI, sections 6, 7, 8, and 10; and article XIII, section 11; combining the offices of state treasurer, state auditor, and secretary of state into the office of state comptroller.

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

Valento; Stanius; Anderson, R., and Backlund introduced:

H. F. No. 579, A bill for an act relating to hazardous waste; establishing a hazardous substance compensation trust account; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115B.

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

O'Connor introduced:

H. F. No. 580, A bill for an act relating to economic development; providing for the election of certain community development corporation directors; amending Minnesota Statutes 1984, section 116M.04, subdivision 6.

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

Frerichs, Hartle, Frederickson and McDonald introduced:

H. F. No. 581, A bill for an act relating to agriculture; establishing a commission to collect the data necessary to design a financially sound, statewide farm program; appropriating money.

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

Boo, Sviggum, Kiffmeyer, Vellenga and Gruenes introduced :

H. F. No. 582, A bill for an act relating to human services; establishing a family subsidy program for families with children with developmental disabilities; amending Minnesota Statutes 1984, section 252.32; repealing Minnesota Statutes 1984, section 252.27, subdivision 4.

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

Tunheim introduced :

H. F. No. 583, A bill for an act relating to retirement; teachers retirement association; changing the effective date of retirement for a certain annuitant; transferring reserves to the post-retirement investment fund.

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

Tunheim introduced :

H. F. No. 584, A bill for an act relating to Lake of the Woods county; authorizing the issuance of bonds for the construction of jetties and related public improvements; and authorizing the levy of special assessments.

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

Anderson, G., by request, introduced :

H. F. No. 585, A bill for an act relating to local government; providing for exceptions to conflict of interest rules; regulating local officials; amending Minnesota Statutes 1984, section 471.88, subdivisions 5 and 8.

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

McEachern, Brinkman, Kiffmeyer and Neuenschwander introduced:

H. F. No. 586, A bill for an act relating to advertising devices; allowing "star city" signs on interstate highways; amending Minnesota Statutes 1984, sections 173.02, subdivisions 2 and 6; and 173.13, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 173.

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

Waltman, Dyke, Uphus and Sviggum introduced:

H. F. No. 587, A bill for an act relating to agriculture; providing income tax incentives to landowners who sell or lease agricultural land to beginning farmers and to banks who make loans to beginning farmers; amending Minnesota Statutes 1984, sections 290.01, subdivisions 20a and 20b; 290.361, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 290.

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

Marsh, Stanius and Quist introduced:

H. F. No. 588, A bill for an act relating to human services; creating a community work experience program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256; repealing Minnesota Statutes 1984, section 256.737.

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

Segal, Erickson, Forsythe and McEachern introduced:

H. F. No. 589, A bill for an act relating to drivers licenses; increasing fee for restoration of certain revoked licenses; dedicating revenue to programs for prevention of alcohol-impaired driving and for education on avoidable health hazards; appropriating money; amending Minnesota Statutes 1984, section 171.29, subdivision 2.

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



Bishop, McKasy, Levi, Piepho and Kelly introduced:

H. F. No. 590, A bill for an act relating to legal services; repealing the sunset provision of the law providing for surcharges on civil filing fees; repealing Laws 1982, chapter 489, section 11.

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

Clark, Staten, Brandl and Norton introduced:

H. F. No. 591, A bill for an act relating to economic development and job training; creating the office of economic adjustment; providing for the duties of the office in the assistance of economic adjustment and economic conversion; creating a task force to assist the office of economic adjustment; requiring the reporting of certain economic information; providing a penalty; appropriating money; amending Minnesota Statutes 1984, section 116J.01, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Dempsey introduced:

H. F. No. 592, 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.

Dempsey, Johnson, Krueger, Ozment and Anderson, G., introduced:

H. F. No. 593, A bill for an act relating to motor vehicles; regulating motor vehicle auctions; prescribing licensing and bonding requirements for motor vehicle dealers; amending Minnesota Statutes 1984, section 168.27, subdivisions 7, 11, 12, and 24.

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

Tunheim introduced:

H. F. No. 594, A bill for an act relating to the city of Warroad; permitting the establishment of a port authority.

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

Simoneau introduced:

H. F. No. 595, A bill for an act relating to taxation; income providing a credit for volunteer services; amending Minnesota Statutes 1984, section 290.06, by adding a subdivision.

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

Zaffke and Thorson introduced:

H. F. No. 596, A bill for an act relating to Hubbard county; authorizing county levies and appropriations for agricultural society, park, and recreation purposes.

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

Ozment, Krueger, Erickson, Tunheim and Hartle introduced:

H. F. No. 597, A bill for an act relating to motor vehicles; taxation; defining terms; reclassifying pickup trucks used in the business of farming for tax purposes; amending Minnesota Statutes 1984, sections 168.011, subdivisions 7 and 17; and 168.013, subdivision 1a.

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

Otis and Anderson, R., introduced:

H. F. No. 598, A bill for an act relating to human services; allowing a greater amount of income be disregarded for general assistance recipients and placed in trust until discharge; amending Minnesota Statutes 1984, section 256D.06, by adding a subdivision.

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

Metzen, Quinn, Osthoff, Price and Fjoslien introduced:

H. F. No. 599, A bill for an act relating to veterans; requiring the commissioner of veterans affairs to provide certain grave markers; appropriating money; amending Minnesota Statutes 1984, section 197.23.

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

Carlson, J.; Levi; Frederickson; Forsythe and Boerboom introduced:

H. F. No. 600, A bill for an act relating to taxation; sales and use; exempting sales of materials used to modify motor vehicles for private use by handicapped persons; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

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

Halberg, McKasy, Cohen, Dempsey and Quinn introduced:

H. F. No. 601, A bill for an act relating to real property; clarifying notice period required for cancellation of contract for deed; amending Minnesota Statutes 1984, section 559.21, subdivisions 1 and 2, and by adding a subdivision.

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

Marsh, Gruenes, O'Connor, Frederick and Himle introduced:

H. F. No. 602, A bill for an act relating to alcoholic beverages; allowing certain extensions of credit; amending Minnesota Statutes 1984, sections 340.031, subdivision 2; and 340.405.

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

Marsh, O'Connor, Frederick, Himle and Jacobs introduced:

H. F. No. 603, A bill for an act relating to non-intoxicating malt liquor; permitting holders of on-sale and off-sale intoxicating liquor licenses to sell non-intoxicating malt liquor without further license; amending Minnesota Statutes 1984, section 340.02, subdivisions 2 and 3.

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

McDonald, Fjoslien, Sparby and McEachern introduced:

H. F. No. 604, A bill for an act relating to agriculture; eliminating license requirement for fur farmers; establishing a registration system; providing definitions; defining agricultural products and pursuits related to fur farming; proposing coding for new law in Minnesota Statutes, chapter 17; repealing Minnesota Statutes 1984, section 17.35.

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

Knickerbocker, McKasy, Boo, Skoglund and Voss introduced:

H. F. No. 605, A bill for an act relating to commerce; authorizing certain investments in obligations of or guaranteed by the United States and certain other authorized securities; amending Minnesota Statutes 1984, sections 50.14, subdivision 2; 475.66, by adding a subdivision; and 501.125, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 11A.

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

Bennett, Thorson, Jacobs, Forsythe and Waltman introduced:

H. F. No. 606, A bill for an act relating to liquor; authorizing issuance of off-sale wine licenses to food stores; regulating sales; prohibiting the same person from being licensed as both liquor wholesaler and retailer; amending Minnesota Statutes 1984, sections 340.07, subdivision 13, and by adding a subdivision; 340.11, subdivisions 13 and 14; 340.13, by adding a subdivision; and 340.14, subdivisions 1 and 3.

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

## HOUSE ADVISORIES

The following House Advisory was introduced:

Clark, Blatz, Staten and Pappas introduced:

H. A. No. 4, A proposal to the legislature to study group home availability for racial minority juveniles.

The advisory was referred to the Committee on Crime and Family Law.

## 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 House Concurrent Resolution, herewith returned:

House Concurrent Resolution No. 3, A concurrent resolution providing for a joint convention of the Senate and the House of Representatives to elect members of the Board of Regents of the University of Minnesota.

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. 122, A bill for an act relating to retirement; public employees retirement association; setting the salary range of the executive director; changing the membership of the board; providing qualifications for the executive director; requiring advice and consent of the senate for appointment of the executive director; defining the duties of the board; ending the terms of current board members; defining the duties of the executive director; amending Minnesota Statutes 1984, sections 15A.081, subdivision 1; 43A.10, subdivision 6; and 353.03, subdivisions 1, 1a, 2, 3, 3a, and 5; proposing coding for new law in Minnesota Statutes, chapter 353.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Moe, D. M.; Wegscheid; Spear; Renneke and Knaak.

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

Knickerbocker moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 122. The motion prevailed.

Mr. Speaker :

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted :

S. F. No. 85.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 85, A bill for an act relating to agriculture; declaring a public economic emergency to exist; prohibiting mortgage foreclosure and foreclosure sales for one year; prohibiting repossession, foreclosure, and foreclosure sales of agricultural personal property for one year; providing for an application to the court to allow repossession, foreclosure, and foreclosure sale; prohibiting actions for deficiency judgments; providing for the parties to compromise; and repealing the act after one year.

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

### CONSENT CALENDAR

H. F. No. 68, A bill for an act relating to trusts; eliminating the requirement of qualifying trustees in certain cases; amending Minnesota Statutes 1984, section 524.3-913.

The bill was read for the third 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.	Brandl	Dempsey	Frederickson	Himle
Backlund	Brinkman	DenOuden	Frerichs	Jacobs
Battaglia	Brown	Dimler	Greenfield	Jaros
Beard	Burger	Dyke	Gruenes	Jennings, L.
Becklin	Carlson, D.	Elioff	Gutknecht	Johnson
Begich	Carlson, J.	Ellingson	Halberg	Kahn
Bennett	Carlson, L.	Erickson	Hartinger	Kalis
Blatz	Clark	Fjoslien	Hartle	Kiffmeyer
Boerboom	Clausnitzer	Forsythe	Haukoos	Knickerbocker
Boo	Cohen	Frederick	Heap	Knuth

Kostohryz	Murphy	Piper	Schreiber	Uphus
Krueger	Nelson, D.	Price	Seaberg	Valan
Kvam	Norton	Quinn	Segal	Valento
Levi	O'Connor	Quist	Shaver	Vanasek
Lieder	Ogren	Redalen	Sherman	Veilenga
Long	Olsen, S.	Rees	Skoglund	Voss
Marsh	Olson, E.	Rest	Solberg	Waltman
McDonald	Omann	Rice	Stanius	Welle
McEachern	Onnen	Richter	Staten	Wenzel
McKasy	Osthoff	Riveness	Sviggum	Wynia
McLaughlin	Otis	Rodosovich	Thiede	Zaffke
McPherson	Ozment	Rose	Thorson	Spk. Jennings, D.
Metzen	Pappas	Sarna	Tjornhom	
Miller	Pauly	Schafer	Tomlinson	
Minne	Peterson	Scheid	Tompkins	
Munger	Piepho	Schoenfeld	Tunheim	

The bill was passed and its title agreed to.

**REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION**

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

Resolved that the Permanent Rules of the House as adopted on January 24, 1985, be amended as follows:

(1) 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 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 *Friday, May 10, 1985*, 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.

(2) 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 an odd-numbered year, notice of intention to move reconsideration shall not be in order after *Monday, April 22*.

(3) 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.

In an odd-numbered year except after *Monday, May 13*, 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.

(4) Rule 9.3 is amended to read:

**9.3 DEADLINES.** In odd-numbered years, committee reports on bills favorably acted upon by a committee in the house of origin after *Thursday, April 4*, and committee reports on bills originating in the other house favorably acted upon by a committee after *Friday, April 19*, shall be referred in the House of Representatives to the Committee on Rules and Legislative Administration for disposition. However, referral is not required after the first deadline when, by the second deadline, a committee acts on a bill that is a companion to a bill that has then been acted upon by the first deadline in the Senate. This rule does not apply in the House Committees on Appropriations and on Taxes.

Levi moved that the Report from the Committee on Rules and Legislative Administration be now adopted. The motion prevailed and the Permanent Rules of the House for the Seventy-Fourth Session were amended.

#### GENERAL ORDERS

Levi moved that the bills on General Orders for today be continued one day. 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. 122:

Knickerbocker, O'Connor, Bennett, Clausnitzer and Long.

#### MOTIONS AND RESOLUTIONS

Piepho moved that the name of Elioff be added as an author on H. F. No. 9. The motion prevailed.

Redalen moved that the name of Valan be stricken and the name of Uphus be added as an author on H. F. No. 427. The motion prevailed.

Seaberg moved that the name of Clark be added as an author on H. F. No. 438. The motion prevailed.

Carlson, J., moved that the name of Jennings, L., be added as an author on H. F. No. 443. The motion prevailed.

Olson, E., moved that the name of Clark be added as an author on H. F. No. 460. The motion prevailed.

Hartinger moved that the names of Uphus and Valento be added as authors on H. F. No. 474. The motion prevailed.

Seaberg moved that the name of Clark be added as an author on H. F. No. 499. The motion prevailed.

Solberg moved that the name of Bishop be added as an author on H. F. No. 526. The motion prevailed.

Welle moved that the name of McKasy be added as an author on H. F. No. 565. The motion prevailed.

Piepho moved that H. F. No. 9, now on Technical General Orders, be re-referred to the Committee on Judiciary. The motion prevailed.

Ozment moved that H. F. No. 571 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Local and Urban Affairs. The motion prevailed.

Marsh moved that H. F. No. 133 be returned to its author. The motion prevailed.

#### ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, February 28, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, February 28, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



STATE OF MINNESOTA  
SEVENTY-FOURTH SESSION - 1985

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EIGHTEENTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, FEBRUARY 26, 1985

The Senate met on Tuesday, February 26, 1985, which was the Eighteenth Day of the Seventy-fourth Session of the Minnesota State Legislature. The House of Representatives did not meet on this date.



## STATE OF MINNESOTA

## SEVENTY-FOURTH SESSION - 1985

## NINETEENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 28, 1985

The House of Representatives convened at 2:00 p.m. and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Reverend Howard C. Gravrock, House Chaplain.

The roll was called and the following members were present:

Anderson, G.	Erickson	Levi	Pappas	Skoglund
Anderson, R.	Fjoslien	Lieder	Pauly	Solberg
Backlund	Forsythe	Long	Peterson	Sparby
Battaglia	Frederick	Marsh	Piepho	Stanius
Beard	Frederickson	McDonald	Piper	Staten
Becklin	Frerichs	McEachern	Poppenhagen	Sviggum
Begich	Greenfield	McKasy	Price	Thiede
Bennett	Gruenes	McLaughlin	Quinn	Thorson
Blatz	Gutknecht	McPherson	Quist	Tjornhom
Boerboom	Hartinger	Metzen	Redalen	Tomlinson
Boo	Hartle	Miller	Rees	Tompkins
Brandl	Haukoos	Minne	Rest	Tunheim
Brinkman	Heap	Munger	Rice	Uphus
Brown	Hinle	Murphy	Richter	Valan
Burger	Jacobs	Nelson, D.	Riveness	Valento
Carlson, D.	Jaros	Nelson, K.	Rodosovich	Vanasek
Carlson, J.	Jennings, L.	Neuenschwander	Rose	Vellenga
Carlson, L.	Johnson	Norton	Sarna	Voss
Clark	Kahn	O'Connor	Schafer	Waltman
Clausnitzer	Kalis	Ogren	Scheid	Welle
Cohen	Kelly	Olsen, S.	Schoenfeld	Wenzel
Dempsey	Kiffmeyer	Olsen, E.	Schreiber	Wynia
DenOuden	Knickerbocker	Omann	Seaberg	Zaffke
Dimler	Knuth	Onnen	Segal	Snk. Jennings, D.
Dyke	Kostohryz	Osthoff	Shaver	
Elioff	Krueger	Otis	Sherman	
Ellingson	Kvam	Ozment	Simoneau	

A quorum was present.

Bishop and Halberg were excused.

The Chief Clerk proceeded to read the Journals of the preceding days. McDonald 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. 385 and 155 and S. F. Nos. 85, 54 and 328 have been placed in the members' files.

## REPORTS OF STANDING COMMITTEES

Schreiber from the Committee on Taxes to which was referred :

H. F. No. 35, A bill for an act relating to agriculture; making certain changes in the family farm security program; amending Minnesota Statutes 1984, sections 16A.80, subdivision 2a; 41.56, subdivisions 3, 4, and 4a; 41.57, subdivisions 2 and 3; 41.59, subdivision 1; 41.61, subdivision 1; and 290.01, subdivision 20b.

Reported the same back with the following amendments:

Pages 6 to 11, delete section 9

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, before "41.61" insert "and"

Page 1, line 6, delete "; and"

Page 1, line 7, delete everything before the period

With the recommendation that when so amended the bill pass.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 78, A bill for an act relating to crimes; defining the crime of owning or operating a disorderly house; requiring a mandatory fine for a person owning or operating a disorderly house; amending Minnesota Statutes 1984, section 609.33.

Reported the same back with the following amendments:

Page 1, line 22, after "*conduct*" insert "*habitually*"

Page 1, line 23, delete everything after "*of*" and insert "*laws relating to:*"

Page 1, delete line 24

Page 1, line 25, after "(1)" insert "the" and delete "or regulation"

Page 2, line 2, delete "or solicitation to vice" and insert "as defined in section 609.321, subdivision 9, or acts relating to prostitution"

Page 2, line 3, after "(4)" insert "the" and after "substances" insert "as defined in section 152.01, subdivision 4"

Page 2, lines 9 to 22, delete subdivision 3, and insert:

*"Subd. 3. [MANDATORY MINIMUM PENALTIES.] (a) If a person is convicted of a first violation of subdivision 2, in addition to any sentence of imprisonment authorized by subdivision 2 which the court may impose, the court shall impose a fine of not less than \$300 nor more than \$3,000.*

*(b) If a person is convicted of a second violation of subdivision 2, in addition to any sentence of imprisonment authorized by subdivision 2 which the court may impose, the court shall impose a fine of not less than \$500 nor more than \$3,000.*

*(c) If a person is convicted of a third or subsequent violation of subdivision 2, the court shall impose a fine of not less than \$1,000 nor more than \$3,000, and a sentence of imprisonment in a jail or other local correctional facility for not less than ten days nor more than one year."*

Page 2, line 24, after the comma, insert "of prostitution or acts relating to prostitution,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kvam from the Committee on Financial Institutions and Insurance to which was referred:

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

Reported the same back with the following amendments:

Page 1, line 7, delete "a" and insert "any"

Page 1, line 8, delete "in the city of Becker" and insert "within 25 miles of the town of Santiago"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.



Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 90, A bill for an act relating to state government; creating the Council on Asian-Pacific Minnesotans; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 3.

Reported the same back with the following amendments:

Page 4, line 12, after "\$" insert "150,000"

Page 4, after line 15, insert:

"Sec. 3. [REPEALER.]

*Section 1 is repealed June 30, 1988."*

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

The report was adopted.

Kvam from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 117, A bill for an act relating to the town of Tofte; authorizing the establishment of a detached banking facility.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 123, A resolution memorializing the United States Congress to propose an amendment to the United States Constitution to protect human life.

Reported the same back with the following amendments:

Page 1, line 21, delete "amendment to the Constitution of" and insert "appropriate amendment to the United States Constitution that protects human life."

Delete page 1, line 22, to page 2, line 9

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

The report was adopted.

Redalen from the Committee on Regulated Industries and Energy to which was referred:

H. F. No. 185, A bill for an act relating to utilities; prescribing membership on the public utilities commission; amending Minnesota Statutes 1984, section 216A.03, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 216A.03, subdivision 1, is amended to read:

Subdivision 1. [MEMBERS.] As of January 1, 1975 the public utilities commission shall consist of five members, three of whom shall be the members then serving, who shall continue to serve for the balance of their elective or appointive terms. There shall be two additional commissioners appointed by the governor with the advice and consent of the senate, one for a term expiring December 31, 1975, and one for a term expiring December 31, 1977. Thereafter the terms of all subsequent members of the commission shall be six years and until their successors have been appointed and qualified. Each commissioner shall be appointed by the governor by and with the advice and consent of the senate. Not more than three commissioners shall belong to the same political party. *At least four commissioners shall represent the two major political parties in Minnesota, consisting of at least two members representing each party, and no more than three commissioners shall be domiciled at the time of their appointment within the seven-county metropolitan area; provided that if the membership on the commission after July 31, 1985, consists of more than three members domiciled at the time of their appointment in the seven-county metropolitan area or less than two members representing either major party, its membership shall be brought into conformity with this subdivision only by appointment of new members following attrition, such as by retirement, resignation, or death, of the present commission membership.* The governor in his selection of commissioners shall give consideration to persons learned in the law or persons who have engaged in the profession of engineering, public accounting or property and utility valuation as well as being representative of the general public.

*For purposes of this subdivision, "seven-county metropolitan area" means Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties."*

Delete the title and insert:

“A bill for an act relating to utilities; prescribing membership on the public utilities commission; amending Minnesota Statutes 1984, section 216A.03, subdivision 1.”

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

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 231, A bill for an act relating to St. Louis county; authorizing a private sale of certain tax-forfeited land.

Reported the same back with the following amendments:

Page 1, line 9, delete “*appraisal*” and insert “*appraisal*”

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 236, A bill for an act relating to public safety; requiring the commissioner of public safety to administer an automated fingerprint identification network system; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299C.

Reported the same back with the following amendments:

Page 2, line 36, after “Sec.” delete “4” and insert “3”

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

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 232, A bill for an act relating to education; declaring the mission of public elementary and secondary education in Minnesota; proposing coding for new law in Minnesota Statutes, chapter 120.

Reported the same back with the following amendments:

Page 1, line 12, after "*help*" insert "*all*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 300, A bill for an act relating to natural resources; terms of payment in county timber sales; amending Minnesota Statutes 1984, section 282.04, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 25, delete "75", strike "percent" and insert "*amount of the sale price*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Kvam from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 307, A bill for an act relating to the town of Cannon Falls; authorizing the establishment of a detached banking facility.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 468, A bill for an act relating to state departments and agencies; clarifying the duties of the state demographer; adding to the nongeneral fund staff complement of the land management information center; amending Minnesota Statutes 1984, sections 275.14; 368.01, subdivision 1a; and 368.015.

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

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 470, A bill for an act relating to education; authorizing the establishment of joint vocational technical districts; proposing coding for new law in Minnesota Statutes, chapter 136D.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 136C.02, subdivision 6, is amended to read:

Subd. 6. [DISTRICT.] “District” means a school district providing post-secondary vocational education (OR), an intermediate district, or a joint district.

Sec. 2. Minnesota Statutes 1984, section 136C.02, subdivision 8, is amended to read:

Subd. 8. [SCHOOL BOARD.] “School board” means the school board of a district (AND, IN THE CASE OF AN INTERMEDIATE DISTRICT), the board of (THE) an intermediate district, or the board of a joint district.

Sec. 3. Minnesota Statutes 1984, section 136C.02, is amended by adding a subdivision to read:

Subd. 9. [JOINT DISTRICT.] “Joint district” means a joint vocational technical district established under section 4.

Sec. 4. [136D.01] [DISTRICTS MAY FORM JOINT VOCATIONAL TECHNICAL DISTRICT.]

*Notwithstanding other law, two or more independent school districts each operating an area vocational technical institute may enter into an agreement to establish a joint vocational technical district upon a majority vote of the full membership of each of the boards of the districts entering into the agreement. When resolutions approving the agreement have been adopted by the boards of two or more districts, the resolutions must be filed with the state director of vocational technical education and the commissioner of education. The commissioner shall assign an appropriate identification number as provided in section 122.03.*

Sec. 5. [136D.02] [GOVERNING BOARD.]

Subdivision 1. [MEMBERS.] *The district shall be operated by a joint vocational technical board, which shall consist of the number of members from each of the participating school dis-*

*tricts specified in the agreement establishing the joint vocational technical district. Board members must be residents of the respective school districts represented, may be members of the school boards of the respective school districts, and the first members shall be appointed by their respective school boards. The agreement may provide for election of members to take office at the end of a term of an appointed member. Appointed members shall serve at the pleasure of their respective school boards and may be subject to recall by a majority vote of the appointing board. The election of members is governed by section 123.32. Board members shall report at least quarterly to their appointing boards on the activities of the joint vocational technical district.*

*Subd. 2. [EX OFFICIO MEMBER; ADVISORS.] The director of the joint vocational technical district is an ex officio, nonvoting member of the joint board.*

*Subd. 3. [TERMS.] The agreement establishing the joint vocational technical district must specify the number of members from each participating district who shall serve an initial one-year term and the number of members from each participating district who shall serve an initial two-year term. The appointing board shall designate which of the appointees shall serve the one-year term and which of the appointees shall serve the two-year term. Terms of office of the members of the joint board must expire on June 30. After the initial term, the length of terms of office of joint board members must be as specified in the agreement. If a vacancy occurs on the joint board, it must be filled by the appropriate school board for the remainder of the unexpired term. A person appointed to the joint board shall qualify as a board member by filing with its director a written certificate of appointment from the member's respective appointing board.*

*Subd. 4. [ORGANIZATIONAL MEETINGS.] The first meeting of the first joint board shall be at a time mutually agreed to by the members appointed by the boards of the participating school districts. Thereafter the joint board shall conduct its organizational meeting in July of each year when notified of the meeting by the director of the joint vocational technical district. At the organizational meeting, the officers of the joint vocational technical district for the current year shall be chosen and other necessary organizational business shall be conducted.*

*Subd. 5. [OFFICERS.] The officers are a chair, vice-chair, clerk, and treasurer. The chair shall preside at all meetings of the joint board. In the absence of the chair, the vice-chair shall preside. The clerk shall keep a complete record of the minutes of each meeting and the treasurer is the custodian of the funds of the joint vocational technical district. Insofar as applicable, board members and officers of the joint vocational technical district are governed by the laws relating to board members and officers of independent school districts.*

*Subd. 6. [QUORUM.] A majority of the joint board is a quorum although a smaller number may adjourn.*

**Sec. 6. [136D.03] [POWERS AND DUTIES.]**

*Subdivision 1. [IN GENERAL.] The joint board has the powers and duties specified in section 136C.05 and other powers specified by law for the board of an independent school district, except that a joint board may levy only according to sections 11 and 13.*

*Subd. 2. [PROVISION OF FACILITIES AND SERVICES.] The duty and the function of the joint board is to furnish post-secondary and adult vocational education. The joint board may also provide other secondary educational programs or secondary services requested by a participating district. Secondary offerings may be provided only under the direction of properly licensed personnel.*

*Subd. 3. [FINANCE.] The joint board shall provide for the conduct of the schools, payment of indebtedness, and payment of other proper expenses of the district.*

*Subd. 4. [CONTRACTS.] The joint board shall employ and contract with necessary qualified teachers and administrators and may discharge the same under section 125.12. The joint board may employ and discharge other necessary employees and may contract for the purchase or sale of educational and other services the joint board considers necessary.*

**Sec. 7. [136D.04] [LEGAL STATUS OF JOINT BOARD.]**

*Subdivision 1. [PUBLIC AGENCY.] The joint board is a public corporation and agency and may receive and disburse private, federal, and state funds made available to it.*

*Subd. 2. [LIABILITY.] A participating school district has no liability for the debts or obligations of the joint vocational technical district. An individual serving as a member of the joint board has no individual liability for those debts or obligations.*

*Subd. 3. [TAX EXEMPT.] Real or personal property, acquired, owned, leased, used, or controlled in any way by the joint board for its purposes is exempt from taxation by the state or its political subdivisions.*

*Subd. 4. [APPLICABLE LAWS.] Except as specifically provided to the contrary, the organization, operation, maintenance, and conduct of the affairs of the joint vocational technical district are governed by the general laws relating to independent school districts.*

## Sec. 8. [136D.05] [TEACHERS.]

*Subdivision 1. [ASSIGNMENT.] When an independent school district becomes a member of the joint vocational technical district, a teacher employed by a member district and primarily assigned as a post-secondary or adult vocational education teacher there, shall be assigned to and become an employee of the joint vocational technical district without further rights to employment in the member district; provided that, for a period of two years from the date of assignment, teaching vacancies in the member district from which the teacher was assigned must be offered to the teacher assigned to the joint vocational technical district if the teacher was placed on unrequested leave of absence by the joint vocational technical district, if the teacher is properly licensed for the position, and if a transfer or assignment from a post-secondary or adult vocational position to a secondary position would have been authorized in the member district under the contract in effect at the time of that teacher's assignment to the joint vocational technical district. A teacher who has previously been placed on unrequested leave of absence from a post-secondary or adult vocational education position by an independent school district that becomes a member of the joint vocational technical district only has reinstatement rights to an available post-secondary or adult vocational position in the joint vocational technical district and has no further rights to reinstatement to any post-secondary or adult vocational position in the member district. This reassignment of employment rights is not a leaving of employment for eligibility for payments under section 465.72 or under a policy or contract based on that section.*

*Subd. 2. [EXCLUSIVE REPRESENTATIVE.] The employee organization certified as the exclusive representative for the teachers in a particular member district who are assigned to the joint vocational technical district upon its establishment shall continue as the exclusive representative for those teachers until that organization is decertified or another organization is certified in its place under this subdivision. After the commissioner assigns an identification number to the joint vocational technical district, any employee organization representing teachers in the joint vocational technical district may petition the director of the bureau of mediation services for a certification election proceeding under chapter 179A. For purposes of certification of an exclusive representative, the teachers assigned to the joint vocational technical district are an appropriate unit of employees.*

*Subd. 3. [BARGAINING AGREEMENT.] The terms and conditions of employment of teachers assigned to the new joint vocational technical district from each member district shall be temporarily governed by the contract executed by the exclusive bargaining representative and that particular member district until a successor contract is executed between the board of the joint vocational technical district and the new exclusive bar-*



*gaining representative. The date of first employment in the new joint vocational technical district shall be the date on which services were first performed by the teacher in the member school district from which assigned. Accumulations of sick leave and accumulated years of service to determine eligibility for any severance pay or early retirement benefits shall be applied to any maximum accumulation limitations negotiated in the successor contract. The joint vocational technical board shall provide, to transferred teachers, open enrollment in all insurance plans with no limitation on preexisting conditions. The successor contract shall contain a negotiated plan for the placement of teachers on unrequested leave of absence in the joint vocational technical district.*

*Subd. 4. [APPLICABLE LAW.] Except as provided in this section, section 125.12 applies to the employment of each teacher by the joint vocational technical district.*

#### **Sec. 9. [136D.06] [NONLICENSED EMPLOYEES.]**

*Subdivision 1. [ASSIGNMENT.] When an independent school district becomes a member of the joint vocational technical district, each nonlicensed employee primarily employed in an AVTI who is transferred to the joint vocational technical district shall be assigned to and become an employee of the joint vocational technical district without further employment rights in the member district, other than for two years from the date of assignment to the joint vocational technical district, the right to exercise, in the member district, job seniority promotion and layoff provisions of the contract in effect at the time of that employee's assignment to the joint vocational technical district. This reassignment of employment rights is not a leaving of employment for eligibility for payment under section 465.72 or under a policy or contract based on that section.*

*Subd. 2. [EXCLUSIVE REPRESENTATIVES.] After the commissioner assigns an identification number to the joint vocational technical district, any employee organization may petition the director of the bureau of mediation services for a certification election proceeding under chapter 179A. An organization certified as the exclusive representative for nonlicensed employees in a particular member district who are assigned to the joint vocational technical district upon its establishment shall continue as the exclusive representative for those particular employees for a period of 90 days from the date on which the joint vocational technical district is established. If a petition for representation of nonlicensed employees is filed within 90 days, an exclusive representative for those particular nonlicensed employees shall continue as the exclusive representative until bureau of mediation services proceedings are concluded.*

*Subd. 3. [BARGAINING AGREEMENT.] The terms and conditions of employment of nonlicensed employees assigned*

to the joint vocational technical district who were not governed by a collective bargaining agreement at the time of the assignment shall be governed by joint board policy. The terms and conditions of employment of nonlicensed employees assigned to the joint vocational technical district from each member district shall be temporarily governed by contracts executed by an exclusive representative for a period of 90 days from the date of assignment. If a petition for representation of nonlicensed employees is filed with the bureau of mediation services within the 90 days, the contractual terms and conditions of employment for those particular nonlicensed employees who were governed by a preexisting contract shall continue until bureau of mediation services proceedings are concluded; and if exclusive representatives have been elected, until successor contracts are executed between the board of the joint vocational technical district and the new exclusive representatives.

The date of first employment in the joint vocational technical district shall be the date on which services were first performed by the employee in the member school district from which assigned. Any sick leave, vacation time, or severance pay benefits accumulated pursuant to policies of a member district or contracts between exclusive representatives and the boards of member districts shall continue to apply in the new joint vocational technical district to the employee assigned from those member districts; provided that their accumulated benefits do not exceed any maximum accumulation limitations negotiated in a successor contract. Future leaves of absence, vacations, or other benefits to be accumulated in the new joint vocational technical district shall be governed by joint board policy or by contract between an exclusive representative of an appropriate unit of employees and the joint vocational technical board. The joint vocational technical board shall provide, to transferred nonlicensed employees, open enrollment in all insurance plans with no limitation on preexisting conditions.

#### Sec. 10. [136D.07] [TRANSFER OF PROPERTY.]

Subdivision 1. [TRANSFER OF TITLE.] When an independent school district becomes a member of the joint vocational technical school district, the member district shall transfer to the joint board title to the AVTI facility in that district and other appropriate equipment, personal property, and related records. The deed transferring the real property may specify that title to the property reverts to the granting school district if the property is no longer used for vocational or technical education purposes. All claims and contract obligations of the member district relating to the AVTI and adult and post-secondary vocational education programs including claims for unemployment compensation, shall also transfer to the joint vocational technical district.

Subd. 2. [DEBT.] The bonded debt on all property transferred shall be paid according to levies for that debt previously

*made under chapter 475. The obligation of the taxable property in the member district with reference to the payment of that bonded debt is not affected by the transfer.*

*Subd. 3. [TRANSFER OF FUNDS.] A member district shall transfer all fund balances, excluding the debt redemption fund, in all post-secondary and adult vocational funds to the joint vocational technical district.*

*Subd. 4. [TRANSFER NOT TO AFFECT LEGAL ACTION.] The transfer of property, title, and power to govern AVTIs and post-secondary and adult vocational programs does not affect a proceeding of an administrative, civil, or criminal nature pending at the time of the transfer, but the proceeding shall be pursued in the name of the joint board. The joint board or its designee, upon application to the appropriate court or agency, shall be substituted as a party to the proceeding.*

**Sec. 11. [136D.08] [TAX LEVIES.]**

*Subdivision 1. [STATE AUDITOR COSTS; JUDGMENTS; INSURANCE.] The joint board may levy upon all taxable property in the joint vocational technical district an amount necessary to pay the joint vocational technical district's obligations under section 6.62, to pay its obligations under section 127.05, and to pay its insurance premium costs under section 466.06.*

*Subd. 2. [AID ANTICIPATION CERTIFICATES.] The joint board may issue aid anticipation certificates of indebtedness under sections 124.71 to 124.76 and may pledge the full faith and credit of the joint vocational technical district to their payment under section 124.75.*

*Subd. 3. [AVTI CONSTRUCTION.] It is the intention of the legislature to pay 100 percent of the cost of future authorized construction of post-secondary vocational facilities in the joint vocational technical district; however, the joint board may levy for the local share of the cost of construction of post-secondary vocational facilities as provided in section 275.125, subdivision 14a.*

**Sec. 12. [136D.09] [JOINDER.]**

*Upon approval by the majority vote of its board and the joint board, any other independent school district with an area vocational technical institute may enter into an agreement to become a participant in a joint vocational technical district. An election is not required on this issue. The agreement must be approved by resolution of the school board of the independent district and the joint board. The resolutions must be filed with the state director.*

## Sec. 13. [136D.10] [PAYMENT OBLIGATION.]

*Subdivision 1. [AGREEMENTS WITH STATE DIRECTOR.] The state director may enter into agreements with the joint vocational technical district and its member school districts relating to costs of interim staffing and to payments of district service fees to member districts.*

*Subd. 2. [CONSTRUCTION.] Notwithstanding section 136C.44, it is the intention of the legislature to fund 100 percent of the cost of any future authorized post-secondary vocational facilities construction in the joint vocational technical district.*

*Subd. 3. [PAYMENT OF DEBT; TRANSFER; DEBT SERVICE AID.] A member district which has debt outstanding upon an AVTI facility and property that is transferred to the joint vocational technical district shall escrow in its AVTI debt redemption fund the lesser of: (a) a sufficient amount to pay the local share of all principal, interest, and redemption premiums on the outstanding debt when due, or (b) the remaining balance in the AVTI debt redemption fund. The member district shall transfer the amount to a separate account in its debt redemption fund for payment of the debt. Any remaining balance in the AVTI debt redemption fund may be used as provided in section 123.36, subdivision 13, clauses (2), (3), and (4).*

*The state board of vocational technical education shall provide for credit against the debt service of all member districts that have transferred their AVTI facilities to the board of the joint vocational technical district. The provided credit must be post-secondary vocational debt service aid equal to the state portion of the amount necessary to make all payments due in each school year ending June 30 with respect to bonds issued to finance those post-secondary vocational facilities and interest on the bonds. If the property reverts to ownership by the member district according to section 10, the state portion of debt service aid shall be paid according to section 136C.41.*

*Subd. 4. [LEVY.] A member district that has transferred an AVTI facility to the joint board may levy upon all taxable property in the member district, the following:*

*(1) in the first year's levy after the transfer, 75 percent of the amount of the district's most recent service fee allocation;*

*(2) in the second year's levy after the transfer, 50 percent of the amount of the district's service fee allocation under clause (1); and*

*(3) in the third year's levy after the transfer, 25 percent of the amount of the district's service fee allocation under clause (1).*

*The proceeds of the levy may be placed in the general fund or any other fund of the district. Any unexpended portion of the proceeds so received must not be considered in the net unappropriated fund balance of the member district for the three fiscal years to which the levy is attributable.*

Sec. 14. [EFFECTIVE DATE.]

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

Delete the title and insert:

"A bill for an act relating to education; authorizing the establishment of joint vocational technical districts; providing for a governing board; authorizing post-secondary and adult vocational programs, secondary educational programs, and secondary services; providing for separate bargaining units, prohibitions on bumping, and certain other labor issues; transferring all school district real and personal property to the joint district; authorizing the joint district to levy for certain purposes; providing for intention of state funding of construction; providing for bonded indebtedness, fund transfers, and debt service; amending Minnesota Statutes 1984, section 136C.02, subdivisions 6 and 8, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 136D."

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 35, 78, 85, 117, 231, 282, 300, 307 and 468 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Sviggum; Knickerbocker; Vanasek; Jennings, L., and Dempsey introduced:

H. F. No. 607, A bill for an act relating to retirement; authorizing municipalities to establish and finance defined contribution plans for municipal ambulance and rescue volunteers; amending Minnesota Statutes 1984, sections 356.24; and 356.25; proposing coding for new law in Minnesota Statutes, chapter 424A.

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

Piper introduced:

H. F. No. 608, A bill for an act relating to agriculture; allowing persons to buy farm products from persons engaged in farming free of a security interest; allowing a person who sells goods for another including a commission merchant to take the goods free of a security interest; amending Minnesota Statutes 1984, section 336.9-307.

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

Sviggum, Stanius, Greenfield, Boo and Jennings, L., introduced:

H. F. No. 609, A bill for an act relating to health; providing for the distribution of maternal and child health block grant funds to special projects; amending Minnesota Statutes 1984, sections 145.882; 145.884; 145.885; and 145.886.

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

Dempsey, Ogren, Omann, Brinkman and Redalen introduced:

H. F. No. 610, A bill for an act relating to local government; providing for transfer of certain federal payments in lieu of taxes from the county to the city or town; proposing coding for new law in Minnesota Statutes, chapter 471.

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

Cohen introduced:

H. F. No. 611, 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.

Segal and Knuth introduced:

H. F. No. 612, A bill for an act relating to environment; creating a hazardous substance injury compensation fund; establishing a board to administer compensation; limiting compensable losses; prescribing claims procedures; allowing partial subrogation rights; providing for partial recoupment of expenditures from hazardous waste generators; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115B.

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

Rees introduced:

H. F. No. 613, A bill for an act relating to insurance; modifying certain continuing education requirements; amending Minnesota Statutes 1984, section 60A.1701, subdivisions 7 and 8.

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

McKasy, Osthoff, Knickerbocker, Brandl and Levi introduced:

H. F. No. 614, A bill for an act relating to state government; proposing an amendment to the Minnesota Constitution, article IV, section 23; article V, sections 1, 3, and 4; article VII, section 8; article VIII, section 2; article XI, sections 6, 7, 8, and 10; and article XIII, section 11; combining the offices of state treasurer, state auditor, and secretary of state into the office of state comptroller.

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

Onnen, Rees, Valento, Osthoff and Olsen, S., introduced:

H. F. No. 615, A bill for an act creating an advisory council to study the possibility of the creation of a unicameral legislature in Minnesota.

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

Begich and Minne introduced:

H. F. No. 616, A bill for an act relating to taxation; property; eliminating the required county board approval prior to confession of judgment for delinquent taxes; amending Minnesota Statutes 1984, section 279.37, subdivision 3.

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

Minne, Elihoff, Murphy and Shaver introduced:

H. F. No. 617, A bill for an act relating to education; increasing the compensation for election judges in school district consolidation elections; amending Minnesota Statutes 1984, section 122.23, subdivision 12.

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

Solberg and Johnson introduced:

H. F. No. 618, A bill for an act relating to partition fences; changing certain responsibilities and procedures; amending Minnesota Statutes 1984, sections 344.02; 344.03, subdivision 1, and by adding a subdivision; and 344.13; proposing coding for new law in Minnesota Statutes, chapter 344.

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

Erickson; Kahn; Carlson, D.; Bennett and Knuth introduced:

H. F. No. 619, A bill for an act relating to education; Minnesota Education Computing Corporation; removing some limits on its powers; amending Minnesota Statutes 1984, sections 119.04, subdivision 2; and 119.05, subdivision 2.

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



Boo, Elioff, Schoenfeld and Gruenes introduced:

H. F. No. 620, A bill for an act relating to human services; providing for a larger state share of general assistance costs; amending Minnesota Statutes 1984, section 256D.03, subdivision 2.

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

Gruenes, Quist, Vellenga, Clausnitzer and Simoneau introduced:

H. F. No. 621, A bill for an act relating to mental health; revising the language of statutes concerning persons with mental illness and mental retardation and revising the language of statutes concerning state treatment facilities; amending Minnesota Statutes 1984, sections 147.021, subdivision 1; 243.55, subdivision 3; 245.072; 245.52; 245.70, subdivision 1; 245.71; 245.821, subdivision 1; 245.825, subdivision 1; 246.01; 246.013; 246.014; 246.13; 246.23; 246.234; 246.41; 246.50; 246.51; 246.511; 246.52; 246.53; 246.54; 246.55; 246.56; 246.57; 252.025; 252.05; 252.06; 252.07; 252.09; 252.10; 252.21; 252.22; 252.23; 252.24; 252.25; 252.27; 252.275; 252.28; 252.291; 252.30; 252.31; 252.32; 253.015; 253.10; 253.19; 253.20; 253.21; 253.25; 253.26; 256.01, subdivisions 2 and 5; 256.91; 256.93, subdivision 1; 256B.02, subdivisions 2 and 8, and by adding a subdivision; 256B.092; 256B.36; 256B.501; 256E.03, subdivision 2; 256E.06, subdivision 2a; 260.092; 260.36; 284.05; 299F.77; 447.42; 447.45; 501.27; and 517.03; proposing coding for new law in Minnesota Statutes, chapter 252.

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

Hartinger; Carlson, J.; Tjornhom and Thiede introduced:

H. F. No. 622, A bill for an act relating to human services; authorizing the commissioner of human services to pay rewards for information in certain cases of crimes involving public assistance; requiring restitution for certain crimes involving public assistance; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

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

Thiede, Zaffke, Neuenschwander, Battaglia and Thorson introduced:

H. F. No. 623, A bill for an act relating to wild animals; altering certain provisions regarding taking and possession, and penalties related thereto; amending Minnesota Statutes 1984, sections 97.55, subdivision 4; 98.46, subdivision 5; 98.52, by adding subdivisions; and 100.29, subdivision 8.

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

Johnson; Carlson, D.; Kalis; Valan and Anderson, G., introduced:

H. F. No. 624, A bill for an act relating to state government; transportation; reorganizing certain motor carrier regulation and enforcement responsibilities in state agencies.

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

Gruenes, Marsh, Clark and Piepho introduced:

H. F. No. 625, A bill for an act relating to hazardous substances; providing an appropriation to the state university board for the purpose of creating a hazardous materials incident response training center at St. Cloud state university.

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

Gruenes; Redalen; Olson, E.; Jacobs and Carlson, J., introduced:

H. F. No. 626, A bill for an act relating to energy; delaying the effective date of energy efficiency ratings for certain devices sold in Minnesota; amending Minnesota Statutes 1984, section 116J.19, subdivision 13.

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

Price, Solberg, Voss, Beard and Vellenga introduced :

H. F. No. 627, A bill for an act relating to human services; requiring that marriage license funds be used in the county where the fee originates; amending Minnesota Statutes 1984, section 517.08, subdivision 1c.

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

Rose, Redalen, Munger, Neuenschwander and Carlson, D., introduced :

H. F. No. 628, A bill for an act relating to game and fish; enhancement of fish and wildlife; planning and implementation of wildlife management; conservation of marginal agricultural lands; habitat management; aspen recycling program; appropriating money; amending Minnesota Statutes 1984, sections 97.49, subdivision 3; 97.55, subdivision 16; 290.421, subdivision 5; and 290.431; proposing coding for new law in Minnesota Statutes, chapters 40, 84, and 88.

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

Kiffmeyer, Schafer, Begich and Miller introduced :

H. F. No. 629, A bill for an act relating to malt beverages; defining terms requiring registration numbers and records; providing a penalty; proposing coding for new law in Minnesota Statutes, chapter 340.

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

Boerboom; Schreiber; Jennings, D.; Valan and Neuenschwander introduced :

H. F. No. 630, A bill for an act relating to transportation; motor carriers; establishing a gross vehicle weight limitation for state trunk highways; requiring a local plan to upgrade market arteries; providing that 12 citizens may challenge a seasonal weight restriction imposed by the commissioner; amending Minnesota Statutes 1984, sections 169.81, subdivision 2; 169.825, subdivision 10; 169.86, subdivisions 1a, 2, and by adding a subdivision; and 169.87, subdivision 1, and by adding a subdivision.

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

Carlson, D.; Elioff; McEachern; Price and Backlund introduced:

H. F. No. 631, A bill for an act relating to school districts; providing for self-insured, statewide fringe benefit coverages for employees; proposing coding for new law in Minnesota Statutes, chapter 121.

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

Zaffke, Peterson, Thorson, Ogren and Bennett introduced:

H. F. No. 632, A bill for an act relating to commerce; registering and regulating membership camping clubs; providing for disclosure, rescission rights, civil liabilities, and criminal penalties; proposing coding for new law as Minnesota Statutes, chapter 82A.

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

Valan, Poppenhagen, Dyke, Boerboom and McPherson introduced:

H. F. No. 633, A bill for an act relating to traffic regulations; providing for book racks and "MN" designation on school buses; amending Minnesota Statutes 1984, section 169.44, by adding subdivisions.

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

Shaver, Valento, Hartinger, Becklin and Backlund introduced:

H. F. No. 634, A bill for an act relating to elections; limiting the number of registration applicants for whom a person may vouch; amending Minnesota Statutes 1984, section 201.061, subdivision 3.

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

Neuenschwander; Carlson, D.; Begich; Battaglia and Thiede introduced:

H. F. No. 635, A bill for an act relating to natural resources; exempting forestry development projects from certain bonding requirements; requiring a bid deposit for contracts for forestry development projects; amending Minnesota Statutes 1984, section 574.26; proposing coding for new law in Minnesota Statutes, chapter 574.

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

Bishop, Seaberg, Blatz, Segal and Hartinger introduced:

H. F. No. 636, A bill for an act relating to crimes; providing for forfeitures of communications devices and proceeds derived from commission of designated offenses; amending Minnesota Statutes 1984, section 609.531.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Dempsey introduced:

H. F. No. 637, A bill for an act relating to the city of New Ulm; permitting the establishment of special service districts; providing taxing and other authority.

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

Bishop, Staten, Sherman, Valento and Schafer introduced:

H. F. No. 638, A bill for an act relating to criminal sentences; authorizing a stay of execution of a portion of a criminal sentence; amending Minnesota Statutes 1984, section 609.135, subdivision 1.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Carlson, D.; Halberg; Rose; Munger and Bennett introduced:

H. F. No. 639, A bill for an act relating to hazardous waste; establishing a hazardous waste compensation fund for the payment of certain claims for personal injuries caused by hazardous waste; providing for administration of the fund and for payment of claims; providing for payment of medical expenses from other sources; providing a penalty; appropriating money; amending Minnesota Statutes 1984, sections 62E.52, subdivision 2; 62E.53, subdivision 2; 115B.02, subdivision 7, and by adding subdivisions; 115B.19; 115B.20, subdivisions 1, 4, and 6; Laws 1983, chapter 121, section 32, subdivisions 1, 3, 4, and 5; proposing coding for new law in Minnesota Statutes, chapter 115B.

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

Wynia; Staten; Anderson, R., and Greenfield introduced:

H. F. No. 640, A bill for an act relating to employment; providing for a study relating to employment of developmentally disabled persons; appropriating money.

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

Fjoslien, Wenzel, Gutknecht, Kiffmeyer and Solberg introduced:

H. F. No. 641, A bill for an act relating to gambling; providing an exemption from state regulation for certain lawful gambling; amending Minnesota Statutes 1984, section 349.214, subdivision 2.

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

Erickson; Boerboom; Anderson, G.; Carlson, L., and Dyke introduced:

H. F. No. 642, A bill for an act relating to education; establishing a science and technology resource center; appropriating money for the technological-economic development initiative at Southwest State University to establish a program dealing with food production, food processing, and food distribution and for an interactive television network among high schools in southwestern Minnesota; proposing coding for new law in Minnesota Statutes, chapter 136.

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

Bishop, Forsythe, Begich, Seaberg and Kelly introduced:

H. F. No. 643, A bill for an act relating to marriage dissolution; clarifying factors to consider in awarding maintenance; amending Minnesota Statutes 1984, sections 518.552; and 518.64, subdivision 2.

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

Backlund, Kiffmeyer, Dyke, Thorson and Blatz introduced:

H. F. No. 644, 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 1984, sections 480.059, subdivision 7; 611.14; and 629.404, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 629A; repealing Minnesota Statutes 1984, sections 629.01 to 629.29.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Bishop, Ogren, Sherman, Kelly and Stanius introduced:

H. F. No. 645, A bill for an act relating to crimes; specifying elements that may be contained in an order for restitution and the procedures for issuing that order; amending Minnesota Statutes 1984, sections 609.14, by adding a subdivision; 611A.04, subdivision 3, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 611A.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Dempsey, Rees, Schafer, Piper and Price introduced:

H. F. No. 646, A bill for an act relating to local government; providing for fees of the county recorder and registrar of titles; amending Minnesota Statutes 1984, sections 268.161, subdivision 1; 357.18, subdivision 1, and by adding a subdivision; 386.77; 505.08, subdivision 2; 508.47, subdivision 4; 508.82; 508A.11; 508A.47, subdivision 4; and 508A.82.

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

Dimler, Osthoff, Dempsey, Scheid and Marsh introduced:

H. F. No. 647, A bill for an act relating to taxation; abolishing the gross earnings tax on telephone companies; providing for property taxation of real property of telephone companies; amending Minnesota Statutes 1984, sections 272.02, subdivision 1; 272.03, subdivision 1; 295.365; 295.366, subdivision 1; repealing Minnesota Statutes 1984, sections 295.01, subdivision 10; 295.34; and 295.36.

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

Sparby; Redalen; Carlson, D., and Becklin introduced:

H. F. No. 648, A bill for an act relating to state departments and agencies; transferring authority for administration of the rural rehabilitation corporation trust liquidation act from the state executive council to the commissioner of energy and economic development; creating a governor's rural development council; amending Minnesota Statutes 1984, section 9.36; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Jaros, Murphy, Battaglia, Munger and Boo introduced:

H. F. No. 649, A bill for an act relating to St. Louis county; fixing the maximum amount of the county emergency fund; amending Minnesota Statutes 1984, section 383C.016.

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

Cohen, Halberg, McKasy, Vanasek and Scheid introduced:

H. F. No. 650, A bill for an act relating to judgments; clarifying the procedure and cost for filing foreign judgments; clarifying the procedure to be used in securing a judgment and execution; amending Minnesota Statutes 1984, sections 548.27; 548.30; 549.09; and 550.04.

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



Segal, Staten and Greenfield introduced:

H. F. No. 651, A bill for an act relating to health; authorizing inclusion of physical fitness therapies in grant programs for the mentally ill; amending Minnesota Statutes 1984, sections 245.73, by adding a subdivision; and 256E.12, subdivision 1.

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

Kalis, Krueger and Brown introduced:

H. F. No. 652, A bill for an act relating to post-secondary education; excluding the value of a family farm and its equipment from consideration for student financial assistance in certain cases; proposing coding for new law in Minnesota Statutes, chapter 136A.

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

Kalis, Schoenfeld, Brinkman, Brown and Tunheim introduced:

H. F. No. 653, A bill for an act relating to state government; directing the state board of investment to invest any surplus unrestricted balance in the general fund, up to \$500,000,000, in investment programs within the state that benefit rural Minnesota; amending Minnesota Statutes 1984, section 16A.15, subdivision 6.

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

Marsh, Kelly, Hartinger, Staten and Clausnitzer introduced:

H. F. No. 654, A bill for an act relating to crimes; establishing mandatory minimum terms of imprisonment for the crimes of residential burglary, burglary of an occupied dwelling, and selling cocaine, heroin, and hallucinogens; amending Minnesota Statutes 1984, sections 152.15, by adding subdivisions; and 609.582, by adding subdivisions.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Greenfield, Clark, Rodosovich, Onnen and Boo introduced:

H. F. No. 655, A bill for an act relating to health; specifying nursing home correction order or noncompliance violations and penalties; amending Minnesota Statutes 1984, sections 144A.01, subdivision 7, and by adding a subdivision; 144A.04, subdivision 4; 144A.08, subdivision 3; 144A.10, subdivision 4, and by adding subdivisions; and 144A.11, subdivisions 2 and 3a.

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

Anderson, R., introduced:

H. F. No. 656, A bill for an act relating to county humane societies; allowing for an increase in the appropriation a county may make for a county humane society in any year; amending Minnesota Statutes 1984, section 343.11.

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

Levi; Stanius; McEachern; Carlson, J., and Himle introduced:

H. F. No. 657, A bill for an act relating to dissemination of data; prohibiting public access to data identifying certain youthful victims of criminal sexual behavior; amending Minnesota Statutes 1984, section 609.3471.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Zaffke, Johnson, Greenfield, Stanius and Jennings, L., introduced:

H. F. No. 658, A bill for an act relating to health; regulating community health services; amending Minnesota Statutes 1984, sections 145.912, subdivision 15; 145.917, subdivisions 2 and 3; 145.921; and 145.922; repealing Minnesota Statutes 1984, section 145.912, subdivisions 16, 17, and 18.

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

Bennett, Jacobs, Schreiber, Ogren and Himle introduced :

H. F. No. 659, A bill for an act relating to intoxicating liquor; prohibiting discrimination in sales; amending Minnesota Statutes 1984, sections 340.114, subdivision 1.

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

Minne and Begich introduced :

H. F. No. 660, A bill for an act relating to taxation; property; allowing taxes on commercial-industrial property to be composed to confession of judgment and paid in ten annual installments; amending Minnesota Statutes 1984, section 279.37, subdivision 1.

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

McKasy; Norton; Pappas; Olsen, S., and Forsythe introduced :

H. F. No. 661, A bill for an act relating to probate; adopting provisions of the uniform probate code and clarifying laws relating to intestate succession, spouse's elective share, and omitted spouses and children; amending Minnesota Statutes 1984, sections 257.34, subdivision 1; and 525.145; proposing coding for new law in Minnesota Statutes, chapters 524 and 525; repealing Minnesota Statutes 1984, sections 525.16; 525.17; 525.171; 525.172; 525.173; 525.20; 525.201; 525.202; 525.212 to 525.216.

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

Hartinger introduced :

H. F. No. 662, A bill for an act relating to health; requiring new public places to provide equal accommodations for smoking and nonsmoking areas; amending Minnesota Statutes 1984, section 144.415.

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

Price, Solberg, Welle, Rose and Beard introduced :

H. F. No. 663, A bill for an act relating to education; requiring competency testing for teachers; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 125.

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

Wenzel, McEachern, Krueger, Jacobs and Elioff introduced :

H. F. No. 664, A bill for an act relating to education; establishing the foundation aid formula allowance for 1986-1987; amending Minnesota Statutes 1984, section 124A.02, subdivision 9.

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

Cohen introduced :

H. F. No. 665, A bill for an act relating to education; requiring a plan for environmental education in schools; proposing coding for new law in Minnesota Statutes, chapter 126.

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

Piepho; Carlson, J.; Thorson; Boerboom and Marsh introduced :

H. F. No. 666, A bill for an act relating to education; reducing the tuition component required to pay in part for instructional costs; requiring the higher education coordinating board to arrange for a tuition study; amending Minnesota Statutes 1984, section 135A.03, subdivision 1.

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

Piepho, Boo, Thorson, Sherman and Boerboom introduced :

H. F. No. 667, A bill for an act relating to education; reducing the applicant's contribution toward the cost of attendance in determining state scholarships and grants; amending Minnesota Statutes 1984, section 136A.121, subdivisions 4 and 5.

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

Rose, Osthoff, Stanius, Marsh and Carlson, D., introduced :

H. F. No. 668, A bill for an act relating to charitable gambling; exempting certain organizations that conduct raffles from regulation by the charitable gambling control board; amending Minnesota Statutes 1984, section 349.214, subdivision 2.

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

Tjornhom, Marsh, Himle, Blatz and Forsythe introduced :

H. F. No. 669, A resolution memorializing the Congress of the United States to provide an amendment to the Constitution of the United States to provide the President with the authority to veto individual line items in appropriations bills.

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 :

Rees and McDonald introduced :

H. A. No. 5, A proposal to study the availability of environmental impairment liability insurance.

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 that the Senate refuses to concur in the House amendment to:

S. F. No. 54, A bill for an act relating to agriculture; providing a mechanism to aid restructuring existing farm loans; providing an interest reimbursement program to qualified banks; appropriating money.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Davis, Stumpf and Berg.

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

Redalen 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. 54. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 279.

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. 102, 207 and 252.

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. 375.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 279, A bill for an act relating to natural resources; eliminating the mandatory shooting by conservation officers of dogs pursuing deer; restricting the shooting by others; increasing the penalty for owners of dogs that kill deer; amending Minnesota Statutes 1984, sections 100.29, subdivision 19; and 347.01.

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

S. F. No. 102, A bill for an act relating to natural resources; terms of payment in county timber sales; amending Minnesota Statutes 1984, section 282.04, subdivision 1.

The bill was read for the first time.

Thorson moved that S. F. No. 102 and H. F. No. 300, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 207, A bill for an act relating to crimes; defining sports bookmaking; amending Minnesota Statutes 1984, sections 299C.065, subdivision 1; and 609.75, subdivision 7.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

S. F. No. 252, A bill for an act relating to corporations; providing for the shareholder vote required to amend articles of incorporation in certain cases; amending Minnesota Statutes 1984, section 302A.135, subdivision 4.

The bill was read for the first time.

Heap moved that S. F. No. 252 and H. F. No. 210, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 375, A bill for an act relating to insurance; authorizing domestic companies to purchase or sell certain futures contracts; amending Minnesota Statutes 1984, section 61A.28, subdivision 2.

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

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 54:

Redalen, McDonald and Norton.

#### CONSENT CALENDAR

H. F. No. 155, A bill for an act relating to weights and measures; specifying the contents of a cord of freshly cut rough green aspen; amending Minnesota Statutes 1984, section 239.33.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Lieder	Peterson	Sparby
Anderson, R.	Fjoslien	Long	Piepho	Stanius
Backlund	Forsythe	Marsh	Piper	Staten
Battaglia	Frederick	McDonald	Poppenhagen	Svigum
Beard	Frederickson	McEachern	Price	Thiede
Becklin	Frerichs	McKasy	Quinn	Thorson
Begich	Greenfield	McLaughlin	Quist	Tjornhom
Bennett	Gruenes	McPherson	Redalen	Tomlinson
Blatz	Gutknecht	Metzen	Rees	Tompkins
Boerboom	Hartinger	Miller	Rest	Tunheim
Boo	Hartle	Minne	Rice	Uphus
Brandl	Haukoos	Munger	Richter	Valan
Brinkman	Himle	Murphy	Riveness	Valento
Brown	Jacobs	Nelson, D.	Rodosovich	Vanasek
Burger	Jaros	Nelson, K.	Rose	Vellenga
Carlson, D.	Johnson	Neuenschwander	Sarna	Voss
Carlson, J.	Kahn	Norton	Schafer	Waltman
Carlson, L.	Kalis	O'Connor	Scheid	Welle
Clark	Kelly	Ogren	Schoenfeld	Wenzel
Clausnitzer	Kiffmeyer	Olsen, S.	Schreiber	Wynia
Cohen	Knickerbocker	Olson, E.	Seaberg	Zaffke
Dempsey	Knuth	Omman	Shaver	Spk. Jennings, D.
DenOuden	Kostohryz	Onnen	Sherman	
Dimler	Krueger	Osthoff	Simoneau	
Dyke	Kvam	Otis	Skoglund	
Elioff	Levi	Pauly	Solberg	

The bill was passed and its title agreed to.

Schoenfeld and Brinkman were excused between the hours of 3:45 and 4:30 p.m.

### GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole with Jennings, D., in the Chair for 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 recommendations of the Committee were reported to the House:

H. F. No. 140 was recommended to pass.

H. F. Nos. 34, 97, 67, 320 and 385 were recommended for progress.



H. F. No. 241 which it recommended to pass with the following amendment offered by Dempsey:

Page 1, delete section 1

Page 6, line 4, delete "EFFECTIVE DATE" and insert "REPEALER"

Page 6, delete lines 5 and 6 and insert

*"Minnesota Statutes 1984, section 80E.03, subdivision 11, is repealed."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "80E.03, subdivision 11;"

Page 1, line 6, before the period insert "; repealing Minnesota Statutes 1984, section 80E.03, subdivision 11"

H. F. No. 151 was recommended for progress with the following amendment offered by Thiede:

Page 1, after line 25, insert:

"Sec. 2. [EFFECTIVE DATE.]

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

H. F. No. 213 which it recommended to pass with the following amendments:

Offered by Stanius:

Page 5, line 8, after "made" insert "*if the licensing agency knows or has reason to believe the alleged neglect, physical abuse, or sexual abuse has occurred*"

Offered by Stanius:

Page 4, line 34, delete "the facility" and insert "a facility licensed pursuant to sections 245.781 to 245.812"

On the motion of Levi 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:

Olsen, S., moved to amend H. F. No. 151, the first engrossment, as amended, as follows:

Page 1, after line 17, insert:

*"Subd. 2. [EXEMPTION.] By April 1, 1985 and by February 1, 1986 and each year thereafter, a school district may apply to the commissioner of education for an exemption from the requirement in subdivision 1. In approving or disapproving the application, the commissioner may consider such factors as: school calendars agreed upon in past collective bargaining agreements; geographic location of the district; length of the school year as determined by the school board; impact on extracurricular activities; and the impact on the school districts' need to schedule vacations during the school year."*

Renumber subdivisions accordingly

Page 1, line 25, after the period, insert:

*"In 1985, a school district applying for an exemption under subdivision 2 shall determine the number of school days for the 1985-86 school year by May 1, 1985."*

Amend the title as follows:

Page 1, line 3, after the semi-colon insert: "allowing application for exemption"

The question was taken on the Olsen, S., amendment and the roll was called. There were 60 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dempsey	Jennings, L.	Otis	Skoglund
Backlund	DenOuden	Knickerbocker	Pauly	Staten
Becklin	Dimler	Knuth	Piepho	Sviggum
Bennett	Dyke	Kostohryz	Rice	Tjornhom
Blatz	Ellingson	Kvam	Riveness	Tompkins
Boerboom	Fjoslien	McKasy	Rodosovich	Uphus
Brandl	Forsythe	McLaughlin	Rose	Valan
Burger	Frederickson	Miller	Scheid	Vanasek
Carlson, J.	Gruenes	Nelson, D.	Schreiber	Vellenga
Clark	Haukoos	Nelson, K.	Seaberg	Waltman
Clausnitzer	Heap	Olsen, S.	Segal	Welle
Cohen	Himle	Onnen	Simoneau	Wynia

Those who voted in the negative were:

Anderson, R.	Carlson, D.	Hartinger	Kelly	McEachern
Battaglia	Carlson, L.	Hartle	Kiffmeyer	McPherson
Beard	Elioff	Jacobs	Krueger	Metzen
Begich	Frederick	Jaros	Levi	Minne
Boo	Frerichs	Johnson	Lieder	Munger
Brinkman	Greenfield	Kahn	Long	Murphy
Brown	Gutknecht	Kalis	Marsh	Neuenschwander

O'Connor	Peterson	Rees	Sherman	Tunheim
Ogren	Piper	Rest	Solberg	Voss
Olson, E.	Poppenhagen	Richter	Sparby	Wenzel
Omann	Price	Sarna	Thiede	Zaffke
Osthoff	Quinn	Schafer	Thorson	Spk. Jennings, D.
Ozment	Quist	Schoenfeld	Tomlinson	

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

The question was taken on the Vanasek motion that H. F. No. 151 be re-referred to the Committee on Commerce and Economic Development and the roll was called. There were 16 yeas and 100 nays as follows:

Those who voted in the affirmative were:

Brandl	Kostohryz	Pappas	Rose	Staten
Greenfield	Nelson, D.	Rice	Simoneau	Vanasek
Haukoos	Nelson, K.	Rodosovich	Skoglund	Vellenga
Knuth				

Those who voted in the negative were:

Anderson, G.	Dimler	Kalis	Olsen, S.	Solberg
Anderson, R.	Dyke	Kiffmeyer	Olson, E.	Sparby
Backlund	Elioff	Krueger	Omann	Stanius
Battaglia	Ellingson	Kvam	Onnen	Sviggum
Beard	Erickson	Levi	Osthoff	Thiede
Becklin	Fjoslien	Lieder	Ozment	Thorson
Begich	Forsythe	Long	Pauly	Tjornhom
Bennett	Frederick	Marsh	Peterson	Tomlinson
Blatz	Frederickson	McEachern	Piepho	Tompkins
Boerboom	Frerichs	McKasy	Piper	Tunheim
Boo	Gruenes	McLaughlin	Poppenhagen	Uphus
Brinkman	Gutknecht	McPherson	Quist	Valan
Brown	Hartinger	Metzen	Rees	Valento
Burger	Hartle	Miller	Rest	Voss
Carlson, D.	Heap	Minne	Richter	Waltman
Carlson, J.	Himle	Munger	Sarna	Welle
Carlson, L.	Jacobs	Murphy	Schafer	Wenzel
Clausnitzer	Jennings, L.	Neuenschwander	Schoenfeld	Wynia
Cohen	Johnson	O'Connor	Shaver	Zaffke
DenOuden	Kahn	Ogren	Sherman	Spk. Jennings, D.

The motion did not prevail.

The question was taken on the motion to recommend passage of H. F. No. 151, as amended, and the roll was called. There were 62 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Carlson, D.	Hartle	Kostohryz	Metzen
Battaglia	Elioff	Himle	Krueger	Minne
Beard	Erickson	Jacobs	Levi	Munger
Begich	Fjoslien	Johnson	Lieder	Murphy
Blatz	Frederick	Kahn	Long	Neuenschwander
Boo	Gutknecht	Kiffmeyer	Marsh	O'Connor
Brinkman	Hartinger	Knickerbocker	McEachern	Ogren

Olson, E.	Quinn	Schoenfeld	Stanius	Valento
Omann	Quist	Shaver	Thiede	Voss
Osthoff	Rees	Sherman	Thorson	Wenzel
Peterson	Richter	Solberg	Tunheim	Zaffke
Poppenhagen	Sarna	Sparby	Uphus	Spk. Jennings, D.
Price	Schafer			

Those who voted in the negative were:

Anderson, G.	Dimler	Knuth	Piepho	Sviggum
Backlund	Dyke	Kvam	Piper	Tjornhom
Becklin	Ellingson	McKasy	Rest	Tomlinson
Bennett	Forsythe	McLaughlin	Rice	Tompkins
Boerboom	Frederickson	McPherson	Riveness	Valan
Brandl	Frerichs	Miller	Rodosovich	Vanasek
Brown	Greenfield	Nelson, D.	Rose	Vellenga
Burger	Gruenes	Nelson, K.	Scheid	Waltman
Carlson, J.	Haukoos	Olsen, S.	Schreiber	Welle
Carlson, L.	Heap	Onnen	Seaberg	Wynia
Clausnitzer	Jaros	Otis	Segal	
Cohen	Jennings, L.	Ozment	Simoneau	
Dempsey	Kalis	Pappas	Skoglund	
DenOuden	Kelly	Pauly	Staten	

The motion did not prevail.

#### MOTIONS AND RESOLUTIONS

Wenzel moved that the name of Minne be added as an author on H. F. No. 5. The motion prevailed.

Thiede moved that the name of Neuenschwander be added as an author on H. F. No. 151. The motion prevailed.

Minne moved that her name be stricken as an author on H. F. No. 185. The motion prevailed.

Schafer moved that the name of DenOuden be added as an author on H. F. No. 240. The motion prevailed.

Seaberg moved that the name of Stanius be added as an author on H. F. No. 374. The motion prevailed.

Jennings, L., moved that the names of DenOuden and Lieder be added as authors on H. F. No. 442. The motion prevailed.

Battaglia moved that the name of Begich be stricken and the name of Clark be added as an author on H. F. No. 465. The motion prevailed.

Ogren moved that the name of Solberg be added as an author on H. F. No. 515. The motion prevailed.

Begich moved that the name of Neuenschwander be added as an author on H. F. No. 551. The motion prevailed.

Otis moved that the name of Rest be added as an author on H. F. No. 554. The motion prevailed.

Gruenes moved that the name of Jennings, D., be added as an author on H. F. No. 574. The motion prevailed.

Krueger moved that the names of Nelson, D.; Cohen and Wenzel be added as authors on H. F. No. 578. The motion prevailed.

Valento moved that the name of Ozment be added as an author on H. F. No. 579. The motion prevailed.

Marsh moved that the name of Kiffmeyer be added as an author on H. F. No. 588. The motion prevailed.

Simoneau moved that the name of Clark be added as an author on H. F. No. 595. The motion prevailed.

Johnson moved that H. F. No. 43 be recalled from the Committee on Judiciary and be re-referred to the Committee on Commerce and Economic Development. The motion prevailed.

Krueger moved that H. F. No. 163 be recalled from the Committee on Rules and Legislative Administration and be re-referred to the Committee on Agriculture. The motion prevailed.

Krueger moved that H. F. No. 171 be recalled from the Committee on Rules and Legislative Administration and be re-referred to the Committee on General Legislation and Veterans Affairs. The motion prevailed.

Waltman moved that H. F. No. 295 be recalled from the Committee on Rules and Legislative Administration and be re-referred to the Committee on Agriculture. The motion prevailed.

Boerboom moved that H. F. No. 195 be recalled from the Committee on Transportation and be re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

Kahn moved that H. F. No. 215 be recalled from the Committee on Rules and Legislative Administration and be re-referred to the Committee on Judiciary. The motion prevailed.

Carlson, L.; Rest; Wenzel and Ellingson introduced:

House Resolution No. 8, A house resolution extending condolences to the family and friends of Officer John Thomas Scanlon.

## SUSPENSION OF RULES

Carlson, L., moved that the rules be so far suspended that House Resolution No. 8 be now considered and be placed upon its adoption. The motion prevailed.

## HOUSE RESOLUTION NO. 8

A house resolution extending condolences to the family and friends of Officer John Thomas Scanlon.

*Whereas*, John Thomas Scanlon was a police officer for the Robbinsdale Police Department for over ten years; and

*Whereas*, he was widely acknowledged to be an effective and dedicated law officer; and

*Whereas*, he was a leader among his fellow officers and being considered for promotion to sergeant; and

*Whereas*, John Thomas Scanlon was a devoted family man and a valued friend among his many friends; and

*Whereas*, Officer John Thomas Scanlon was killed in the line of duty on Thursday, February 14, 1985; and

*Whereas*, he will be sorely missed by his family and friends; and

*Whereas*, the loss of a dedicated public servant like Officer John Thomas Scanlon is also mourned by the people of Minnesota who feel a particular loss when a police officer gives his life on their behalf; *Now, Therefore*,

*Be It Resolved* by the House of Representatives of the State of Minnesota that it expresses to the family and friends of Officer John Thomas Scanlon its appreciation for his leadership and dedication to the protection and welfare of Minnesotans. On behalf of all Minnesotans, it extends its heartfelt sympathy in their bereavement.

*Be It Further Resolved* that the Chief Clerk of the House of Representatives is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Speaker, and present it to the family of Officer John Thomas Scanlon.

Carlson, L., moved that House Resolution No. 8 be now adopted. The motion prevailed and House Resolution No. 8 was adopted.

Dyke, Quist, Waltman and Richter introduced:

House Resolution No. 9, A house resolution stating the sense of the House of Representatives that the Commodity Credit Corporation to grant loans for spring planting.

The resolution was referred to the Committee on Agriculture.

Kvam introduced:

House Resolution No. 10, A house resolution recognizing the outstanding Automotive Technician program achievement at Hutchinson Area Vocational-Technical Institute.

The resolution was referred to the Committee on Education.

Dempsey, Piepho and Gruenes introduced:

House Resolution No. 11, A house resolution proclaiming the week of June 9 to 15, 1985, as Compassionate Friends Awareness Week in Minnesota.

The resolution was referred to the Committee on Health and Human Services.

Pursuant to rule 1.15, Piper moved that S. F. No. 85 be recalled from the Committee on Financial Institutions and Insurance, be given its second reading and be advanced to General Orders.

A roll call was requested and properly seconded.

#### CALL OF THE HOUSE

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

Anderson, G.	Clausnitzer	Gutknecht	Kostolrhyz	O'Connor
Backlund	Cohen	Hartinger	Kvam	Ogren
Battaglia	Dempsey	Hartle	Levi	Olsen, S.
Beard	DenOuden	Haukoos	Lieder	Olson, E.
Becklin	Dimler	Heap	Marsh	Omman
Bennett	Dyke	Himle	McEachern	Onnen
Blatz	Ellingson	Jacobs	McKasy	Osthoff
Boerboom	Erickson	Jaros	McLaughlin	Otis
Boo	Fjoslien	Jennings, L.	McPherson	Ozment
Brandl	Forsythe	Johnson	Metzen	Pappas
Brown	Frederick	Kahn	Miller	Pauly
Burger	Frederickson	Kalis	Minne	Peterson
Carlson, J.	Frerichs	Kiffmeyer	Murphy	Piepho
Carlson, L.	Greenfield	Knickerbocker	Nelson, K.	Piper
Clark	Gruenes	Knuth	Norton	Poppenhagen

Price	Rose	Simoneau	Tjornhom	Voss
Quinn	Sarna	Skoglund	Tomlinson	Waltman
Quist	Schafer	Solberg	Tompkins	Welle
Rees	Scheid	Sparby	Tunheim	Wenzel
Rest	Schreiber	Stanius	Uphus	Zaffke
Rice	Seaberg	Staten	Valan	Spk. Jennings, D.
Richter	Segal	Sviggum	Valento	
Riveness	Shaver	Thiede	Vanasek	
Rodosovich	Sherman	Thorson	Vellenga	

Levi 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 Piper motion and the roll was called.

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

There were 66 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jacobs	Minne	Piper	Sparby
Battaglia	Jaros	Munger	Price	Staten
Beard	Jennings, L.	Murphy	Quinn	Tomlinson
Begich	Kahn	Nelson, D.	Rest	Tunheim
Brandl	Kalis	Nelson, K.	Rice	Vanasek
Brinkman	Kelly	Neuenschwander	Riveness	Vellenga
Brown	Knuth	Norton	Rodosovich	Voss
Carlson, D.	Kostohryz	O'Connor	Sarna	Welle
Carlson, L.	Krueger	Ogren	Scheid	Wenzel
Clark	Lieder	Olson, E.	Schoenfeld	Wynia
Cohen	Long	Osthoff	Segal	
Elioff	McKachern	Otis	Simoneau	
Ellingson	McLaughlin	Pappas	Skoglund	
Greenfield	Metzen	Peterson	Solberg	

Those who voted in the negative were:

Anderson, R.	Erickson	Kiffmeyer	Piepho	Thiede
Backlund	Fjoslien	Knickerbocker	Poppenhagen	Thorson
Becklin	Forsythe	Kvam	Quist	Tjornhom
Bennett	Frederick	Levi	Redalen	Tompkins
Blatz	Frederickson	Marsh	Rees	Uphus
Boerboom	Frerichs	McDonald	Richter	Valan
Boo	Gruenes	McKasy	Rose	Valento
Burger	Gutknecht	McPherson	Schafer	Waltman
Carlson, J.	Hartinger	Miller	Schreiber	Zaffke
Clausnitzer	Hartle	Olsen, S.	Seaberg	Spk. Jennings, D.
Dempsey	Haukoos	Omann	Shaver	
DenOuden	Heap	Onnen	Sherman	
Dimler	Himle	Ozment	Stanius	
Dyke	Johnson	Pauly	Sviggum	

The motion did not prevail.



## POINT OF ORDER

Voss raised a point of order pursuant to rule 5.7 that H. F. No. 35 be re-referred to the Committee on Appropriations. The Speaker ruled the point of order not well taken.

## ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, March 4, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, March 4, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-FOURTH SESSION - 1985

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TWENTIETH DAY

SAINT PAUL, MINNESOTA, FRIDAY, MARCH 1, 1985

The Senate met on Friday, March 1, 1985, which was the Twentieth Day of the Seventy-fourth Session of the Minnesota State Legislature. The House of Representatives did not meet on this date.



## STATE OF MINNESOTA

## SEVENTY-FOURTH SESSION - 1985

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 TWENTY-FIRST DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 4, 1985

The House of Representatives convened at 2:00 p.m. and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Representative John M. Hartinger, District 50A, Coon Rapids, Minnesota.

The roll was called and the following members were present:

Anderson, R.	Hartinger	Levi	Rest	Valan
Backlund	Hartle	Piepho	Rose	Waltman
Carlson, L.	Haukoos	Redalen	Skoglund	Wenzel
Dempsey	Kvam	Rees	Sviggum	Spk. Jennings, D.
Halberg				

A quorum was not present.

Due to a severe winter storm all members not present were excused.

ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 3:00 p.m., Tuesday, March 5, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:00 p.m., Tuesday, March 5, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

(1) The Commission shall report to the House of Representatives  
 on or before the 31st day of January, 1967, and shall also  
 report to the Senate on or before the 31st day of February, 1967.  
 (2) The Commission shall also report to the House of Representatives  
 on or before the 31st day of January, 1968, and shall also  
 report to the Senate on or before the 31st day of February, 1968.

(3) The Commission shall also report to the House of Representatives  
 on or before the 31st day of January, 1969, and shall also  
 report to the Senate on or before the 31st day of February, 1969.  
 (4) The Commission shall also report to the House of Representatives  
 on or before the 31st day of January, 1970, and shall also  
 report to the Senate on or before the 31st day of February, 1970.

(5) The Commission shall also report to the House of Representatives  
 on or before the 31st day of January, 1971, and shall also  
 report to the Senate on or before the 31st day of February, 1971.  
 (6) The Commission shall also report to the House of Representatives  
 on or before the 31st day of January, 1972, and shall also  
 report to the Senate on or before the 31st day of February, 1972.

(7) The Commission shall also report to the House of Representatives  
 on or before the 31st day of January, 1973, and shall also  
 report to the Senate on or before the 31st day of February, 1973.

## STATE OF MINNESOTA

## SEVENTY-FOURTH SESSION - 1985

## TWENTY-SECOND DAY

SAINT PAUL, MINNESOTA, TUESDAY, MARCH 5, 1985

The House of Representatives convened at 3:00 p.m. and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Reverend Howard C. Gravrock, House Chaplain.

The roll was called and the following members were present:

Anderson, G.	Erickson	Krueger	Ozment	Sherman
Backlund	Fjoslien	Levi	Pappas	Simoneau
Battaglia	Forsythe	Lieder	Pauly	Skoglund
Beard	Frederick	Long	Peterson	Solberg
Becklin	Frederickson	Marsh	Piepho	Sparby
Begich	Frerichs	McDonald	Piper	Stanius
Bennett	Greenfield	McEachern	Poppenhagen	Staten
Bishop	Gruenes	McKasy	Price	Sviggum
Blatz	Gutknecht	McLaughlin	Quinn	Thiede
Boerboom	Halberg	McPherson	Quist	Thorson
Boo	Hartinger	Metzen	Redalen	Tjornhom
Brandl	Hartle	Miller	Rees	Tomlinson
Brinkman	Haukoos	Minne	Rest	Tompkins
Burger	Heap	Munger	Rice	Tunheim
Carlson, D.	Himic	Murphy	Richter	Uphus
Carlson, J.	Jacobs	Nelson, D.	Riveness	Valan
Carlson, L.	Jaros	Nelson, K.	Rodosovich	Valento
Clark	Jennings, L.	Norton	Rose	Vanasek
Clausnitzer	Johnson	O'Connor	Sarna	Vellenga
Cohen	Kahn	Ogren	Schafer	Voss
Dempsey	Kalis	Olsen, S.	Scheid	Waltman
DenOuden	Kelly	Olson, E.	Schoenfeld	Welle
Dimler	Kiffmeyer	Omman	Schreiber	Wenzel
Dyke	Knickerbocker	Onnen	Seaberg	Wynia
Elioff	Knuth	Osthoff	Segal	Zaffke
Ellingson	Kostohryz	Otis	Shaver	Spk. Jennings, D.

A quorum was present.

Anderson, R.; Brown and Neuenschwander were excused.

Kvam was excused until 3:50 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. 35, 78, 85, 117, 231, 241, 300, 307, 468, 151, 282 and 213 and S. F. Nos. 207, 102, 252, 375 and 279 have been placed in the members' files.

S. F. No. 252 and H. F. No. 210, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Heap moved that S. F. No. 252 be substituted for H. F. No. 210 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 102 and H. F. No. 300, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Thorson moved that the rules be so far suspended that S. F. No. 102 be substituted for H. F. No. 300 and that the House File be indefinitely postponed. The motion prevailed.

#### REPORTS OF STANDING COMMITTEES

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1, A bill for an act relating to local government; establishing a procedure to consolidate the cities of International Falls and South International Falls; authorizing a special mill levy in the event of consolidation.

Reported the same back with the following amendments:

Page 2, line 17, delete "41" and insert "31"

Page 2, delete lines 29 to 31 and insert "*and each other year's special levy shall not exceed \$50,000, including interest.*"

Page 2, line 36, after the period insert "*The board may exercise the powers authorized under section 414.01, subdivisions 11 and 12.*"

Page 3, line 5, after "order" insert "*setting the effective dates for the consolidation and the proposed city charter and*"

Page 3, line 7, after the period insert "*The board's order for consolidation shall be final. If the proposed city charter does not provide for the election of new municipal officers, the board shall do so pursuant to section 414.09, subdivision 3.*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Bennett from the Committee on Commerce and Economic Development to which was referred:

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

Reported the same back with the following amendments:

Page 3, line 25, delete "*the day following final enactment*" and insert "*January 1, 1986*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 247, A bill for an act relating to local government; providing conditions for the adoption or amendment of comprehensive municipal plans; amending Minnesota Statutes 1984, section 462.355, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 462.355, subdivision 2, is amended to read:

Subd. 2. [PROCEDURE FOR PLAN ADOPTION AND AMENDMENT.] The planning agency may, unless otherwise provided by charter or ordinance consistent with the municipal charter, (ADOPT AND AMEND) *recommend to the governing body the adoption and amendment from time to time of a com-*



prehensive municipal plan (AS ITS RECOMMENDATION TO THE GOVERNING BODY). The plan may be prepared and adopted in sections, each of which relates to a major subject of the plan or to a major geographical section of the municipality. The governing body may propose (AMENDMENTS TO) the comprehensive municipal plan *and amendments to it* by resolution submitted to the planning agency. Before adopting the comprehensive municipal plan or any section or amendment of the plan, the planning agency shall hold at least one public hearing thereon. A notice of the time, place and purpose of the hearing shall be published once in the official newspaper of the municipality at least ten days before the day of the hearing. (THE PROPOSED PLAN, SECTION OF THE PLAN, OR AMENDMENT SHALL BE TRANSMITTED TO THE GOVERNING BODY PRIOR TO THE PUBLICATION OF THE NOTICE OF HEARING. ADOPTION AND AMENDMENT OF THE COMPREHENSIVE MUNICIPAL PLAN OR OF ANY SECTION THEREOF SHALL BE BY RESOLUTION ADOPTED BY A MAJORITY OF ALL THE MEMBERS OF THE PLANNING COMMISSION. A COPY OF THE PLAN OR OF ANY SECTION OR AMENDMENT THEREOF ADOPTED BY THE PLANNING AGENCY SHALL BE CERTIFIED TO THE GOVERNING BODY OF THE MUNICIPALITY.)

Sec. 2. Minnesota Statutes 1984, section 462.355, subdivision 3, is amended to read:

Subd. 3. [ADOPTION BY GOVERNING BODY.] *A proposed comprehensive plan or an amendment to it may not be acted upon by the governing body until it has received the recommendation of the planning agency or until 60 days have elapsed from the date an amendment proposed by the governing body has been submitted to the planning agency for its recommendation. Unless otherwise provided by charter, the governing body may by resolution (OF A MAJORITY) by a two-thirds vote of all of its members adopt and amend the comprehensive plan or portion thereof (SO RECOMMENDED) as the official municipal plan upon such notice and hearing as may be prescribed by ordinance. (UNTIL SO ADOPTED BY THE GOVERNING BODY, THE PLAN SHALL CONSTITUTE ONLY THE RECOMMENDATION OF THE PLANNING AGENCY.) This act does not affect a comprehensive plan or an amendment to it adopted before the effective date of this act.*

Sec. 3. [EFFECTIVE DATE.]

*This act is effective July 1, 1985."*

Amend the title as follows:

Page 1, line 5, delete "subdivision" and insert "subdivisions 2 and"

With the recommendation that when so amended the bill pass.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 266, A bill for an act relating to arrest; providing indemnification for off-duty peace officers who make arrests outside their jurisdiction; specifying the circumstances under which peace officers, constables, and part-time peace officers may make on or off-duty arrests outside their jurisdictions; amending Minnesota Statutes 1984, sections 3.736, subdivision 1, and by adding a subdivision; 629.34, subdivision 1; and 629.40.

Reported the same back with the following amendments:

Page 1, line 18, after "officer" insert "*who is not acting on behalf of a private employer and who is*"

Page 1, line 18, after "acting" insert "*in good faith*"

Page 1, line 25, after "officer" insert "*who is not acting on behalf of a private employer and who is*"

Page 3, line 14, after "authority" insert "*but who is within this state*"

Page 3, line 14, delete "arrest" and insert "act"

Page 3, line 15, delete "an act" and insert "circumstances"

With the recommendation that when so amended the bill pass.

The report was adopted.

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 273, A bill for an act relating to commerce; making permanent the time price differential rate on certain motor vehicles; amending Minnesota Statutes 1984, section 168.72, subdivision 1; repealing Minnesota Statutes 1984, section 168.72, subdivision 2.

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

The report was adopted.

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 308, A bill for an act relating to intoxicating liquor; hours for Sunday sale; amending Minnesota Statutes 1984, section 340.14, subdivision 5.

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 1, 242, 247, 266, 273 and 308 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 252 and 102 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Clark and Pappas introduced:

H. F. No. 670, A bill for an act relating to occupational safety and health; regulating the use of video display terminals; amending Minnesota Statutes 1984, sections 182.651, by adding subdivisions; 182.653, by adding subdivisions; and 182.655, by adding a subdivision.

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

Knickerbocker, Blatz, Norton and Voss introduced:

H. F. No. 671, A bill for an act relating to financial institutions; authorizing interstate acquisition and formation of banks between this state and certain states on a reciprocal basis; proposing coding for new law in Minnesota Statutes, chapter 48.

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

Staten, Norton, Rice and McLaughlin introduced:

H. F. No. 672, A bill for an act relating to human rights; adding the Roy Wilkins memorial to the list of state monuments; establishing a memorial to Roy Wilkins for placement in the Capitol complex; providing for a competition to select a designer; appropriating money; amending Minnesota Statutes 1984, section 138.585, by adding a subdivision.

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

Riveness, Blatz and Himle introduced:

H. F. No. 673, A bill for an act relating to the city of Bloomington; providing authority for the city to establish and maintain district heating systems.

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

Clausnitzer introduced:

H. F. No. 674, A bill for an act relating to human services; adoption; regulating adoptions by relatives; providing for procedural changes; amending Minnesota Statutes 1984, sections 259.21, by adding a subdivision; and 259.23, subdivisions 1 and 2; 259.27, subdivision 1; repealing Minnesota Statutes 1984, section 259.27, subdivision 2.

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

Knickerbocker, Norton, Cohen, Levi and Anderson, R., introduced:

H. F. No. 675, A bill for an act relating to state government; requiring the adoption of rules governing the 700 hours program; requiring the preparation of agency affirmative action plans; providing for incentives; appropriating money; amending Minnesota Statutes 1984, sections 43A.04, subdivision 3; 43A.10, subdivision 8; and 43A.19, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 43A; repealing Minnesota Statutes 1984, section 43A.19, subdivision 2.

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

Erickson, Dyke and Boerboom introduced:

H. F. No. 676, A bill for an act relating to education; appropriating money for the southwest Minnesota telecommunications project operated by ten public school districts.

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

Uphus, Frederickson, Sparby, Dyke and Anderson, G., introduced:

H. F. No. 677, A bill for an act relating to towns; authorizing the conduct of town business at places located outside the town; amending Minnesota Statutes 1984, sections 365.51 and 365.52; proposing coding for new law in Minnesota Statutes, chapter 365.

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

Redalen; Carlson, D.; Sparby and Uphus introduced:

H. F. No. 678, A bill for an act relating to taxation; permitting a deferral of certain farm property taxes for farmers; changing the dates for payment of property taxes, settlements, and distributions; appropriating money; amending Minnesota Statutes 1984, sections 276.09; 276.10; 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.

Boo; Anderson, R.; Wynia; Clark and Greenfield introduced:

H. F. No. 679, A bill for an act relating to nursing homes; establishing an educational program for nursing home consumer advisory councils; authorizing a surcharge on nursing home license fees; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144A.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Cohen, Segal, Staten, Kahn and Greenfield introduced:

H. F. No. 680, A bill for an act relating to crimes; increasing penalties for certain crimes when committed with intent to cause fear; amending Minnesota Statutes 1984, sections 609.02, by adding a subdivision; 609.595, subdivision 1; and 609.713.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Carlson, D.; Welle; Becklin; Anderson, R., and Rodosovich introduced:

H. F. No. 681, A bill for an act relating to human services; establishing a demonstration project for state-operated, community-based services for mentally retarded persons; creating a limited exception to the moratorium on new intermediate care facilities for the mentally retarded; requiring the commissioner of human services to establish rules concerning staff ratios; setting priorities for services under federal waivers; expanding the responsibility of the legislative commission on long-term health care; amending Minnesota Statutes 1984, sections 252.291, subdivisions 2 and 3; 256B.092, subdivision 5; Laws 1983, chapter 199, section 17, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 252.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Carlson, D.; Redalen; Skoglund; Battaglia and Dempsey introduced:

H. F. No. 682, A bill for an act relating to natural resources; reducing fees for camping spaces within a state park and state park motor vehicle permits for physically handicapped persons; amending Minnesota Statutes 1984, section 85.05.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Johnson and Forsythe introduced:

H. F. No. 683, A bill for an act relating to probate; allowing a minor to be a donor for purposes of the Uniform Anatomical Gift Act; amending Minnesota Statutes 1984, sections 525.922, subdivision 1; and 525.924, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Quist, Schafer, Zaffke, Erickson and Hartinger introduced:

H. F. No. 684, A bill for an act relating to liquor; prohibiting off-sale of large containers of malt or intoxicating liquor; amending Minnesota Statutes 1984, sections 340.001, subdivision 5; and 340.07, subdivision 4.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Zaffke; McPherson; Quinn; Jennings, L., and Dyke introduced:

H. F. No. 685, A bill for an act relating to insurance; requiring the return of unearned premiums upon the death of the insured; amending Minnesota Statutes 1984, section 72A.20, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Ozment, Levi, Valento, McPherson and Hartinger introduced:

H. F. No. 686, A bill for an act relating to metropolitan government; providing an independent review board to consider certain disputed matters; proposing coding for new law in Minnesota Statutes, chapter 473.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Erickson introduced:

H. F. No. 687, A bill for an act relating to agriculture; repealing requirements for a department slogan on printed matter; changing emergency rulemaking authority; creating a statistical services account in the state treasury; clarifying membership requirements for the soil and water conservation board; appropriating money; amending Minnesota Statutes 1984, sections 17.03, by adding a subdivision; and 40.03, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 17; repealing Minnesota Statutes 1984, sections 16.51; 16.52; and 16.53.

The bill was read for the first time and referred to the Committee on Agriculture.

Hartinger introduced :

H. F. No. 688, A bill for an act relating to obscenity; prohibiting loaning or selling videocassettes and videodiscs which are obscene; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 617.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Himle, Blatz, Riveness, Valento and Becklin introduced :

H. F. No. 689, A bill for an act relating to local improvements; providing for advertisement for bids in certain publications; amending Minnesota Statutes 1984, section 429.041, subdivision 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Hartinger, Tjornhom and Seaberg introduced :

H. F. No. 690, A bill for an act relating to crimes; providing for penalties upon conviction of certain hit and run violations; enhancing penalties upon conviction of certain hit and run violations; amending Minnesota Statutes 1984, section 169.09, subdivision 14.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Ozment, Miller, Vellenga, Quist and Tompkins introduced :

H. F. No. 691, A bill for an act relating to local government; authorizing county employees to make certain contracts; amending Minnesota Statutes 1984, section 382.18.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.



Tunheim, Neuenschwander and Fjoslien introduced:

H. F. No. 692, A bill for an act relating to natural resources; establishing a board of regents for the department of natural resources; amending Minnesota Statutes 1984, section 84.01, subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Frederick introduced:

H. F. No. 693, A bill for an act relating to the city of North Mankato; permitting the establishment of a port authority; authorizing the port authority to exercise the powers of a municipal housing and redevelopment authority.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Anderson, R., introduced:

H. F. No. 694, A bill for an act relating to natural resources; grants and loans for certain dam reconstruction and repair projects; amending Laws 1979, chapter 300, section 4, subdivisions 3 and 4.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Onnen, Rees, DenOuden, Quinn and Dempsey introduced:

H. F. No. 695, A bill for an act relating to corporations; allowing nonprofit corporations to establish, maintain, and operate common trust funds; proposing coding for new law in Minnesota Statutes, chapter 317.

The bill was read for the first time and referred to the Committee on Judiciary.

Ozment, Onnen, Gruenes, Sviggum and Piper introduced:

H. F. No. 696, A bill for an act relating to human services; adjusting eligibility requirements for the child day care sliding fee program; permitting county boards to set limits on the day care rates that will be subsidized; amending Minnesota Statutes 1984, section 245.84.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Otis; Erickson; McEachern; Nelson, K., and Backlund introduced:

H. F. No. 697, A bill for an act relating to education; requiring the commissioner to have conferences on peer tutoring programs in the schools; appropriating money.

The bill was read for the first time and referred to the Committee on Education.

Frederick introduced:

H. F. No. 698, A bill for an act relating to intoxicating liquor; authorizing the city of North Mankato to issue one short-term, on-sale liquor license.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Halberg, Shaver and Thorson introduced:

H. F. No. 699, A bill for an act relating to courts; providing for the appointment of a chief judge and assistant chief judge for each judicial district; clarifying the administrative authority of the chief judge; amending Minnesota Statutes 1984, section 484.69, subdivisions 1 and 3.

The bill was read for the first time and referred to the Committee on Judiciary.

McEachern; Nelson, K.; Nelson, D.; Erickson and Levi introduced:

H. F. No. 700, A bill for an act relating to education; requiring school districts to assess pupils in core curricular areas; requiring the state board to adopt measurable learning expectations for districts to use at their option; requiring a state curriculum advisory committee; requiring an annual curriculum report by the state board; appropriating money; amending Minnesota Statutes 1984, section 123.742, subdivisions 1, 3, and 5, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 126; repealing Minnesota Statutes 1984, section 123.742, subdivision 2.

The bill was read for the first time and referred to the Committee on Education.

Clausnitzer; Jennings, L.; Johnson; Kvam and Elioff introduced:

H. F. No. 701, A bill for an act relating to human services; allowing the county boards to serve as the community mental health center boards; amending Minnesota Statutes 1984, section 245.66.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Clausnitzer introduced:

H. F. No. 702, A bill for an act relating to human services; requiring notice to the designated agency in certain proceedings pertaining to persons committed as mentally ill and dangerous; authorizing the commissioner to transfer persons committed as mentally ill and dangerous between regional centers under certain circumstances; amending Minnesota Statutes 1984, sections 253B.14; 253B.18, subdivisions 4b, 5, and 6; and 253B.23, subdivision 7.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Backlund; Erickson; Olsen, S.; Nelson, K., and McEachern introduced:

H. F. No. 703, A bill for an act relating to education; removing the metering of state aid payments to school districts; amending Minnesota Statutes 1984, section 273.1392; repealing Minnesota Statutes 1984, section 124.195.

The bill was read for the first time and referred to the Committee on Education.

Wenzel, McEachern, Rees, Rest and Greenfield introduced:

H. F. No. 704, A bill for an act relating to retirement; providing permanent increases in monthly annuities or benefits payable to pre-1973 public employee retirees, disabilitants, and surviving spouses; appropriating funds; proposing coding for new law in Minnesota Statutes, chapter 356.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Himle, Schreiber, Dempsey, Marsh and Thorson introduced:

H. F. No. 705, A bill for an act relating to taxation; income; adopting federal law with respect to individual retirement accounts and certain pension plans; providing a subtraction over two years for amounts included in income for certain previous years due to nonconformity; amending Minnesota Statutes 1984, sections 290.01, subdivisions 20a and 20b; and 290.032, subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

McKasy; Jennings, D.; Vanasek; Schoenfeld and Bishop introduced:

H. F. No. 706, 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, probate and

county judges learned in the law are district judges; providing that the county court judge not learned in the law is an associate judge; limiting the creation of additional referee, law clerk, courtroom bailiff, and courtroom deputy clerk positions; requiring each judicial district to prepare a reorganization plan; amending Minnesota Statutes 1984, sections 2.722, subdivision 1; 484.01; 484.545, subdivision 1; 484.69, subdivision 1; and 484.70, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 484, 487, and 488A; repealing Minnesota Statutes 1984, section 487.191.

The bill was read for the first time and referred to the Committee on Judiciary.

Boerboom, Waltman, Richter, Frederick and McDonald introduced:

H. F. No. 707, A bill for an act relating to taxation; sales and use; reducing the rate of tax on farm machinery; including repair and replacement parts in the definition of farm machinery; amending Minnesota Statutes 1984, sections 297A.01, subdivision 15; 297A.02, subdivision 2; and 297A.14.

The bill was read for the first time and referred to the Committee on Taxes.

McDonald and Carlson, D., introduced:

H. F. No. 708, A bill for an act relating to animals; changing certain duties and powers of the board of animal health; increasing certain penalties; amending Minnesota Statutes 1984, sections 35.03; 35.05; and 35.069.

The bill was read for the first time and referred to the Committee on Agriculture.

Olsen, S.; Pauly; McKasy; Jacobs and Onnen introduced:

H. F. No. 709, A bill for an act relating to taxation; sales tax; exempting candy; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Elioff, Battaglia, Begich and Minne introduced:

H. F. No. 710, A bill for an act relating to drivers' licenses; providing that license and permit applicants in St. Louis county apply at state office; amending Minnesota Statutes 1984, section 171.06, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Nelson, K., introduced:

H. F. No. 711, A bill for an act relating to education; providing that the compulsory attendance law applies to a child below the age of seven who is enrolled in grades kindergarten or above; amending Minnesota Statutes 1984, section 120.10, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Nelson, K., introduced:

H. F. No. 712, A bill for an act relating to motor vehicles; denying license plates or registration tabs to moving traffic violators under outstanding warrants; amending Minnesota Statutes 1984, section 168.17.

The bill was read for the first time and referred to the Committee on Transportation.

Segal introduced:

H. F. No. 713, A bill for an act relating to education; changing the basic maintenance mill rate to 20 mills; amending Minnesota Statutes 1984, section 124A.02, subdivision 7.

The bill was read for the first time and referred to the Committee on Education.

Segal and Simoneau introduced:

H. F. No. 714, A bill for an act proposing an amendment to the Minnesota Constitution, article IV, sections 2 and 4; providing for a senate of 36 members elected for staggered six-year terms and a house of representatives of 108 members elected for staggered four-year terms.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Segal and Simoneau introduced:

H. F. No. 715, A bill for an act relating to state government; 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; eliminating the office of state treasurer; giving the treasurer's powers and duties to another officer provided by law.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Elioff and Clausnitzer introduced:

H. F. No. 716, A bill for an act relating to local government; setting authority to regulate firearms and related matters; amending Minnesota Statutes 1984, sections 624.7132, subdivision 16; and 624.717; proposing coding for new law in Minnesota Statutes, chapter 471; repealing Minnesota Statutes 1984, section 624.718.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

O'Connor, Sarna, Piepho, Dempsey and Marsh introduced:

H. F. No. 717, A bill for an act relating to liquor; including wine in the prohibition on discrimination in sales; amending Minnesota Statutes 1984, section 340.114, subdivision 4.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Nelson, D.; Rose; Pauly; Segal and Price introduced:

H. F. No. 718, A bill for an act relating to environment; requiring the commissioner of health to monitor the quality of water in private water wells in the metropolitan area; amending Minnesota Statutes 1984, section 473.845, subdivision 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Uphus; Carlson, D.; Wenzel and Schoenfeld introduced:

H. F. No. 719, A bill for an act relating to agriculture; increasing the number of deputy commissioners of agriculture; establishing a trade office; appropriating money; amending Minnesota Statutes 1984, section 17.01; proposing coding for new law in Minnesota Statutes, chapter 17.

The bill was read for the first time and referred to the Committee on Agriculture.

Quist, Richter, Hartle, Kiffmeyer and Waltman introduced:

H. F. No. 720, A bill for an act relating to state departments and agencies; requiring the commissioner of administration to notify libraries about available surplus documents; proposing coding for new law in Minnesota Statutes, chapter 16B.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Otis, Sviggum, Boo, Gruenes and Anderson, R., introduced:

H. F. No. 721, A bill for an act relating to human services; allowing additional income disregard for certain general assistance recipients; amending Minnesota Statutes 1984, section 256D.06, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.



Rees, McEachern, Becklin, Schafer and Backlund introduced:

H. F. No. 722, A bill for an act relating to education; providing for full implementation of tier revenue by the 1986-1987 school year; amending Minnesota Statutes 1984, section 124A.16, subdivisions 2 and 4; repealing Minnesota Statutes 1984, section 124A.16.

The bill was read for the first time and referred to the Committee on Education.

Johnson; Lieder; Anderson, G., and Carlson, D., introduced:

H. F. No. 723, A bill for an act relating to transportation; authorizing designation of minimum-maintenance roads by resolution of local road authorities; exempting road authorities from liability for damages arising from reduced maintenance standards on minimum-maintenance roads; providing penalties; amending Minnesota Statutes 1984, sections 160.01, subdivision 1; 160.02, subdivisions 7 and 9; 160.04; 160.07; 160.09; 160.10, subdivisions 1, 2, and 8; 160.11, subdivision 2; 160.13; 160.16, by adding a subdivision; 160.17; 160.18, subdivision 3; 160.20; 160.201, subdivision 1; 160.21; 160.215; 160.22, subdivision 1; 160.23; 160.24; 160.25, subdivisions 1 and 3; 160.26; 160.27; 160.29, subdivision 1; 160.292, subdivisions 5 and 9; 161.16, subdivisions 1, 4, and 5; 161.18; 161.19; 161.202, subdivision 1; 161.24; 161.25; 162.02, subdivisions 6, 7, and 10; 162.08, subdivisions 3 and 4; 162.081, subdivision 4; 162.09, subdivisions 8 and 9; 163.02; 163.03; 163.035; 163.04, subdivisions 1 and 2; 163.11; 163.111; 163.13, subdivision 1; 163.14; 163.16; 164.02; 164.03, subdivisions 1, 2, and 4; 164.04; 164.041; 164.05, subdivisions 1 and 2; 164.06; 164.07; 164.08, subdivision 2; 164.09, subdivision 1; 164.11; 164.12; 164.13, subdivision 1; 164.14; 164.15; 164.151; and 164.155; proposing coding for new law in Minnesota Statutes, chapter 160.

The bill was read for the first time and referred to the Committee on Transportation.

Hartinger introduced:

H. F. No. 724, A bill for an act relating to labor; providing a system for citizens to report fraud in connection with receipt of workers' compensation and unemployment compensation benefits; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 176 and 268.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

## HOUSE ADVISORIES

The following House Advisory was introduced:

Krueger, Skoglund and Blatz introduced:

H. A. No. 6, A proposal to study adoption.

The advisory was referred to the Committee on Health and Human Services.

## 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:

S. F. No. 54.

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. FLAHAVER, Secretary of the Senate

## CONFERENCE COMMITTEE REPORT ON S. F. NO. 54

A bill for an act relating to agriculture; providing a mechanism to aid restructuring existing farm loans; providing an interest reimbursement program to qualified banks; appropriating money.

March 1, 1985

The Honorable Jerome M. Hughes  
President of the Senate

The Honorable David M. Jennings  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 54, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 54 be further amended as follows:

Delete everything after the enacting clause and insert:

**"Section 1. [CITATION.]**

*Sections 3 to 10 may be cited as the "Minnesota emergency farm operating loans act."*

**Sec. 2. [LEGISLATIVE FINDINGS, PUBLIC PURPOSE, SCOPE OF PROGRAM.]**

*The legislature finds that many farm families face extreme financial hardship or possible foreclosure in 1985 because of their inability to obtain farm operating loans at affordable rates of interest. In many of these cases excessive interest rates reduce projected cash flow to a level where lending institutions refuse to renew a line of credit or demand the partial or total liquidation of remaining assets.*

*The legislature further finds that with relatively little public expense, and with the voluntary cooperation and assistance of Minnesota farm lenders, operating loans can be made to farm operators at an interest rate that will allow continuation of viable farm operations during 1985.*

*The legislature further finds that the use of money in the general fund for the purpose of assisting qualified farm operators is a public purpose and is necessary to protect the health, safety, and general welfare of the people of this state.*

**Sec. 3. [DEFINITIONS.]**

*Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 3 to 9.*

*Subd. 2. [CLASSIFIED FARM LOAN.] "Classified farm loan" means a farm loan that the lender determines to have a substantial risk of nonpayment, so that the lender is likely to sustain some loss if the borrower's paying capacity, net worth, or collateral is not improved. The loan need not already have been classified by a bank examiner.*

*Subd. 3. [COMMISSIONER.] "Commissioner" means the commissioner of commerce.*

*Subd. 4. [COMMISSIONER'S INTEREST INDEX.] "Commissioner's interest index" means an interest rate that is 2.3 percent above the current lending rates of the federal intermediate credit bank to production credit associations as certified each month by the commissioner.*

*Subd. 5. [FARMER.] "Farmer" means a state resident individual, or a domestic family farm corporation defined in Minnesota Statutes, section 500.24, engaged in the business of farming property in this state.*

*Subd. 6. [FARMERS HOME ADMINISTRATION.] "Farmers home administration" means the farmers home administration of the United States Department of Agriculture.*

*Subd. 7. [FARM LOAN.] "Farm loan" means a loan for operating expenses or the purchase of property for a farm business.*

*Subd. 8. [LENDER.] "Lender" means a bank chartered by the state or federal government and a farm credit system lender.*

#### **Sec. 4. [QUALIFICATION OF LENDERS.]**

*(a) To qualify for an interest payment under sections 4 to 6, a lender must first sign an agreement with the commissioner to follow the guidelines.*

*(b) A lender shall not foreclose on a farm loan of a farmer that has received a loan under section 6, or has had a loan application submitted to the farmers home administration under section 5 until the lender certifies to the commissioner that the farmer's loans have been submitted to the farmers home administration for debt restructuring and that the loan debt restructuring has been approved or denied, or 90 days have expired, whichever is earlier.*

*(c) The commissioner shall not make an interest payment to a lender for a loan under this act if the lender has foreclosed the loan.*

#### **Sec. 5. [INTEREST PAYMENT PROGRAM ON EXISTING FARM LOANS.]**

*Subdivision 1. [COMMISSIONER PAYS INTEREST.] The commissioner shall pay the interest attributable to the first 60 days, of a 120-day period, on the first \$25,000 of operating farm loans and the first \$25,000 of ownership farm loans of each borrower submitted by a lender that signs an agreement under section 4 to the farmers home administration for loan guarantees and debt restructuring except as provided in section 7.*

*Subd. 2. [INTEREST.] The interest to be paid is the amount that becomes attributable to the first 60-day period after the lender signs the agreement with the commissioner under section 4. The amount to be paid is determined by the loan agreement between the lender and the borrower.*

*Subd. 3. [CLASSIFIED FARM LOAN REVIEW.] During the first 60 days of the 120-day period after the agreement with the commissioner in section 4 is signed, the lender must review all classified farm loans and determine which farm loans the lender will submit to the farmers home administration for loan guarantees and debt restructuring.*

*Subd. 4. [LENDER-BORROWER AGREEMENT.] For each farm loan that the lender submits to the farmers home administration for loan guarantees and debt restructuring, the lender and the borrower of the farm loan must sign an agreement. The agreement must:*

*(1) state that the lender has agreed with the commissioner not to foreclose on farm loans submitted as specified in section 4;*

*(2) state that the commissioner will pay the interest attributable to the eligible portion of the farm loan submitted to the farmers home administration for the first 60 days of the 120-day period if the lender qualifies for state interest payment;*

*(3) state that the borrower is not liable for interest paid by the commissioner;*

*(4) provide that if the lender qualifies for state interest payment the lender will assume responsibility for the interest attributable to the eligible portion of the farm loan submitted and the borrower is not liable for the interest except as provided in clause (5); and*

*(5) provide that if the borrower agrees to have the farm loan submitted and the farmers home administration guarantees the loan, the lender may add the interest attributable to the second 60 days of the period to the principal of the borrower's farm loan.*

*Subd. 5. [PAYMENT APPLICATION.] The lender must apply to the commissioner for the 60-day state interest payment on a farm loan that is submitted to the farmers home administration. The lender must give the commissioner evidence of the farm loan submitted to the farmers home administration guaranteed loan program and application for the farmers home administration approved lenders program. A lender that complies with this section is qualified to receive payment from the commissioner.*

**Sec. 6. [INTEREST PAYMENT PROGRAM ON NEW FARM OPERATING LOANS.]**

*Subdivision 1. [APPLICATION; FARMER CRITERIA.] A farmer may apply to a lender for a farm operating loan on which the state will pay part of the interest. To be eligible for*

*the state payment, the farmer must have a debt to asset ratio greater than 50 percent and must not have a positive cash flow at the commissioner's interest index rate.*

*Subd. 2. [LOAN CRITERIA.] (a) To be eligible for the state interest payment, the farm operating loan must:*

*(1) be made to a farmer at an interest rate between seven and ten percent per year;*

*(2) be due and payable by March 1, 1986, after it is made;*

*(3) be for operating expenses of the farm business; and*

*(4) be made to a farmer that shows a positive cash flow at the reduced interest rate, demonstrates a reasonable chance of obtaining debt restructuring necessary to achieve a positive cash flow, or shows the ability to repay the operating loan.*

*(b) The lender may use additional criteria in determining whether to make a farm operating loan to a farmer.*

*(c) The lender must encourage the farmer to participate in the vocational adult farm business management program. The lender must agree to offer to pay enrollment fees, less the amount of a locally available reduction in or subsidy to fees ordinarily paid by the enrollee, for loan recipients who wish to enroll and participate in a vocational adult farm business management program or equivalent. A lender is not required to pay farm management program enrollment fees for more than one farmer per loan.*

*Subd. 3. [LOAN SUBMISSION.] The lender must submit to the commissioner all farm operating loans made by the lender for which the lender requests the state to pay part of the interest. The lender must certify that the approved farm operating loan has been submitted to the farmers home administration for any loan guarantee programs that are available. The commissioner must review the loan within five days after receipt. The commissioner may not pay interest on loans submitted after December 31, 1985.*

*Subd. 4. [PAYMENT AMOUNT.] The amount of interest paid by the state must be two-thirds of the amount of interest foregone by the lender as a result of the lender making the loan at an interest rate less than the commissioner's interest index. The interest is payable on the unpaid principal of the first \$75,000 of the loan, except as provided in section 7. The maximum interest payment per farmer may not exceed \$3,750. The commissioner shall make payments beginning January 1, 1986, and pay all interest due by March 1, 1986.*

### Sec. 7. [MAXIMUM LOAN AMOUNTS.]

*Lenders may not receive interest payments on loans under sections 5 and 6 to a single farmer for a loan principal amount greater than \$100,000 and the principal for a loan under section 6 may not exceed \$75,000.*

### Sec. 8. [FORMS AND GUIDELINES.]

*(a) Notwithstanding Minnesota Statutes, chapter 14, the commissioner shall adopt and provide guidelines to administer sections 4 to 6 and the forms to be submitted by a lender under sections 5 and 6. The forms under sections 5 and 6 constitute an application form for interest payment.*

*(b) The commissioner shall present a report to the senate agriculture and natural resources committee and the house of representatives agriculture committee containing the guidelines, when adopted.*

*(c) On April 15, 1985, and every third month afterwards until January 15, 1986, the commissioner shall report to the chairpersons of the agriculture and appropriations committees of the house of representatives and the agriculture and natural resources and finance committees of the senate on the implementation and economic impact of this act. In the quarterly report the commissioner shall describe the current economic situation for agricultural lending in the state economy.*

*(d) By April 15, 1986, the commissioner must report to the governor and the legislature on the overall effectiveness and efficiency of this act.*

### Sec. 9. [PENALTIES.]

*A lender or farmer that willfully or intentionally misrepresents farm operating expenses or other required information, or misuses money obtained under this act, is guilty of fraud and subject to the penalties for using fraud to obtain credit under Minnesota Statutes, section 609.82. An application presented to the commissioner as provided under sections 4 to 6 may be deemed to be correct and accurate without further audit or substantiation.*

### Sec. 10. [APPROPRIATION.]

*\$25,050,000 is appropriated from the general fund to the commissioner of commerce for the following purposes:*

*(a) For payment of interest on existing farm loans under section 5, to be available until June 30, 1986 . . . . . \$ 9,200,000*

(b) For payment of interest on new farm operating loans under section 6, to be available until June 30, 1986 ..... 15,800,000

(c) For administration of sections 4 to 6, to be available until June 30, 1986 ..... 50,000

(d) If the appropriation for paragraph (b) is insufficient the appropriation for paragraph (a) is available for it.

Sec. 11. [REPEALER.]

Sections 1 to 9 are repealed effective July 1, 1986.

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 agriculture; providing a mechanism to aid restructuring of existing farm loans; providing for payment of interest on loans to farmers; appropriating money.”

We request adoption of this report and repassage of the bill.

Senate Conferees: CHARLES R. DAVIS and LEROY A. STUMPF.

House Conferees: ELTON R. REDALEN, K. J. McDONALD and FRED C. NORTON.

Redalen moved that the report of the Conference Committee on S. F. No. 54 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 54, A bill for an act relating to agriculture; providing a mechanism to aid restructuring existing farm loans; providing an interest reimbursement program to qualified banks; appropriating money.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 122 yeas and 5 nays as follows:



## Those who voted in the affirmative were:

Anderson, G.	Forsythe	Lieder	Peterson	Skoglund
Backlund	Frederick	Long	Piepho	Solberg
Battaglia	Frederickson	Marsh	Piper	Sparby
Beard	Frerichs	McDonald	Poppenhagen	Stanius
Becklin	Greenfield	McEachern	Price	Staten
Begich	Gruenes	McKasy	Quinn	Sviggeum
Bennett	Cutknecht	McLaughlin	Quist	Thorsen
Bishop	Halberg	Metzen	Redalen	Tjornhom
Blatz	Hartinger	Miller	Rees	Tomlinson
Boo	Hartle	Minne	Rest	Tompkins
Brandl	Haukoos	Munger	Rice	Tunheim
Brinkman	Heap	Murphy	Richter	Uphus
Burger	Himle	Nelson, D.	Riveness	Valan
Carlson, D.	Jacobs	Nelson, K.	Rodosovich	Valento
Carlson, L.	Jennings, L.	Norton	Rosc	Vanasek
Clark	Johnson	O'Connor	Sarna	Vellenga
Cohen	Kahn	Ogren	Schafer	Voss
Dempsey	Kalis	Olsen, S.	Scheid	Waltman
DenOuden	Kelly	Olson, E.	Schoenfeld	Welle
Dimler	Kiffmeyer	Omann	Schreiber	Wenzel
Dyke	Knickerbocker	Onnen	Seaberg	Wynia
Elioff	Knuth	Otis	Segal	Spk. Jennings, D.
Ellingson	Kostohryz	Ozment	Shaver	
Erickson	Krueger	Pappas	Sherman	
Fjoslien	Levi	Pauly	Simoneau	

## Those who voted in the negative were:

Boerboom      Carlson, J.      McPherson      Thiede      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 Senate Files, herewith transmitted:

S. F. Nos. 106, 125, 177 and 291.

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. 52.

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. 333.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 106, A bill for an act relating to the town of Tofte; authorizing the establishment of a detached banking facility.

The bill was read for the first time.

Battaglia moved that S. F. No. 106 and H. F. No. 117, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 125, A bill for an act relating to labor; changing the definition of plumber's apprentice for the purpose of employment licensing; requiring the registration of plumber's apprentices; amending Minnesota Statutes 1984, section 326.01, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 326.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

S. F. No. 177, A bill for an act relating to crime; allowing the admission of certain out-of-court statements of mentally impaired persons; defining "mentally impaired"; amending Minnesota Statutes 1984, sections 260.156; 595.02, subdivision 3; 609.341, subdivisions 6 and 11; 609.342; 609.343; 609.344; and 609.345.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

S. F. No. 291, A bill for an act relating to probate; adopting provisions of the uniform probate code and clarifying laws relating to intestate succession, spouse's elective share, and omitted spouses and children; amending Minnesota Statutes 1984, sections 257.34, subdivision 1; 525.13; and 525.145; proposing coding for new law in Minnesota Statutes, chapter 524; repealing Minnesota Statutes 1984, sections 525.16; 525.17; 525.171; 525.172; 525.173; 525.20; 525.201; 525.202; 525.212 to 525.216.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 52, A bill for an act relating to recreational vehicles; exempting recreational vehicles licensed for highway use from registration with the department of natural resources; amending Minnesota Statutes 1984, section 84.922, subdivision 8.

The bill was read for the first time and referred to the Committee on Transportation.

S. F. No. 333, A bill for an act relating to the town of Cannon Falls; authorizing the establishment of a detached banking facility.

The bill was read for the first time.

Sviggum moved that S. F. No. 333 and H. F. No. 307, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

### CONSENT CALENDAR

H. F. No. 85, A bill for an act relating to the town of Santiago; authorizing the establishment of a detached banking 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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Krueger	Pappas	Skoglund
Backlund	Fjoslien	Levi	Pauly	Solberg
Battaglia	Forsythe	Long	Peterson	Sparby
Beard	Frederick	Marsh	Piepho	Stanius
Becklin	Frederickson	McDonald	Piper	Staten
Begich	Frerichs	McEachern	Poppenhagen	Sviggum
Bennett	Greenfield	McKasy	Price	Thiede
Bishop	Gruenes	McLaughlin	Quinn	Thorson
Blatz	Gutknecht	McPherson	Redalen	Tjornhom
Boerboom	Halberg	Metzen	Rees	Tomlinson
Boo	Hartinger	Miller	Rest	Tompkins
Brandl	Hartle	Minne	Rice	Tunheim
Brinkman	Haukoos	Munger	Richter	Uphus
Burger	Heap	Murphy	Riveness	Valan
Carlson, D.	Himle	Nelson, D.	Rodosovich	Valento
Carlson, J.	Jacobs	Nelson, K.	Rose	Vanasek
Carlson, L.	Jaros	Norton	Sarna	Vellenga
Clark	Jennings, L.	O'Connor	Schafer	Voss
Clausnitzer	Johnson	Ogren	Scheid	Waltman
Cohen	Kahn	Olsen, S.	Schoenfeld	Welle
Dempsey	Kalis	Olson, E.	Schreiber	Wenzel
DenOuden	Kelly	Omann	Seaberg	Wynia
Dimler	Kiffmeyer	Onnen	Segal	Zaffke
Dyke	Knickerbocker	Osthoff	Shaver	Spk. Jennings, D.
Elioff	Knuth	Otis	Sherman	
Ellingson	Kostohryz	Ozment	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 231, A bill for an act relating to St. Louis county; authorizing a private sale of certain tax-forfeited land.

The bill was read for the third 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	Peterson	Sparby
Backlund	Fjoslien	Levi	Piepho	Stanius
Battaglia	Forsythe	Long	Piper	Staten
Beard	Frederick	Marsh	Poppenhagen	Sviggum
Becklin	Frederickson	McDonald	Price	Thiede
Begich	Frerichs	McEachern	Quinn	Thorson
Bennett	Greenfield	McKasy	Redalen	Tjornhom
Bishop	Gruenes	McLaughlin	Rees	Tomlinson
Blatz	Gutknecht	McPherson	Rest	Tompkins
Boerboom	Halberg	Metzen	Rice	Tunheim
Boo	Hartinger	Minne	Richter	Uphus
Brandl	Hartle	Munger	Riveness	Valan
Brinkman	Hankoos	Murphy	Rodosovich	Valento
Burger	Heap	Nelson, D.	Rose	Vanasek
Carlson, D.	Himle	Nelson, K.	Sarna	Vellenga
Carlson, J.	Jacobs	Norton	Schafer	Voss
Carlson, L.	Jaros	O'Connor	Scheid	Waltman
Clark	Jennings, L.	Ogren	Schoenfeld	Welle
Clausnitzer	Johnson	Olsen, S.	Schreiber	Wenzel
Cohen	Kahn	Olsen, E.	Seaberg	Wynia
Dempsey	Kalis	Omann	Segal	Zaffke
DenOuden	Kelly	Onnen	Shaver	Spk. Jennings, D.
Dimler	Kiffmeyer	Otis	Sherman	
Dyke	Knickerbocker	Ozment	Simoneau	
Elioff	Knuth	Pappas	Skoglund	
Ellingson	Kostohryz	Pauly	Solberg	

The bill was passed and its title agreed to.

## CALENDAR

H. F. No. 241, A bill for an act relating to commerce; modifying certain motor vehicle sale and distribution regulations; amending Minnesota Statutes 1984, sections 80E.04, subdivision 4; 80E.06, subdivision 1; 80E.10, subdivision 5; 80E.12; and 80E.14, subdivision 1; repealing Minnesota Statutes 1984, section 80E.03, subdivision 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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Beard	Bennett	Boerboom	Brinkman
Backlund	Becklin	Bishop	Boo	Burger
Battaglia	Begich	Blatz	Brandl	Carlson, D.

Carlson, J.	Haukoos	McPherson	Poppenhagen	Solberg
Carlson, L.	Heap	Metzen	Price	Sparby
Clark	Himle	Miller	Quinn	Stanius
Clausnitzer	Jacobs	Minne	Quist	Staten
Cohen	Jaros	Munger	Redalen	Sviggum
Dempsey	Jennings, L.	Murphy	Rees	Thiede
DenOuden	Johnson	Nelson, D.	Rest	Thorson
Dimler	Kahn	Nelson, K.	Rice	Tjornhom
Dyke	Kalis	Norton	Richter	Tomlinson
Elioff	Kelly	O'Connor	Riveness	Tompkins
Ellingson	Kiffmeyer	Ogren	Rodosovich	Tunheim
Erickson	Knickerbocker	Olsen, S.	Rose	Uphus
Fjoslien	Knuth	Olson, E.	Sarna	Valan
Forsythe	Kostohryz	Omamn	Schafer	Valento
Frederick	Krueger	Onnen	Scheid	Vanasek
Frederickson	Kvam	Osthoff	Schoenfeld	Vellenga
Frerichs	Levi	Otis	Schreiber	Voss
Greenfield	Long	Ozment	Seaberg	Waltman
Gruenes	Marsh	Pappas	Segal	Welle
Gutknecht	McDonald	Pauly	Shaver	Wenzel
Halberg	McEachern	Peterson	Sherman	Wynia
Hartinger	McKasy	Piepho	Simoneau	Zaffke
Hartle	McLaughlin	Piper	Skoglund	Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 140, A bill for an act relating to financial institutions; providing for deposits by minors and deposits in multi-party accounts; regulating multi-party accounts; amending Minnesota Statutes 1984, sections 48.30; 52.13; 528.02, subdivisions 3, 6, 8, and 11; 528.04; 528.05; 528.06; 528.07; 528.08; 528.09; 528.10; 528.11; 528.13; and 528.15; proposing coding for new law in Minnesota Statutes, chapters 48, 51A, and 52; repealing Minnesota Statutes 1984, sections 51A.26; 51A.28; 528.02, subdivision 15; and 528.12.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Clark	Gutknecht	Krueger	Nelson, K.
Backlund	Clausnitzer	Halberg	Kvam	Norton
Battaglia	Cohen	Hartinger	Levi	O'Connor
Beard	Dempsey	Hartle	Lieder	Ogren
Becklin	DenOuden	Haukoos	Long	Olsen, S.
Begich	Dimler	Heap	Marsh	Olson, E.
Bennett	Dyke	Himle	McDonald	Omamn
Bishop	Elioff	Jacobs	McEachern	Onnen
Blatz	Ellingson	Jaros	McKasy	Osthoff
Boerboom	Erickson	Jennings, L.	McLaughlin	Otis
Boo	Fjoslien	Kahn	McPherson	Ozment
Brandl	Forsythe	Kalis	Metzen	Pappas
Brinkman	Frederick	Kelly	Miller	Pauly
Burger	Frederickson	Kiffmeyer	Minne	Peterson
Carlson, D.	Frerichs	Knickerbocker	Munger	Piepho
Carlson, J.	Greenfield	Knuth	Murphy	Piper
Carlson, L.	Gruenes	Kostohryz	Nelson, D.	Poppenhagen

Price	Rivness	Simoneau	Thorson	Vanasek
Quinn	Rodosovich	Skoglund	Tjornhom	Vellenga
Quist	Schafer	Solberg	Tomlinson	Voss
Redalen	Scheid	Sparby	Tompkins	Waltman
Rees	Schreiber	Stanius	Tunheim	Welle
Rest	Seaberg	Staten	Uphus	Wenzel
Rice	Segal	Sviggum	Valan	Wynia
Richter	Sherman	Thiede	Valento	Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 213, A bill for an act relating to the maltreatment of minors or vulnerable adults in certain licensed facilities; providing for notification of parents or guardians after reports of alleged abuse; clarifying certain provisions; amending Minnesota Statutes 1984, sections 626.556, subdivisions 10b, 11, and by adding a subdivision; and 626.557, subdivision 12, and by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslien	Levi	Pauly	Simoneau
Backlund	Forsythe	Long	Peterson	Skoglund
Battaglia	Frederick	Marsh	Piepho	Solberg
Beard	Frederickson	McDonald	Piper	Sparby
Begich	Frerichs	McEachern	Poppenhagen	Stanius
Bennett	Greenfield	McKasy	Price	Staten
Bishop	Gruenes	McLaughlin	Quinn	Sviggum
Blatz	Gutknecht	McPherson	Quist	Thiede
Bocrboom	Halberg	Metzen	Redalen	Thorson
Boo	Hartinger	Miller	Rees	Tjornhom
Brandl	Hartle	Minne	Rest	Tomlinson
Brinkman	Haukoos	Munger	Rice	Tompkins
Burger	Heap	Murphy	Richter	Tunheim
Carlson, D.	Himle	Nelson, D.	Rivness	Uphus
Carlson, J.	Jacobs	Nelson, K.	Rodosovich	Valan
Carlson, L.	Jaros	Norton	Rose	Valento
Clark	Jennings, L.	O'Connor	Sarna	Vanasek
Clausnitzer	Kahn	Ogren	Schafer	Vellenga
Dempsey	Kalis	Olsen, S.	Scheid	Voss
DenOuden	Kiffmeyer	Omann	Schoenfeld	Waltman
Dimler	Knickerbocker	Onnen	Schreiber	Welle
Dyke	Knuth	Osthoff	Seaberg	Wenzel
Elioff	Kostohryz	Otis	Segal	Wynia
Ellingson	Krueger	Ozment	Shaver	Spk. Jennings, D.
Erickson	Kvam	Pappas	Sherman	

The bill was passed and its title agreed to.

Lieder and Johnson were excused at 3:30 p.m. Carlson, D., was excused at 4:05 p.m.

## GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole with Jennings, D., in the Chair for 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 recommendations of the Committee were reported to the House:

H. F. No. 97 was recommended to pass.

S. F. No. 252 was recommended to pass.

H. F. No. 34 which it recommended to pass with the following amendment offered by Waltman:

Page 1, line 25, after "*years*" insert "*; provided, that the commissioner's power to grant an exemption expires August 1, 1989*"

H. F. No. 67 which it recommended to pass with the following amendments:

Offered by Backlund:

Page 2, line 26, delete "*ensure that the*" and insert "*give consideration to appointing or electing*"

Page 2, line 27, delete "*of*" and insert "*to*"

Page 2, line 27, delete "*include attorneys*"

Offered by Quinn:

Page 1, line 23, delete "*bar*" insert "*attorney organizations*"

Page 1, line 24, delete "*associations*"

Page 1, line 24, delete "*bar*" insert "*attorney*"

Page 3, line 31, delete "*bar*" insert "*attorney organizations*"

Page 3, line 32, delete "*associations*"

Page 3, line 36, delete "*bar associations*" insert "*attorney organizations*"

Page 4, line 13, delete "bar associations" insert "attorney organizations"

Page 4, line 18, delete "bar association or" insert "attorney"

On the motion of Levi 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:

Quinn, Quist, Vanasek and Zaffke moved to amend H. F. No. 67, the first engrossment, as amended, as follows:

Page 1, line 19, delete "chief justice" insert "speaker of the house of representatives"

The question was taken on the Quinn et al. amendment and the roll was called. There were 58 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Battaglia	Hartinger	Murphy	Rose	Uphus
Beard	Heap	Nelson, K.	Scheid	Valento
Becklin	Jacobs	Norton	Schoenfeld	Vanasek
Begich	Jennings, L.	O'Connor	Shaver	Vellenga
Brandl	Kalis	Ogren	Simoneau	Voss
Brinkman	Kiffineyer	Ozment	Skoglund	Waltman
DenOuden	Marsh	Poppenhagen	Solberg	Welle
Dimler	McDonald	Quinn	Sparby	Wenzel
Elioff	McEachern	Quist	Staten	Zaffke
Ellingson	McLaughlin	Rees	Thiede	Spk. Jennings, D.
Fjoslien	Minne	Richter	Tjornhom	
Gutknecht	Munger	Rodosovich	Tunheim	

Those who voted in the negative were:

Anderson, G.	Dempsey	Himle	Miller	Redalen
Backlund	Dyke	Kelly	Nelson, D.	Rest
Bennett	Erickson	Knickerbocker	Olsen, S.	Sarna
Bishop	Forsythe	Knuth	Olson, E.	Schafer
Blatz	Frederick	Kostohryz	Onnen	Schreiber
Boerboom	Frederickson	Krueger	Osthoff	Seaberg
Burger	Frerichs	Kvam	Otis	Segal
Carlson, J.	Greenfield	Levi	Pappas	Stanius
Carlson, L.	Gruenes	Long	Peterson	Sviggum
Clark	Halberg	McKasy	Piepho	Thorson
Clausnitzer	Hartle	McPherson	Piper	Tomlinson
Cohen	Haukoos	Metzen	Price	Wynia

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. 67, as amended, and the roll was called. There were 71 yeas and 53 nays as follows:

Those who voted in the affirmative were:

Backlund	Dyke	Kahn	Oethoff	Thorson
Bennett	Erickson	Kelly	Otis	Tjornhom
Bishop	Fjoslien	Knuth	Pappas	Tomlinson
Blatz	Forsythe	Kvam	Piepho	Tompkins
Boerboom	Frederick	Levi	Redalen	Valan
Boo	Frederickson	Marsh	Rest	Vanasek
Burger	Frerichs	McDonald	Rodosovich	Vellenga
Carlson, J.	Gruenes	McKasy	Rose	Waltman
Carlson, L.	Gutknecht	McPherson	Scheid	Welle
Clark	Halberg	Miller	Schreiber	Wenzel
Clausnitzer	Hartinger	Nelson, D.	Seaberg	Spk. Jennings, D.
Cohen	Hartle	Nelson, K.	Segal	
Dempsey	Haukoos	Olsen, S.	Shaver	
DenOuden	Heap	Omann	Sherman	
Dimler	Himle	Onnen	Sviggum	

Those who voted in the negative were:

Anderson, G.	Jennings, L.	Norton	Quist	Stanius
Battaglia	Kalis	O'Connor	Rees	Staten
Beard	Kiffmeyer	Ogren	Richter	Thiede
Becklin	Knickerbocker	Olson, E.	Riveness	Tunheim
Begich	Kostohryz	Ozment	Sarna	Uphus
Brandl	Krueger	Pauly	Schafer	Valento
Brinkman	McEachern	Peterson	Schoenfeld	Voss
Elioff	McLaughlin	Piper	Simoneau	Wynia
Greenfield	Metzen	Poppenhagen	Skoglund	Zafke
Jacobs	Minne	Price	Solberg	
Jaros	Murphy	Quinn	Sparby	

The motion prevailed.

## MOTIONS AND RESOLUTIONS

Rees moved that the name of Sviggum be added as an author on H. A. No. 5. The motion prevailed.

Olsen, S., moved that the name of Redalen be stricken and the name of Munger be added as an author on H. F. No. 156. The motion prevailed.

Schafer moved that the name of Wenzel be added as an author on H. F. No. 232. The motion prevailed.

Heap moved that the name of Carlson, D., be added as an author on H. F. No. 349. The motion prevailed.

Rees moved that the name of McDonald be added as an author on H. F. No. 459. The motion prevailed.

Krueger moved that the name of Lieder be added as an author on H. F. No. 578. The motion prevailed.

Sviggum moved that the name of Knickerbocker be stricken and the name of Waltman be added as an author on H. F. No. 607. The motion prevailed.

Segal moved that the name of Staten be added as an author on H. F. No. 612. The motion prevailed.

Solberg moved that the name of Murphy be added as an author on H. F. No. 618. The motion prevailed.

Segal moved that the names of Clark and Pappas be added as authors on H. F. No. 651. The motion prevailed.

Kalis moved that the names of Solberg and Wenzel be added as authors on H. F. No. 652. The motion prevailed.

Cohen moved that the names of Rest and Wenzel be added as authors on H. F. No. 665. The motion prevailed.

Dempsey moved that his name be stricken as an author on H. F. No. 345. The motion prevailed.

Minne moved that H. F. No. 617 be recalled from the Committee on Education and be re-referred to the Committee on General Legislation and Veterans Affairs. The motion prevailed.

#### ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, March 7, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, March 7, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



## STATE OF MINNESOTA

## SEVENTY-FOURTH SESSION - 1985

## TWENTY-THIRD DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 7, 1985

The House of Representatives convened at 2:00 p.m. and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Pastor Thomas Herbranson, Westwood Lutheran Church, St. Louis Park, Minnesota.

The roll was called and the following members were present:

Anderson, G.	Erickson	Kvam	Pauly	Solberg
Backlund	Fjoslien	Levi	Peterson	Sparby
Battaglia	Forsythe	Long	Piepho	Stanius
Beard	Frederick	Marsh	Piper	Staten
Becklin	Frederickson	McDonald	Poppenhagen	Sviggum
Begich	Frerichs	McEachern	Price	Thiede
Bennett	Greenfield	McKasy	Quinn	Thorson
Bishop	Gruenes	McLaughlin	Quist	Tjornhom
Blatz	Gutknecht	McPherson	Redalen	Tomlinson
Boerboom	Halberg	Miller	Rees	Tompkins
Boo	Hartinger	Minne	Rest	Tunheim
Brandl	Hartle	Munger	Rice	Uphus
Brown	Haukoos	Murphy	Richter	Valan
Burger	Heap	Nelson, D.	Riveness	Valento
Carlson, D.	Himle	Nelson, K.	Rodosovich	Vellenga
Carlson, J.	Jacobs	Neuenschwander	Rose	Voss
Carlson, L.	Jaros	Norton	Sarna	Waltman
Clark	Jennings, L.	O'Connor	Schafer	Welle
Clausnitzer	Kahn	Ogren	Schoenfeld	Wenzel
Cohen	Kalis	Olsen, S.	Schreiber	Wynia
Dempsey	Kelly	Olson, E.	Seaberg	Zaffke
DenOuden	Kiffmeyer	Omann	Segal	Spk. Jennings, D.
Dimler	Knickerbocker	Onnen	Shaver	
Dyke	Knuth	Otis	Sherman	
Elioff	Kostohryz	Ozment	Simoneau	
Ellingson	Krueger	Pappas	Skoglund	

A quorum was present.

Anderson, R.; Brinkman; Metzen; Osthoff; Scheid and Vanasek were excused.

Lieder was excused until 3:15 p.m. Johnson was excused until 3:25 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Gutknecht 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. 273, 308, 1, 242, 34, 247, 266 and 67 and S. F. Nos. 125, 106, 177, 291, 52 and 333 have been placed in the members' files.

S. F. No. 106 and H. F. No. 117, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Battaglia moved that S. F. No. 106 be substituted for H. F. No. 117 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 333 and H. F. No. 307, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Sviggum moved that S. F. No. 333 be substituted for H. F. No. 307 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

February 21, 1985

The Honorable David M. Jennings  
Speaker of the House  
State of Minnesota

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House File:

H. F. No. 336, relating to public finance; providing for allocation of 1984 state private activity bond issuance authority; proposing coding for new law in Minnesota Statutes, chapter 474.

Sincerely,

RUDY PERPICH  
Governor

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

February 21, 1985

The Honorable David M. Jennings  
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 1985 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 1985</i>	<i>Date Filed 1985</i>
	336	1	February 21	February 21
100		2	February 21	February 21

Sincerely,

JOAN ANDERSON GOWE  
Secretary of State

#### REPORTS OF STANDING COMMITTEES

Erickson from the Committee on Education to which was referred:

H. F. No. 46, A bill for an act relating to education; allowing financial aid after the time normally required to complete a bachelor's degree; amending Minnesota Statutes 1984, section 136A.121, subdivision 10.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Schreiber from the Committee on Taxes to which was referred:

H. F. No. 53, A bill for an act relating to taxation; sales and use; reducing the rate of tax on farm machinery; including repair and replacement parts in the definition of farm machinery; amending Minnesota Statutes 1984, sections 297A.01, subdivision 15; 297A.02, subdivision 2; and 297A.14.

Reported the same back with the following amendments :

Page 3, line 7, delete "*June 30*" and insert "*March 31*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Erickson from the Committee on Education to which was referred :

H. F. No. 204, A bill for an act relating to higher education; creating a student advisory council to the higher education coordinating board; amending Minnesota Statutes 1984, section 136A.02, subdivisions 1 and 1a, and by adding a subdivision.

Reported the same back with the following amendments :

Page 2, line 9, delete "*shall*" and insert "*may*"

Page 2, line 13, delete "*and*"

Page 2, line 15, after "*students*" insert "*, and a representative designated by the Minnesota association of private postsecondary schools*"

Page 2, line 15, after the period insert "*Student associations may appoint a member other than the chair or president to serve as a member of the advisory council. Each student appointed may serve for more than one year.*"

Page 3, after line 3, insert :

*"The higher education coordinating board may designate one of its members to serve as a nonvoting member of the student advisory council. This member shall represent the board to the students and act as a liaison between the board and the student advisory council."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Erickson from the Committee on Education to which was referred :

H. F. No. 263, A bill for an act relating to education; directing the commissioner to grant a capital loan to Independent School District No. 690, Warroad.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [LOAN TO WARROAD SCHOOL DISTRICT.]

*The legislature approves a capital loan in the amount of \$1,295,000 to independent school district No. 690, Warroad. The commissioner of finance shall issue bonds in the amount necessary to make the loan subject to the limits, conditions, and procedures of Minnesota Statutes, section 124.43. The loan is to be used to partially pay for one new junior and senior secondary school.*

Sec. 2. [EFFECTIVE DATE.]

*Section 1 is effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to education; providing legislative approval of a capital loan to independent school district No. 690, Warroad."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 362, A bill for an act relating to Beltrami county; providing for disposition of the proceeds from the sale or rental of tax-forfeited lands or from the sale of their products; increasing the amount that may be spent for promotion of tourist, agricultural, and industrial developments; amending Laws 1967, chapter 558, section 1, subdivision 5, as amended.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 513, A bill for an act relating to state government; regulating the career executive service; specifying executive branch conflicts of interest; providing for review of state trooper



arbitration awards; regulating approved complements; regulating liquidation of vacation leave; amending Minnesota Statutes 1984, sections 16A.123, subdivision 3; 16B.65, subdivision 3; 43A.17, subdivision 8; 43A.21, subdivision 5; 43A.38, subdivision 5; 62D.22, subdivision 7; and 299D.03, subdivision 11.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 516, A bill for an act relating to counties; authorizing reimbursement to county commissioners and county officers for certain expenses; renaming the county executive secretary; fixing expenditure authority for certain county activities; removing provisions for county purchasing agents, demonstration and experiment farms, and seed and feed loans; revising the language of the text of chapters concerning county powers and county boards; amending Minnesota Statutes 1984, sections 375.055, by adding a subdivision; 375.48, subdivisions 1 and 2; 375.49, subdivisions 1 and 2; 375.50; 375A.07, subdivision 1; chapters 370; 371; 372; 374; 376; 377; 392; and 395; proposing new law coded in Minnesota Statutes, chapter 382; repealing Minnesota Statutes 1984, sections 374.05; 377.02; 377.04; 392.01; 392.02; 392.03; 395.01; 395.02; 395.03; 395.14; 395.15; 395.16; 395.17; 395.18; 395.19; 395.20; 395.21; 395.22; 395.23; and 395.24.

Reported the same back with the following amendments:

Page 59, line 11, delete "section 392.06" and insert "chapter 392"

Page 61, line 18, delete "section 395.035" and insert "chapter 395"

Page 63, after line 14, insert:

"Sec. 15. Minnesota Statutes 1984, section 475.52, subdivision 3, is amended to read:

Subd. 3. [COUNTIES.] Any county may issue bonds for the acquisition or betterment of courthouses, jails, (POOR FARMS,) morgues, libraries, and hospitals, for roads and bridges within the county or bordering thereon and for road equipment and machinery and for ambulances and related equipment, except that the power of counties to issue bonds in connection with a library shall not exist in Hennepin county."

Renumber remaining sections in sequence

Amend the title as follows:

Page 1, line 13, after "subdivision 1;" insert "475.52, subdivision 3;"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 581, A bill for an act relating to agriculture; establishing a commission to collect the data necessary to design a financially sound, statewide farm program; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [CITATION.]

*Sections 1 to 4 may be cited as the farm crisis intervention act.*

Sec. 2. [LEGISLATIVE FINDINGS.]

*The legislature finds that a crisis situation exists in rural Minnesota that demands state action. The legislature finds that there is a lack of comprehensive, sound, financial data on which to design a state relief program for farmers. The severe problems facing farmers require an immediate and comprehensive data collection effort to thoroughly document the extent and nature of the problem in order to allow the state to design an agriculture program that will best utilize the state's limited resources and best direct the state resources to the farmers who are most in need. The legislature further finds that this crisis can in part be eased and this need be met by providing additional support for efforts of the agricultural extension service and vocational technical education system aimed at enhancing farm financial recordkeeping and evaluating existing farm financial information.*

Sec. 3. [TASK FORCE CREATED.]

*Subdivision 1. [MEMBERSHIP.] The data collection task force is created to consist of two members of the house of representatives appointed by the speaker of the house, two members*

*of the senate appointed by the senate committee on committees, the director of the agricultural extension service, the director of the vocational technical education system, a representative appointed by the governor and two representatives appointed by the commissioner of agriculture.*

*Subd. 2. [DUTIES.] The duties of the data collection task force are to:*

*(1) develop a uniform procedure for collecting data on the financial status of agriculture in Minnesota;*

*(2) oversee the implementation of the farm crisis intervention act; and*

*(3) report the results of the program to the legislature no later than December 31, 1985.*

*Subd. 3. [REPORT.] The report to the legislature must summarize the financial condition of farmers in Minnesota and include summary statistics on the number of foreclosures, the degree and extent of delinquent payments, the amount and types of outstanding debt including information on the interest charged on that debt, the levels and changes in levels on farm asset values, the level of income and expenditures, and the relevant tax burdens. The report must also include any other information that the data collection task force determines is relevant. The staff needed to assemble the report shall come from the existing staff of the agricultural extension service and the vocational technical education system.*

*Subd. 4. [DATA PRIVACY.] To the extent allowable under the data privacy act, all data shall be summarized and made available for release to the legislature.*

*Subd. 5. [COMPENSATION.] The expenses and per diem payments of the legislative members of the task force shall be paid from the legislative expense fund of their respective body. Compensation and expenses for nonlegislative members of the task force shall be in accordance with the provisions of section 15.059 except that payments shall be as follows. Public employees will not receive the \$35 per day and will not be subject to the corresponding loss of compensation and benefits as required by section 15.059. Members who are not public employees will receive compensation and expenses as provided in section 15.059. Compensation and expenses of nonlegislative members shall be paid in equal parts by the legislative expense funds of the house and senate.*

*Subd. 6. [EXPIRATION.] The data collection task force shall cease to exist within ten days of submitting its report to the legislature.*

## Sec. 4. [APPROPRIATIONS.]

*Subdivision 1. [A.V.T.I. CRISIS INTERVENTION.] There is appropriated \$1,166,550 from the general fund to the state board of vocational technical education to provide farm financial crisis intervention services, to be available until June 30, 1985, as follows:*

- |  |           |
|--|-----------|
| (1) Computer software, hardware, and training . . .                                  | \$564,200 |
| (2) Support staff vo-ag farm management in-<br>structors . . . . .                   | \$159,000 |
| (3) Travel supplement for vo-ag agents . . . . .                                     | \$ 54,600 |
| (4) Tuition supplement . . . . .   | \$150,000 |
| (5) Project activity, coordination, and publicity . . .                              | \$ 40,000 |
| (6) Emergency financial planning and loan process-<br>ing support for FmHA . . . . . | \$198,750 |

*This appropriation is not subject to the allocation procedures for instructional aid in Minnesota Statutes, chapter 136C.*

*Subd. 2. [A.E.S. FARM CRISIS INTERVENTION.] \$402,500 is appropriated from the general fund to the University of Minnesota for use by its agricultural extension service in providing farm financial crisis intervention services, to be available until June 30, 1985, as follows:*

- |  |           |
|--|-----------|
| (1) Computer hardware, software training and com-<br>pensation . . . . .     | \$277,500 |
| (2) Travel supplement for agricultural extension<br>service agents . . . . . | \$100,000 |
| (3) Project activity, coordination, and publicity . . .                      | \$ 25,000 |

## Sec. 5. [EFFECTIVE DATE.]

*This act is effective the day following final enactment."*

Further, amend the title as follows:

Page 1, line 2, delete "commission to" and insert "task force;"

Page 1, delete lines 3 and 4, and insert "implementing a program of farm financial recordkeeping; 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.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 268, A bill for an act relating to the environment; removing statutory provisions for joint and several liability and causation for personal injury; changing the date when liability applies; removing additional defense for abnormally dangerous activity; stating effect of removing certain provisions; amending Minnesota Statutes 1984, sections 115B.05, subdivision 1; and 115B.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1984, sections 115B.06, subdivision 2; and 115B.07.

Reported the same back with the following amendments:

Page 2, line 26, delete everything after "INJURY.]"

Page 2, delete lines 27 to 33 and insert "*The enactment of Laws 1983, chapter 121, section 5, relating to joint and several liability, and the subsequent amendment of section 115B.05 as provided in this act, shall not be construed in any way as a determination of legislative intent regarding the applicability of joint and several liability in any action brought under section 115B.05. The determination of whether joint and several liability applies in any action brought under section 115B.05 shall be based solely on applicable statutory and common law.*"

Page 2, delete lines 35 and 36

Page 3, delete lines 1 to 8 and insert "*brought under section 115B.05, or under any other law, to recover damages for death, personal injury, or disease arising out of the release of a hazardous substance, the enactment of Laws 1983, chapter 121, section 7, and subsequent repeal of section 115B.07 under this act, relating to proof of causation, shall not be construed in any way as a determination of legislative intent regarding the legal principles applicable to the proof of the causal connection between the release and the death, injury, or disease. The legal principles applicable to the proof of causation shall be determined solely on the basis of applicable statutory and common law.*"

Page 3, line 11, delete "and"

Page 3, line 11, after "115B.07" insert "; and 115B.09"

Amend the title as follows:

Page 1, line 12, delete "and"

Page 1, line 12, after "115B.07" insert "; and 115B.09"

With the recommendation that when so amended the bill pass.

#### FIRST MINORITY REPORT

March 6, 1985

We, the undersigned, being a minority of the Committee on Judiciary, recommend that H. F. No. 268 do pass with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [REPEALER.]

*Minnesota Statutes 1984, section 115B.07, is repealed.*"

Delete the title and insert:

"A bill for an act relating to the environment; removing the statutory provision for proof of causation for personal injury; repealing Minnesota Statutes 1984, section 115B.07."

ROBERT VANASEK, DEE LONG, JOE QUINN, SANDRA L. PAPPAS, ANN H. REST and ROBERT ELLINGSON.

Long, Quinn, Pappas, Rest and Ellingson moved that the first Minority Report on H. F. No. 268 be substituted for the Majority Report and that the first Minority Report be now adopted.

A roll call was requested and properly seconded.

#### CALL OF THE HOUSE

On the motion of Sviggum and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Battaglia	Brown	Dyke	Greenfield	Jacobs
Beard	Burger	Elioff	Gruenes	Jennings, L.
Becklin	Carlson, J.	Ellingson	Gutknecht	Kahn
Begich	Carlson, L.	Erickson	Halberg	Kalis
Bennett	Clausnitzer	Fjoslien	Hartinger	Kelly
Bishop	Cohen	Forsythe	Hartle	Kiffmeyer
Blatz	Dempsey	Frederick	Haukoos	Knickerbocker
Boerboom	DenOuden	Frederickson	Heap	Knuth
Boo	Dimler	Frerichs	Himle	Kostohryz

Krueger	O'Connor	Quinn	Segal	Uphus
Kvam	Ogren	Quist	Shaver	Valan
Levi	Olsen, S.	Redalen	Sherman	Valento
Long	Olson, E.	Rees	Simoneau	Vellenga
Marsh	Omann	Rest	Skoglund	Voss
McDonald	Onnen	Rice	Solberg	Waltman
McEachern	Otis	Richter	Sparby	Welle
McLaughlin	Ozment	Riveness	Stanius	Wenzel
McPherson	Pappas	Rodosovich	Staten	Wynia
Miller	Pauly	Rose	Sviggum	Zaffke
Minne	Peterson	Sarna	Thiede	Spk. Jennings, D.
Munger	Piepho	Schafer	Thorson	
Nelson, D.	Piper	Schoenfeld	Tjornhom	
Neuenschwander	Poppenhagen	Schreiber	Tomlinson	
Norton	Price	Seaberg	Tompkins	

Levi 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 adoption of the first Minority Report on H. F. No. 268 and the roll was called.

Levi moved that those not voting be excused from voting. The motion prevailed.

There were 54 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Minne	Peterson	Simoneau
Battaglia	Jacobs	Munger	Piper	Skoglund
Beard	Jaros	Murphy	Price	Solberg
Begich	Kahn	Nelson, D.	Quinn	Sparby
Brandl	Kalis	Nelson, K.	Rest	Staten
Brown	Kelly	Norton	Rice	Tomlinson
Carlson, L.	Knuth	O'Connor	Riveness	Tunheim
Clark	Kostohryz	Ogren	Rodosovich	Vellenga
Cohen	Long	Olson, E.	Sarna	Wenzel
Elioff	McEachern	Otis	Schoenfeld	Wynia
Ellingson	McLaughlin	Pappas	Segal	

Those who voted in the negative were:

Backlund	Erickson	Kiffmeyer	Pauly	Thorson
Becklin	Fjoslien	Knickerbocker	Piepho	Tjornhom
Bennett	Forsythe	Krueger	Poppenhagen	Tompkins
Bishop	Frederick	Kvam	Quist	Uphus
Blatz	Frederickson	Levi	Redalen	Valan
Boerboom	Frerichs	Marsh	Rees	Valento
Boo	Gruenes	McDonald	Richter	Voss
Burger	Gutknecht	McKasy	Schafer	Waltman
Carlson, D.	Halberg	McPherson	Schreiber	Welle
Carlson, J.	Hartinger	Miller	Seaberg	Zaffke
Clausnitzer	Hartle	Neuenschwander	Shaver	Spk. Jennings, D.
Dempsey	Haukoos	Olsen, S.	Sherman	
DenOuden	Heap	Omann	Stanius	
Dimler	Himle	Onnen	Sviggum	
Dyke	Jennings, L.	Ozment	Thiede	

The first Minority Report on H. F. No. 268 was not adopted.

## SECOND MINORITY REPORT

March 6, 1985

We, the undersigned, being a minority of the Committee on Judiciary, recommend that H. F. No. 268 do pass with the following amendments:

Delete everything after the enacting clause and insert:

*"Section 1. Minnesota Statutes 1984, section 115B.06, subdivision 1, is amended to read:*

Subdivision 1. [APPLICATION OF SECTION 115B.05 AND ADDITIONAL DEFENSE.] ((A) A DEFENDANT IN AN ACTION UNDER SECTION 115B.05 HAS THE ADDITIONAL DEFENSE PROVIDED IN SUBDIVISION 2 FOR DAMAGES CAUSED OR SIGNIFICANTLY CONTRIBUTED TO BY THE RELEASE OF A HAZARDOUS SUBSTANCE FROM A FACILITY IF THE DEFENDANT SHOWS THAT THE SUBSTANCE WAS PLACED OR CAME TO BE LOCATED IN OR ON THE FACILITY WHOLLY BEFORE JANUARY 1, 1973.)

((B)) Section 115B.05 does not apply to any claim for damages arising out of the release of a hazardous substance which was placed or came to be located in or on the facility wholly before (JANUARY 1, 1960) *July 1, 1979.*

Sec. 2. [115B.25] [DEFINITIONS.]

*The terms used in sections 3 to 16 have the definitions given them in section 115B.02 except that the term "fund" means the hazardous substance injury compensation fund established in section 3.*

Sec. 3. [115B.26] [HAZARDOUS SUBSTANCE INJURY COMPENSATION FUND.]

*A hazardous substance injury compensation fund is established as an account in the state treasury. The state treasurer shall credit to the trust fund account all amounts received by direct appropriation from the general fund as well as amounts received pursuant to sections 13, 15 and 16. The state treasurer shall invest trust fund money pursuant to section 11A.25. Earnings, such as interest, dividends and any other earnings arising from trust fund assets, must be credited to the trust fund.*

Sec. 4. [115B.27] [HAZARDOUS SUBSTANCE INJURY COMPENSATION BOARD.]

*Subdivision 1. [ESTABLISHMENT OF BOARD.] The hazardous substance injury compensation board is established within*



*the department of health. The board will consist of three members who will serve part-time and who will be appointed by the governor subject to the advice and consent of the senate. At least one member shall be a physician knowledgeable in toxicology; at least one member shall be a member of the bar of this state; and the final member shall be a health professional knowledgeable in the area of hazardous substance injuries. Filling of vacancies on the board and removal of members are governed by section 15.0575.*

*Subd. 2. [MEMBERSHIP TERMS.] The initial members shall be appointed to terms as follows:*

- (a) The first member appointed for six years;*
- (b) The second member appointed for four years;*
- (c) The third member appointed for two years.*

*At the end of each member's term, the successor shall be appointed for six years and each successor thereafter shall be appointed for six years.*

*Subd. 3. [COMPENSATION AND EXPENSES.] The board shall adopt a rule governing compensation of its members which must not exceed 80 percent of reasonable consultation fees charged by professionals with similar education and experience as board members. Expenses may be paid as for state employees.*

**Sec. 5. [115B.28] [POWERS AND DUTIES OF THE BOARD.]**

*Subdivision 1. [DUTIES.] In addition to performing duties specified elsewhere in sections 3 to 16 or in other law, the board shall:*

- (a) provide all claimants with an opportunity for a hearing pursuant to section 11;*
- (b) establish and maintain a principal office and other necessary temporary offices and appoint employees and agents as necessary and fix their duties;*
- (c) promulgate rules as soon as practicable after the final member is appointed to include rules governing the method of practice and procedure before the board, the form and procedure for applications for compensation, and discovery proceedings;*
- (d) publicize the availability of compensation and application procedures on a statewide basis with special emphasis on geographical areas surrounding sites identified by the pollution control agency as having releases prior to July 1, 1983;*

(e) collect data in consultation with the pollution control agency, the university of Minnesota medical and public health schools, and the medical community regarding injuries relating to exposure to hazardous substances; and

(f) prepare and transmit to the governor and the legislature a biennial report to include data collected pursuant to clause (e), data from actual cases determined by the board including but not limited to number of cases, actual compensation received by each claimant, types of cases, and types of injuries compensated as they relate to types of hazardous substances as well as length of exposure, and board recommendations for legislative changes, further study, or any other recommendation aimed at improving the system of compensation.

Subd. 2. [POWERS.] In addition to exercising any powers specified elsewhere in sections 3 to 16 or in other law, the board on its own initiative or on request by a claimant may:

(a) issue subpoenas for the appearance of witnesses and the production of books, records, studies, and other documents;

(b) administer oaths and affirmations and require affidavits and depositions within and without this state;

(c) take notice of judicially cognizable facts and general, technical, and scientific facts within the members' specialized knowledge;

(d) order a mental or physical examination of the claimant or an autopsy of a deceased person whose death is the basis of the claim, provided that notice is given to the person to be examined and that the claimant receives a copy of any resulting report;

(e) request from any source data to enable the board to perform its duties as specified in sections 3 to 16;

(f) grant emergency reparations pending the final determination of a claim if it is one with respect to which an award will probably be made and undue hardship will result to the claimant if immediate payment is not made; and

(g) reconsider any grant, amount of grant or denial of compensation.

## Sec. 6. [115B.29] [LIMITATION OF CLAIMS.]

Subdivision 1. [COMPENSABLE INJURIES.] Claims for compensation are limited to out of pocket, economic losses suffered by the claimant as the result of any medically verifiable chronic or progressive disease or condition such as cancer,

*genetic mutations, behavioral abnormalities, physiological malfunctions, and physical deformations in humans or their offspring, or death. A chronic or progressive disease is a disease that does not typically manifest itself in humans within one year after initial exposure to the particular chemical substance or mixture under the circumstances in question. If the board, after experience, determines that the above criterion is inappropriate or inequitable, it may recommend that the legislature amend it. The board may only disregard the above criterion if an individual claimant would be egregiously prejudiced by applying the criterion to the specific case. In disregarding the criterion the board must make specific findings supporting its action.*

*Subd. 2. [NONCOMPENSABLE INJURIES.] The following injuries are not compensable from this fund:*

*(a) an acute disease or condition that typically manifests itself within one year after initial exposure;*

*(b) personal injuries whether acute or chronic and progressive arising out of exposure sustained in the workplace or as a result of use of consumer products;*

*(c) any injury arising out of a release which occurred or is occurring within the geographical boundaries of any state other than Minnesota;*

*(d) damage to property;*

*(e) any injury about which the claimant knew or should have known more than six years prior to the date of initial application for compensation, except that any person whose claim accrued prior to July 1, 1981, may file a claim by July 1, 1987; and*

*(f) any other injury or loss not compensable under subdivision 1.*

#### **Sec. 7. [115B.30] [CHOICE OF FORUM.]**

*A claimant who receives an administrative award from the fund is not precluded from later bringing a personal injury action in court for the same injury. Any judgment won by a claimant in a court action must be used first to repay the fund the amount of the administrative award. In any case where the final judgment does not exceed the administrative award by at least 25 percent, the presiding judge may assess costs and fees not including attorney fees against the claimant. A determination by the board whether to grant or deny compensation and the rationale for that determination are inadmissible as evidence in any later court action brought on the basis of the same*

*injury, except the board determination is admissible solely as a basis for determining the amount to be subtracted from the judgment and returned to the fund.*

Sec. 8. [115B.31] [CLAIM FOR COMPENSATION.]

*Subdivision 1. [FORM.] A claim for compensation from the fund must be filed with the board on a claim form provided by the board. When a claim does not include all of the information required by subdivision 2 and applicable board rules, board staff shall notify a claimant of the absence of required information within 14 days of the filing of the claim. All required information must be received by the board not later than 60 days after the claimant received notice of its absence or the claim will be inactivated and may not be resubmitted for at least one year following the date of inactivation. The board may decide to refuse to inactivate a claim under this subdivision if it finds serious extenuating circumstance.*

*Subd. 2. [REQUIRED INFORMATION.] A claimant must provide as part of the claim:*

*(a) a sworn verification by the claimant of the facts set forth in the claim to the best of the claimant's knowledge;*

*(b) evidence of the claimant's exposure to a named hazardous substance;*

*(c) evidence that the exposure experienced by the claimant causes or significantly contributes to death or to personal injury or disease of the type suffered by the claimant;*

*(d) evidence of the death, personal injury or disease, and the resulting expenses incurred by the claimant;*

*(e) evidence of other economic losses resulting from the death, personal injury, or disease; and*

*(f) information regarding any collateral sources of compensation.*

*Evidence required by clause (c) is unnecessary only in a case pertaining to the same hazardous substance released at the same site, the same level and duration of exposure, and the same injury or disease that were the subjects of an earlier case. In such a case, the claimant may cite or otherwise bring to the board's attention its own determination in the earlier case in place of the information required by (c) and the board may use the earlier case as dispositive of the case before it. In any other case where the facts are similar but not the same the board may not rely on an earlier determination as dispositive of the specific claim before it.*

**Sec. 9. [115B.32] [STANDARD FOR DETERMINATION OF PERSONAL INJURY CLAIM.]**

*The board shall grant compensation to a claimant who shows by a preponderance of the evidence that he or she:*

*(a) suffers or has suffered death, personal injury or disease which has caused compensable loss and*

*(b) has been exposed to a hazardous substance in an amount and duration sufficient to cause or significantly contribute to death or personal injury or disease of the type suffered by claimant.*

**Sec. 10. [115B.33] [COMPENSABLE PERSONAL INJURY LOSSES.]**

*Losses compensable by the fund are limited to:*

*(a) medical expenses directly related to the claimant's death, personal injury or disease;*

*(b) up to two-thirds of the claimant's lost wages not to exceed \$2,000 per month or \$24,000 per year;*

*(c) up to two-thirds of a self-employed claimant's lost profits, not to exceed \$2,000 per month or \$24,000 per year;*

*(d) death benefits to dependents as follows:*

*(i) to a spouse with no dependent children, a sum computed by one-half of the deceased claimant's lost wages or lost profits, calculated on a monthly basis not to exceed \$2,000 per month, multiplied by 60 months;*

*(ii) to a spouse with three or fewer dependent children, a sum computed by two-thirds the deceased claimant's lost wages or lost profits, calculated on a monthly basis not to exceed \$2,000 per month, multiplied by the number of months remaining until the youngest dependent child attains the age of 18;*

*(iii) to a spouse with four or more dependent children, a sum computed by three-fourths the deceased claimant's lost wages or lost profits, calculated on a monthly basis not to exceed \$2,000 per month, multiplied by the number of months remaining until the youngest dependent child attains the age of 18;*

*(iv) to three or fewer dependent children where there is no surviving spouse, an amount as calculated in paragraph (ii) but using one-half the deceased claimant's lost wages or lost profits as the base for the calculation;*

(v) to four or more dependent children where there is no surviving spouse, an amount as calculated in paragraph (iii) but using two-thirds the deceased claimant's lost wages or lost profits as the base for the calculation; and

(vi) to any one else who can show dependence on the deceased claimant, an amount equal to the amount of actual average monthly contribution made by the claimant to the dependents prior to his or her inability to contribute or one-fourth of the deceased claimant's lost wages or lost profits, calculated on a monthly basis not to exceed \$2,000 per month, whichever is less, multiplied by 36 months. No one who cannot show actual dependence on the deceased claimant may recover death benefits. For the purposes of all the provisions in clause (d), lost wages includes the value of lost household labor; and

(e) the value of household labor lost due to the claimant's injury or disease.

Sec. 11. [115B.35] [DETERMINATION OF CLAIMS.]

*Subdivision 1. [ASSIGNMENT OF CLAIMS.] The chairman of the board shall assign each claim that has been accepted for filing to himself or herself or to another member of the board.*

*Subd. 2. [INITIAL DETERMINATION.] The board member to whom the claim is assigned shall examine the papers filed in support of the claim and cause an investigation to be conducted into the validity of the claim. The board member may decide in favor of the claimant in the amount claimed on the basis of the papers filed in support of the claim and the report of the investigation of it.*

*Subd. 3. [HEARING.] If the board member is unable to decide the case on the basis of the information in subdivision 2, he or she shall order an informal hearing. At this hearing the claimant may introduce further evidence to support the claim, including books, studies, reports, and any other written material as well as oral testimony of witnesses including experts. The board member may ask questions of the claimant and of any witnesses presented by the claimant. After the hearing, the board member shall make a determination granting or denying compensation.*

*Subd. 4. [CIRCULATION OF INITIAL DETERMINATION.] A determination made under subdivision 2 or 3 along with written reasons for the determination must be circulated to the other two board members as soon as practicable. On receipt of the determination each of the other two members will have 14 days to challenge it. If neither challenges the determination, a copy must be sent to the claimant who may challenge the decision by notifying the board within 30 days of receipt of the decision.*

*Subd. 5. [CHALLENGES.] If a board member or a claimant challenges a determination made pursuant to subdivision 2, 3, or 4, the full board must meet in conference to decide the claim. The board may decide to hold an informal hearing if one has not already been held or if not rehearing the claim would unfairly prejudice the claimant. The board shall make a final decision on the claim as soon as practicable. A copy of the final decision must be sent to the claimant, including, for a claim which is granted, an explanation of the form in which the claim will be paid.*

*Subd. 6. [APPEAL.] A decision of the board made pursuant to subdivision 5 is final. There shall be no appeal.*

**Sec. 12. [115B.36] [POWER TO DISBURSE MONEY FROM THE FUND.]** *The board has the power to authorize disbursement from the fund by the secretary of the treasury for:*

- (a) paying claims granted by the board and*
- (b) reasonable administrative costs.*

**Sec. 13. [115B.37] [AMOUNT AND FORM OF PAYMENT.]**

*The board shall compute the total amount of actual losses suffered by a successful claimant. From this amount, the board shall subtract the total amount of any compensation for these losses received by the claimant from other sources including, but not limited to, all forms of insurance and social security. If the amount of net uncompensated loss is less than \$250,000, the claimant shall receive the full amount of the net uncompensated loss in compensation from the fund. If the net uncompensated loss is greater than \$250,000, the claimant shall receive \$250,000.*

*Compensation from the fund may be awarded in a lump sum or in installments in the discretion of the board. The amount of any emergency award must be deducted from the final award, prorated over time if the final award is made in installments. Compensation from the fund is exempt from execution or attachment except by persons who have supplied services, products or accommodations to the claimant directly related to the claimant's death, injury or disease. The board may order that all or part of the compensation award be paid directly to these suppliers.*

**Sec. 14. [115B.38] [ATTORNEY FEES.]** *The board shall adopt a rule to limit the fee charged by any attorney for representing a claimant before the board.*

## Sec. 15. [115B.39] [SUBROGATION.]

*The state shall be subrogated, to the extent of compensation awarded from that portion of the fund attributable to general revenue, to all the claimant's rights to recover for losses covered by the fund from other sources including responsible persons as defined in section 115B.03.*

## Sec. 16. [115B.40] [PARTIAL RECOUPMENT.]

*On June 30 at the end of each biennium, the state treasurer shall certify to the commissioner of revenue the actual amount expended from the fund to compensate persons injured by hazardous substances. The commissioner of revenue shall compute an appropriate surtax to be added to the hazardous waste generator tax in section 115B.22 which collected over the next biennium will recoup 50 percent of the actual expenditures from the fund. All surtaxes collected under this section must be deposited in the fund.*

## Sec. 17. [REPEALER.]

*Minnesota Statutes 1984, section 115B.07 is repealed.*

## Sec. 18. [APPROPRIATION.]

*\$2,000,000 is appropriated on the effective date of sections 1 to 18 to the hazardous substance injury compensation trust fund from the general fund for the fiscal year ending June 30, 1985, to be available through the biennium ending June 30, 1987, for the purpose of administering sections 3 to 16.*

## Sec. 19. [EFFECTIVE DATE.]

*Sections 1 to 18 are effective May 31, 1985."*

Delete the title and insert:

*"A bill for an act relating to the environment; changing the date retroactively imposing liability for personal injury from releases of hazardous substances from 1960 to 1974; establishing a hazardous substance injury compensation fund; providing for administration of and payment from the fund; removing the statutory provision relating to proof of causation for personal injury; amending Minnesota Statutes 1984, section 115B.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1984, section 115B.07."*

JERRY SCHOENFELD, RICHARD COHEN and RANDY C. KELLY.



Schoenfeld, Cohen and Kelly moved that the second Minority Report on H. F. No. 268 be substituted for the Majority Report and that the second Minority Report be now adopted.

A roll call was requested and properly seconded.

#### POINT OF ORDER

Knickerbocker raised a point of order pursuant to section 114, paragraph 5, of "Mason's Manual of Legislative Procedure" relating to asking questions of members. The Speaker ruled the point of order not well taken.

The question recurred on the adoption of the second Minority Report on H. F. No. 268 and the roll was called.

Levi moved that those not voting be excused from voting. The motion prevailed.

There were 55 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	McLaughlin	Pappas	Segal
Battaglia	Gruenes	Minne	Peterson	Simoneau
Beard	Jacobs	Munger	Piper	Skoglund
Begich	Jares	Murphy	Price	Soiberg
Brandl	Kahn	Nelson, D.	Quian	Sparby
Brown	Kalis	Nelson, K.	Rest	Staten
Carlson, L.	Kelly	Norton	Rice	Tomlinson
Clark	Knuth	O'Connor	Riveness	Tunheim
Cohen	Krueger	Ogren	Rodosovich	Vellenga
Elioff	Long	Olson, E.	Sarna	Wenzel
Ellingson	McEachern	Otis	Schoenfeld	Wynia

Those who voted in the negative were:

Backlund	Dyke	Kiffmeyer	Pauly	Thiede
Becklin	Erickson	Knickerbocker	Poppenhagen	Thorson
Bennett	Fjoslien	Kvam	Quist	Tjornhom
Bishop	Forsythe	Levi	Redalen	Tompkins
Blatz	Frederick	Marsh	Rees	Uphus
Boerboom	Frederickson	McDonald	Richter	Valan
Boo	Frerichs	McKasy	Rose	Valento
Burger	Gutknecht	McPherson	Schafer	Voss
Carlson, D.	Halberg	Miller	Schreiber	Waltman
Carlson, J.	Hartinger	Neuenschwander	Seaberg	Zaffke
Clausnitzer	Hartle	Olsen, S.	Shaver	Spk. Jennings, D.
Dempsy	Haukoos	Omann	Sherman	
DenOuden	Heap	Onnen	Stanius	
Dimler	Himle	Ozment	Svigum	

The second Minority Report on H. F. No. 268 was not adopted.

The question recurred on the adoption of the Majority Report from the Committee on Judiciary relating to H. F. No. 268. The Majority Report on H. F. No. 268 was adopted.

**SECOND READING OF HOUSE BILLS**

H. F. Nos. 53, 204, 268, 362, 513 and 516 were read for the second time.

**SECOND READING OF SENATE BILLS**

S. F. Nos. 106 and 333 were read for the second time.

Carlson, D., was excused for the remainder of today's session.

**INTRODUCTION AND FIRST READING  
OF HOUSE BILLS**

The following House Files were introduced:

Rees introduced:

H. F. No. 725, A bill for an act relating to environment; providing for state grants for the construction of collector sewers in totally unsewered cities; amending Minnesota Statutes 1984, section 116.16, subdivision 2.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Wenzel; Anderson, G.; Kalis and Beard introduced:

H. F. No. 726, A bill for an act relating to local government; setting authority to regulate firearms and related matters; amending Minnesota Statutes 1984, sections 624.7132, subdivision 16; and 624.717; proposing coding for new law in Minnesota Statutes, chapter 471; repealing Minnesota Statutes 1984, section 624.718.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Solberg, Jacobs and Neuenschwander introduced:

H. F. No. 727, A bill for an act relating to local government; setting authority to regulate firearms and related matters; amending Minnesota Statutes 1984, sections 624.7132, subdivision 16; and 624.717; proposing coding for new law in Minnesota Statutes, chapter 471; repealing Minnesota Statutes 1984, section 624.718.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Kostohryz; Munger; Rose; Carlson, D., and Pappas introduced:

H. F. No. 728, A bill for an act relating to recreational vehicles; requiring registration of snowmobiles; abolishing special registration requirements for collector's snowmobiles; amending Minnesota Statutes 1984, section 84.82, by adding a subdivision; repealing Minnesota Statutes 1984, section 84.82, subdivision 9.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Scheid; Knickerbocker; Clausnitzer; Nelson, K., and Simoneau introduced:

H. F. No. 729, A bill for an act relating to retirement; providing for an increased redemption benefit option for participants in the Hennepin county supplemental retirement program; allowing withdrawal from the program; amending Laws 1969, chapter 950, sections 1, subdivision 1, as amended; and 4, as amended; and Laws 1983, chapter 100, section 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Tjornhom, Frederick, Stanius, Heap and Himle introduced:

H. F. No. 730, A bill for an act relating to petroleum products; setting standards for heating fuel, diesel fuel, and kerosene; providing testing authority for the weights and measures division of the department of public service; amending Minnesota Statutes 1984, sections 296.01, subdivision 4, and by adding subdivisions; and 296.05, subdivisions 2 and 4; repealing Minnesota Statutes 1984, section 296.05, subdivision 3a.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Seaberg introduced:

H. F. No. 731, A bill for an act relating to retirement; special retirement coverage for certain military affairs department personnel.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Seaberg introduced:

H. F. No. 732, 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 1984, section 273.13, subdivision 4.

The bill was read for the first time and referred to the Committee on Taxes.

Brinkman, Kostohryz, Welle and Wenzel introduced:

H. F. No. 733, A bill for an act relating to elections; changing certain procedures and deadlines related to absentee ballots; changing the municipal election filing deadline; amending Minnesota Statutes 1984, sections 203B.17, subdivision 2; 203B.21, subdivision 3; 204B.35, subdivision 4; and 205.13, subdivision 1.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Brinkman, Omann, Welle, Peterson and Wenzel introduced:

H. F. No. 734, A bill for an act relating to civil actions; repealing statutes authorizing and regulating dram shop actions; amending Minnesota Statutes 1984, sections 340.11, subdivision 21; 471.981, subdivision 1; and repealing Minnesota Statutes 1984, sections 340.95; 340.951; and 466.15.

The bill was read for the first time and referred to the Committee on Judiciary.

Brinkman, Omann, Peterson and Wenzel introduced:

H. F. No. 735, A bill for an act relating to taxation; removing the additional sales tax from liquor; repealing Minnesota Statutes 1984, section 297A.02, subdivision 3.

The bill was read for the first time and referred to the Committee on Taxes.

Heap, Kiffmeyer, McPherson, Tompkins and Stanius introduced:

H. F. No. 736, A bill for an act relating to retirement; resumption of service by retired teachers; amending Minnesota Statutes 1984, section 354.44, subdivision 5.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Backlund, Halberg, Levi, Rest and Skoglund introduced:

H. F. No. 737, A bill for an act relating to property transfers; regulating transfers to persons under a certain age; enacting the uniform transfers to minors act; proposing coding for new law in Minnesota Statutes, chapter 527; repealing Minnesota Statutes 1984, sections 527.01 to 527.11.

The bill was read for the first time and referred to the Committee on Judiciary.

Dempsey, Brinkman and Marsh introduced:

H. F. No. 738, A bill for an act relating to taxation; eliminating the excise tax rates for farm wineries; reducing the excise tax credit for certain malt beverages and extending the credit to beverages produced outside Minnesota; amending Minnesota Statutes 1984, sections 340.435, subdivisions 1 and 5; 340.47, subdivision 2; repealing Minnesota Statutes 1984, sections 340.436; and 340.47, subdivision 2a.

The bill was read for the first time and referred to the Committee on Taxes.

Simoneau, Voss, Norton and Levi introduced:

H. F. No. 739, A bill for an act relating to courts; correcting references to the number of district court judges in law; providing for additional district court judgeships in the tenth judicial district; appropriating money; amending Minnesota Statutes 1984, section 2.722, subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Simoneau and Gutknecht introduced:

H. F. No. 740, A bill for an act relating to retirement; public employees generally; revising the state unclassified employees retirement program; amending Minnesota Statutes 1984, sections 352D.01; 352D.015, subdivisions 2, 4, and 5; 352D.02, subdivisions 1, 2, 3, and 4, and by adding a subdivision; 352D.05, subdivision 4; 352D.06, subdivision 1; 352D.065, subdivision 5; 352D.085, subdivision 1; 352D.09, subdivisions 1, 5, and 7; 352D.11, subdivisions 1 and 4; and 353.01, subdivision 2a; and repealing section 352D.02, subdivision 1a.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Beard, Riveness, McDonald and Schafer introduced:

H. F. No. 741, A bill for an act relating to agriculture; requiring schools and institutions serving milk under agreement with the department of agriculture to submit reimbursement claims and be paid in the manner provided by federal regulation and any rules of the department; proposing coding for new law in Minnesota Statutes, chapter 17.

The bill was read for the first time and referred to the Committee on Agriculture.

Riveness; Nelson, D.; Rest; Lieder and Cohen introduced:

H. F. No. 742, A bill for an act relating to taxation; sales and use; motor vehicle excise; reducing the general rate to five percent; amending Minnesota Statutes 1984, sections 297A.02, subdivision 1; 297A.03, subdivision 2; and 297A.14.

The bill was read for the first time and referred to the Committee on Taxes.

Clausnitzer, Heap, Shaver and Scheid introduced:

H. F. No. 743, A bill for an act relating to the city of Plymouth; permitting the establishment of a port authority; amending Laws 1984, chapter 397, section 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Cohen introduced :

H. F. No. 744, A bill for an act relating to intoxicating liquor; authorizing the sale of miniature containers; proposing coding for new law in Minnesota Statutes, chapter 340.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Cohen introduced :

H. F. No. 745, A bill for an act relating to retirement; authorizing transfer of certain coordinated plan service credit of a public employees retirement association member to the basic plan.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Price, Beard, Solberg, Knuth and Riveness introduced :

H. F. No. 746, A bill for an act relating to taxation; income; providing for additional withholding exemptions in certain instances; amending Minnesota Statutes 1984, section 290.92, subdivisions 5 and 5a.

The bill was read for the first time and referred to the Committee on Taxes.

Pauly, Blatz, Scheid, Himle and Schreiber introduced :

H. F. No. 747, A bill for an act relating to taxation; property; providing an exemption for certain housing facilities for the elderly; amending Minnesota Statutes 1984, section 272.02, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Wenzel; Carlson, D.; Peterson; Schafer and Schoenfeld introduced:

H. F. No. 748, A bill for an act relating to taxation; motor vehicles; accelerating distribution of motor vehicle excise tax proceeds; amending Minnesota Statutes 1984, section 297B.09, subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

Price and Carlson, D., introduced:

H. F. No. 749, A bill for an act relating to public employees; regulating teacher labor relations; amending Minnesota Statutes 1984, sections 179A.03, subdivisions 2 and 15; 179A.12, subdivision 1; 179A.17, subdivision 1; 179A.18, subdivision 2; 179A.20, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 179A.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Kahn and Voss introduced:

H. F. No. 750, A bill for an act relating to housing; raising the limit on the total amount of Minnesota housing finance agency bonds and notes outstanding; amending Minnesota Statutes 1984, section 462A.22, subdivision 1.

The bill was read for the first time and referred to the Committee on Budget.

Wenzel, Sviggum, Metzen, McDonald and Fjoslien introduced:

H. F. No. 751, A bill for an act relating to government operations; providing for the salaries of certain department and agency heads.

The bill was read for the first time and referred to the Committee on Governmental Operations.



Redalen, by request, introduced:

H. F. No. 752, A bill for an act relating to game and fish; use of crossbows to take deer; amending Minnesota Statutes 1984, section 98.48, subdivision 16.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Dempsey, Piepho, Marsh and Olsen, S., introduced:

H. F. No. 753, A bill for an act relating to adoption; eliminating the requirement for certain consents; amending Minnesota Statutes 1984, section 259.24, subdivisions 1 and 5.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Anderson, G.; Kalis; Dyke and Redalen introduced:

H. F. No. 754, A bill for an act relating to banking; providing assistance to customers of failed banks; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 57.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Carlson, D.; McDonald; Minne; Osthoff and Redalen introduced:

H. F. No. 755, A bill for an act relating to horseracing; authorizing the commission to adopt certain drug rules; amending Minnesota Statutes 1984, section 240.24.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

Schreiber, Skoglund, Jacobs, Himle and Shaver introduced:

H. F. No. 756, A bill for an act relating to taxation; income; changing certain filing and payment dates for corporate estimated tax declarations; amending Minnesota Statutes 1984, section 290.932, subdivision 1; and 290.933, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Zaffke and Thorson introduced:

H. F. No. 757, A bill for an act relating to Hubbard county; authorizing a special levy for park and recreation purposes; requiring a reverse referendum under certain circumstances.

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. 758, A bill for an act relating to independent school district No. 706; authorizing the issuance of general obligation bonds to finance the acquisition and betterment of school buildings and facilities and the levy of ad valorem taxes therefor; authorizing the transfer of certain taconite taxes to the district for payment of debt service on the bonds; appropriating money.

The bill was read for the first time and referred to the Committee on Education.

Backlund introduced:

H. F. No. 759, A bill for an act relating to elections; changing certain procedures and deadlines related to absentee ballots; changing the municipal election filing deadline; amending Minnesota Statutes 1984, sections 203B.17, subdivision 2; 203B.21, subdivision 3; 204B.35, subdivision 4; and 205.13, subdivision 1.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Bennett, by request, introduced:

H. F. No. 760, A bill for an act relating to cities of the first class; authorizing the cities to regulate taxicabs.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Sviggum introduced:

H. F. No. 761, A bill for an act relating to retirement; public employees retirement association; earnings limits for membership; amending Minnesota Statutes 1984, section 353.01, subdivision 2b.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Bishop, Simoneau, Knickerbocker and Heap introduced:

H. F. No. 762, A bill for an act relating to state government; providing for the status of seasonal employees of the department of revenue; amending Minnesota Statutes 1984, sections 43A.08, subdivision 1; and 43A.081, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Himle, Pauly, Marsh, Kvam and Tjornhom introduced:

H. F. No. 763, A bill for an act relating to taxation; property; increasing the market value of commercial and industrial property assessed at 28 percent; amending Minnesota Statutes 1984, section 273.13, subdivision 9.

The bill was read for the first time and referred to the Committee on Taxes.

#### CALL OF THE HOUSE LIFTED

Rose moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

#### HOUSE ADVISORIES

The following House Advisory was introduced:

Riveness, Knickerbocker, Knuth, Krueger and Burger introduced:

H. A. No. 7, A proposal to study reports that must be submitted to the legislature.

The advisory was referred to the Committee on Governmental Operations.

#### MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 47, 244, 276, 331, 450 and 455.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 47, A bill for an act relating to animals; increasing penalties for certain cruel acts against animals; clarifying what acts constitute torture; amending Minnesota Statutes 1984, section 343.21, subdivisions 1 and 9, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

S. F. No. 244, A bill for an act relating to the city of Savage; 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.

S. F. No. 276, A bill for an act relating to notaries; providing procedures for various notarial acts; enacting the uniform law on notarial acts; providing that matters to be verified by oath or affirmation may be declared under penalty of perjury; imposing a penalty; amending Minnesota Statutes 1984, sections 358.15; and 609.48, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 358; repealing Minnesota Statutes 1984, sections 358.32 to 358.40.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

S. F. No. 331, A bill for an act relating to health; permitting the county coroner to remove the pituitary gland from a body under certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 390.

The bill was read for the first time and referred to the Committee on Health and Human Services.

S. F. No. 450, A bill for an act relating to taxation; providing for collection of outstate liabilities; changing certain time limitations; changing tax lien provisions; providing for certain disclosures; changing entry for confessions of judgment; amending Minnesota Statutes 1984, sections 270.06; 270.063; 270.66, subdivision 1; 270.68, subdivisions 1 and 4; 270.69, subdivisions 1, 2, 3, and 4; 270.70, subdivisions 1 and 13; 290.49, subdivision 7; 290.58; 290.92, subdivisions 6 and 23; 296.15, subdivision 6; 297A.34, subdivision 5; 297A.42, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 270; repealing Minnesota Statutes 1984, section 270.69, subdivision 5.

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 uniform acts; enacting the Uniform Conservation Easement Act; proposing coding for new law as Minnesota Statutes, chapter 84C.

The bill was read for the first time and referred to the Committee on Judiciary.

Valento was excused for the remainder of today's session.

### CONSENT CALENDAR

S. F. No. 102, A bill for an act relating to natural resources; terms of payment in county timber sales; amending Minnesota Statutes 1984, section 282.04, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslien	Levi	Pauly	Solberg
Backlund	Forsythe	Long	Peterson	Sparby
Battaglia	Frederick	Marsh	Piper	Stanius
Beard	Frederickson	McDonald	Poppenhagen	Staten
Begich	Frerichs	McEachern	Price	Sviggum
Bennett	Greenfield	McKasy	Quinn	Thiede
Bishop	Gruenes	McLaughlin	Quist	Thorson
Blatz	Gutknecht	McPherson	Redalen	Tjornhom
Boerboom	Hulberg	Miller	Rees	Tomlinson
Boo	Hartinger	Minne	Rest	Tompkins
Brandl	Hartle	Munger	Rice	Tunheim
Carlson, D.	Haukoos	Murphy	Richter	Uphus
Carlson, J.	Heap	Nelson, D.	Rodosovich	Valan
Carlson, L.	Himle	Nelson, K.	Rose	Vellenga
Clark	Jacobs	Neuenschwander	Sarna	Voss
Clausnitzer	Jaros	Norton	Schafer	Waltman
Cohen	Jennings, L.	O'Connor	Schoenfeld	Welle
Dempsey	Kahn	Ogren	Schreiber	Wenzel
DenOuden	Kalis	Olsen, S.	Scaberg	Wynia
Dimler	Kelly	Olson, E.	Segal	Zaffke
Dyke	Knickerbocker	Omman	Shaver	Spk. Jennings, D.
Elioff	Knuth	Onnen	Sherman	
Ellingson	Krueger	Otis	Simoncau	
Erickson	Kvam	Ozment	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 1 was reported to the House.

Neuenschwander moved to amend H. F. No. 1, as follows:

Page 2, line 30, after the period insert "*The special levy imposed under this paragraph is not subject to the levy limits*

*imposed by Minnesota Statutes, section 275.11 and sections 275.-50 to 275.56 or by any other law."*

The motion prevailed and the amendment was adopted.

**H. F. No. 1, A bill for an act relating to local government; establishing a procedure to consolidate the cities of International Falls and South International Falls; authorizing a special mill levy in the event of consolidation.**

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 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, C.	Erickson	Krueger	Pappas	Skoglund
Backlund	Fjoslien	Kvam	Pauly	Solberg
Battaglia	Forsythe	Levi	Peterson	Sparby
Beard	Frederick	Long	Piepho	Stanius
Becklin	Frederickson	Marsh	Piper	Staten
Begich	Frerichs	McDonald	Poppenhagen	Sviggum
Bennett	Greenfield	McEachern	Price	Thiede
Bishop	Gruenes	McLaughlin	Quinn	Tjornhom
Blatz	Gutknecht	McPherson	Quiet	Tomlinson
Boerboom	Halberg	Miller	Redalen	Tompkins
Boo	Hartinger	Minne	Rees	Tunheim
Brandl	Harile	Munger	Rest	Uphus
Brown	Haukoos	Murphy	Rice	Valan
Burger	Heap	Nelson, D.	Richter	Vellenga
Carlson, D.	Himle	Nelson, K.	Riveness	Voss
Carlson, J.	Jacobs	Neuenschwander	Rodosovich	Waltman
Carlson, L.	Jaros	Norton	Rose	Welle
Clausnitzer	Jennings, L.	O'Connor	Sarna	Wenzel
Cohen	Kahn	Ogren	Schafer	Wynia
Dempsey	Kalis	Olsen, S.	Schoenfeld	Zaffke
DenOuden	Kelly	Olson, E.	Schreiber	Spk. Jennings, D.
Dimler	Kiffmeyer	Omann	Seaberg	
Dyke	Knickerbocker	Onnen	Segal	
Elieff	Knuth	Otis	Shaver	
Ellingson	Kostohryz	Ozment	Simoneau	

The bill was passed, as amended, and its title agreed to.

## CALENDAR

**H. F. No. 34, A bill for an act relating to liquor; use of Minnesota grown grapes by farm wineries; amending Minnesota Statutes 1984, section 340.435.**

The bill was read for the third 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, G.	Erickson	Krueger	Otis	Sherman
Backlund	Fjoslien	Kvam	Ozment	Simoneau
Battaglia	Forsythe	Levi	Pappas	Skoglund
Beard	Frederick	Lieder	Pauly	Soiberg
Becklin	Frederickson	Long	Peterson	Sparby
Begich	Frerichs	Marsh	Piepho	Stanius
Bennett	Greenfield	McDonald	Piper	Staten
Blatz	Gruenes	McKasy	Poppenhagen	Sviggum
Boerboom	Gutknecht	McLaughlin	Price	Thiede
Boo	Halberg	McPherson	Quinn	Tjornhom
Brandl	Hartle	Miller	Quist	Tomlinson
Brown	Haukoos	Minne	Redalen	Tompkins
Burger	Heap	Munger	Rees	Tunheim
Carlson, D.	Himle	Murphy	Rest	Uphus
Carlson, J.	Jacobs	Nelson, D.	Richter	Valan
Carlson, L.	Jaros	Nelson, K.	Riveness	Vellenga
Clausnitzer	Jennings, L.	Neuenschwander	Rodosovich	Voss
Cohen	Kahn	Norton	Rose	Waltman
Dempsey	Kalis	O'Connor	Schafer	Welle
DenOuden	Kelly	Ogren	Schoenfeld	Wenzel
Dimler	Kiffmeyer	Olsen, S.	Schreiber	Wynia
Dyke	Knickerbocker	Olsen, E.	Seaberg	Zaffke
Elioff	Knuth	Omann	Segal	Spk. Jennings, D.
Ellingson	Kostohryz	Onnen	Shaver	

## Those who voted in the negative were:

Hartinger

The bill was passed and its title agreed to.

H. F. No. 97, A bill for an act relating to liquor; authorizing farm winery licensees to sell cheese and cheese spreads; amending Minnesota Statutes 1984, section 340.435, 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 117 yeas and 4 nays as follows:

## Those who voted in the affirmative were:

Anderson, G.	Clausnitzer	Halberg	Krueger	Neuenschwander
Backlund	Cohen	Hartinger	Kvam	Norton
Battaglia	Dempsey	Hartle	Levi	O'Connor
Beard	Dimler	Haukoos	Lieder	Ogren
Becklin	Dyke	Heap	Long	Olsen, S.
Begich	Elioff	Himle	Marsh	Olsen, E.
Bennett	Ellingson	Jacobs	McDonald	Omann
Blatz	Erickson	Jaros	McKasy	Onnen
Boerboom	Fjoslien	Jennings, L.	McLaughlin	Otis
Boo	Forsythe	Kahn	McPherson	Ozment
Brandl	Frederick	Kalis	Miller	Pappas
Brown	Frederickson	Kelly	Minne	Pauly
Burger	Frerichs	Kiffmeyer	Munger	Peterson
Carlson, J.	Greenfield	Knickerbocker	Murphy	Piepho
Carlson, L.	Gruenes	Knuth	Nelson, D.	Piper
Clark	Gutknecht	Kostohryz	Nelson, K.	Price

Quinn	Rose	Simoneau	Tjornhom	Waltman
Quist	Schafer	Skoglund	Tomlinson	Welle
Redalen	Schoenfeld	Solberg	Tompkins	Wenzel
Rees	Schreiber	Sparby	Tunheim	Wynia
Rest	Seaberg	Stanius	Uphus	Spk. Jennings, D.
Richter	Segal	Sviggum	Valan	
Rivenness	Shaver	Thiede	Vellenga	
Rodosovich	Sherman	Thorson	Voss	

Those who voted in the negative were:

Carlson, D.	DenOuden	Rice	Staten
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The bill was passed and its title agreed to.

S. F. No. 252, A bill for an act relating to corporations; providing for the shareholder vote required to amend articles of incorporation in certain cases; amending Minnesota Statutes 1984, section 302A.135, 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 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslien	Krueger	Otis	Segal
Backlund	Forsythe	Kvam	Ozment	Shaver
Battaglia	Frederick	Levi	Pappas	Sherman
Beard	Frederickson	Lieder	Pauly	Simoneau
Becklin	Frerichs	Long	Peterson	Skoglund
Begich	Greenfield	Marsh	Piepho	Solberg
Bennett	Gruenes	McDonald	Piper	Sparby
Blatz	Gutknecht	McEachern	Poppenhagen	Stanius
Boerboom	Halberg	McKasy	Price	Staten
Boo	Hartinger	McLaughlin	Quinn	Sviggum
Brown	Hartle	McPherson	Quist	Thiede
Burger	Haukoos	Miller	Redalen	Thorson
Carlson, J.	Hcap	Minne	Rees	Tjornhom
Carlson, L.	Himle	Munger	Rest	Tomlinson
Clark	Jacobs	Murphy	Rice	Tompkins
Clausnitzer	Jaros	Nelson, D.	Richter	Tunheim
Cohen	Jennings, L.	Nelson, K.	Rivenness	Uphus
Dempsey	Kahn	Norton	Rodosovich	Valan
DenOuden	Kalis	O'Connor	Rose	Voss
Dimler	Kelly	Ogren	Sarna	Waltman
Dyke	Kiffmeyer	Olsen, S.	Schafer	Wenzel
Elioff	Knickerbocker	Olson, E.	Schoenfeld	Wynia
Ellingson	Knuth	Omann	Schreiber	Zaffke
Erickson	Kostohryz	Onnen	Seaberg	Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 67, A bill for an act relating to judges; providing for the manner of filling vacancies in the office of judge; proposing coding for new law in Minnesota Statutes, chapter 480B.



The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 52 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Backlund	Dimler	Himle	Neuenschwander	Simoneau
Bennett	Dyke	Johnson	Olsen, S.	Skoglund
Bishop	Fjoslien	Kelly	Pappas	Stanius
Blatz	Forsythe	Knuth	Piepho	Thorsen
Boerboom	Frederickson	Kostohryz	Redalen	Tomlinson
Burger	Frerichs	Krueger	Rest	Valan
Carlson, J.	Greenfield	Levi	Rose	Welle
Carlson, L.	Gruenes	Long	Schreiber	Spk. Jennings, D.
Clark	Halberg	Marsh	Seaberg	
Cohen	Hartle	McKasy	Segal	
Dempsey	Haukoos	Nelson, D.	Shaver	

Those who voted in the negative were:

Anderson, G.	Gutknecht	Miller	Peterson	Sparby
Battaglia	Hartinger	Minne	Piper	Staten
Beard	Jacobs	Munger	Poppenhagen	Svigum
Becklin	Jaros	Murphy	Price	Thiede
Begich	Jennings, L.	Nelson, K.	Quinn	Tjornhom
Boo	Kahn	Norton	Quist	Tompkins
Brandl	Kalis	O'Connor	Rees	Tunheim
Brown	Kiffmeyer	Ogren	Rice	Uphus
Clausnitzer	Kvam	Olson, E.	Richter	Voss
DenOuden	Lieder	Omana	Riveness	Waltman
Elioff	McDonald	Onnen	Rodosovich	Wenzel
Ellingson	McEachern	Otis	Sarna	Zaffke
Erickson	McLaughlin	Ozment	Schafer	
Frederick	McPherson	Pauly	Solberg	

The bill was not passed.

Seaberg 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 Jennings, D., in the Chair for 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 recommendations of the Committee were reported to the House:

H. F. No. 151 was recommended to pass.

On the motion of Levi 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. 151 and the roll was called. There were 61 yeas and 50 nays as follows:

Those who voted in the affirmative were:

Battaglia	Frederick	Kostohryz	Omann	Thiede
Beard	Guiknecht	Krueger	Peterson	Thorson
Becklin	Halberg	Levi	Poppenhagen	Tjornhom
Begich	Hartinger	Lieder	Price	Tunheim
Bennett	Hartle	Long	Redalen	Uphus
Blatz	Heap	Marsh	Rees	Voss
Boo	Himle	McDonald	Richter	Wenzel
Clark	Jacobs	McEachern	Rodosovich	Zaffke
Cohen	Johnson	Minne	Schafer	Spk. Jennings, D.
Elioff	Kahn	Murphy	Sherman	
Erickson	Kiffmeyer	Neuenschwander	Solberg	
Fjoslien	Knickerbocker	Norton	Sparby	
Forsythe	Knuth	Olson, E.	Stanius	

Those who voted in the negative were:

Anderson, G.	DenOuden	Kvam	Otis	Simoneau
Backlund	Dimler	McKasy	Ozment	Skoglund
Boerboom	Dyke	McLaughlin	Pappas	Staten
Brandl	Frederickson	McPherson	Pauly	Tomlinson
Brown	Frerichs	Miller	Piepho	Tompkins
Burger	Greenfield	Nelson, D.	Piper	Valan
Carlson, J.	Gruenes	Nelson, K.	Rest	Vellenga
Carlson, L.	Haukoos	O'Connor	Riveness	Waitman
Clausnitzer	Jennings, L.	Olsen, S.	Rose	Welle
Dempsey	Kalis	Onnen	Sarna	Wynia

The motion prevailed.

## MOTIONS AND RESOLUTIONS

Krueger moved that the names of Vellenga and Rest be added as authors on H. A. No. 6. The motion prevailed.

Staten moved that the names of Blatz, Clark and Riveness be added as authors on H. F. No. 78. The motion prevailed.

Onnen moved that the name of Blatz be added as an author on H. F. Nos. 261 and 262. The motion prevailed.

Dempsey moved that his name be stricken as an author on H. F. No. 352. The motion prevailed.

Nelson, K., moved that the name of Segal be added as an author on H. F. No. 573. The motion prevailed.

Clark moved that the name of Staten be added as an author on H. F. No. 670. The motion prevailed.

Staten moved that the name of Osthoff be added as an author on H. F. No. 672. The motion prevailed.

Tunheim moved that the names of Kalis and Sparby be added as authors on H. F. No. 692. The motion prevailed.

Jacobs moved that H. F. No. 36 be recalled from the Committee on Rules and Legislative Administration and be re-referred to the Committee on General Legislation and Veterans Affairs. The motion prevailed.

Nelson, K., moved that H. F. No. 63 be recalled from the Committee on Rules and Legislative Administration and be re-referred to the Committee on General Legislation and Veterans Affairs. The motion prevailed.

Cohen moved that H. F. No. 80 be recalled from the Committee on Rules and Legislative Administration and be re-referred to the Committee on General Legislation and Veterans Affairs. The motion prevailed.

Heap moved that H. F. No. 169 be recalled from the Committee on Rules and Legislative Administration and be re-referred to the Committee on General Legislation and Veterans Affairs. The motion prevailed.

Jaros moved that H. F. No. 172 be recalled from the Committee on Rules and Legislative Administration and be re-referred to the Committee on General Legislation and Veterans Affairs. The motion prevailed.

Beard moved that H. F. No. 223 be recalled from the Committee on Rules and Legislative Administration and be re-referred to the Committee on General Legislation and Veterans Affairs. The motion prevailed.

Gutknecht moved that H. F. No. 426 be recalled from the Committee on Rules and Legislative Administration and be re-referred to the Committee on General Legislation and Veterans Affairs. The motion prevailed.

Sherman moved that H. F. No. 535 be recalled from the Committee on Commerce and Economic Development and be re-referred to the Committee on Health and Human Services. The motion prevailed.

Sviggum moved that H. F. No. 607 be recalled from the Committee on Local and Urban Affairs and be re-referred to the Committee on Governmental Operations. The motion prevailed.

Begich moved that H. F. No. 616 be recalled from the Committee on Local and Urban Affairs and be re-referred to the Committee on Taxes. The motion prevailed.

McDonald moved that H. F. No. 581 be recalled from the Committee on Appropriations and be re-referred to the Committee on Governmental Operations. The motion prevailed.

#### ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, March 11, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, March 11, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



## STATE OF MINNESOTA

## SEVENTY-FOURTH SESSION - 1985

## TWENTY-FOURTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 11, 1985

The House of Representatives convened at 2:00 p.m. and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Pastor Roger Eigenfeld, St. Andrew's Lutheran Church, Mahtomedi, Minnesota.

The roll was called and the following members were present:

Anderson, G.	Elioff	Knuth	Onnen	Seaberg
Anderson, R.	Ellingson	Krueger	Osthoff	Segal
Backlund	Erickson	Kvam	Otis	Shaver
Battaglia	Fjoslien	Levi	Ozment	Sherman
Beard	Forsythe	Lieder	Pappas	Skoglund
Becklin	Frederick	Long	Pauly	Solberg
Begich	Frederickson	Marsh	Peterson	Sparby
Bennett	Frerichs	McDonald	Piepho	Stanius
Bishop	Greenfield	McEachern	Piper	Staten
Blatz	Gruenes	McKasy	Poppenhagen	Sviggum
Boerboom	Gutknecht	McLaughlin	Price	Thorson
Boo	Halberg	McPherson	Quinn	Tjornhom
Brandl	Hartinger	Metzen	Quist	Tomlinson
Brinkman	Hartle	Miller	Redalen	Tompkins
Brown	Haukoos	Minne	Rees	Tunheim
Burger	Heap	Munger	Rest	Uphus
Carlson, D.	Himle	Murphy	Rice	Valan
Carlson, J.	Jacobs	Nelson, D.	Richter	Valento
Carlson, L.	Jaros	Nelson, K.	Rivness	Vanasek
Clark	Jennings, L.	Neuenschwander	Rodosovich	Vellenga
Clausnitzer	Johnson	Norton	Rose	Voss
Cohen	Kahn	O'Connor	Sarna	Waltman
Dempsey	Kalis	Ogren	Schafer	Wenzel
DenOuden	Kelly	Olsen, S.	Scheid	Wynia
Dimler	Kiffmeyer	Olson, E.	Schoenfeld	Zaffke
Dyke	Knickerbocker	Omann	Schreiber	Spk. Jennings, D.

A quorum was present.

Kostohryz, Simoneau, Thiede and Welle were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Skoglund 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. 362, 513, 1, 53, 204, 268 and 516 and S. F. Nos. 47, 244, 276, 331, 450 and 455 have been placed in the members' files.

## REPORTS OF STANDING COMMITTEES

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 102, A bill for an act relating to alcoholic beverages; increasing the age for licensing, sale, consumption, possession, and furnishing; amending Minnesota Statutes 1984, 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; 340.732; 340.79; and 340.80.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 171.06, subdivision 3, is amended to read:

Subd. 3. [CONTENTS OF APPLICATION.] Every application shall state the full name, date of birth, sex and residence address of the applicant, a description of the applicant in such manner as the commissioner may require, and shall state whether or not the applicant has theretofore been licensed as a driver; and, if so, when and by what state or country and whether any such license has ever been suspended or revoked, or whether an application has ever been refused; and, if so, the date of and reason for such suspension, revocation, or refusal, together with such facts pertaining to the applicant and his ability to operate a motor vehicle with safety as may be required by the commissioner. The application form shall contain a notification to the applicant of the availability of the donor document provided pursuant to section 171.07, subdivision 5, and shall contain spaces where the applicant must indicate a desire to receive or not to receive the donor document. The application shall be in the form prepared by the commissioner.

*The application form must contain a presentation of relevant facts relating to:*

- (1) *the effect of alcohol on driving ability;*
- (2) *the effect of mixing alcohol with drugs;*

(3) *the laws of Minnesota relating to operation of a motor vehicle while under the influence of alcohol or a controlled substance;*

(4) *The levels of alcohol-related fatalities and accidents in Minnesota, and of arrests for alcohol-related violations.*

*The application must also contain a statement, signed by the applicant, to the effect that the applicant has read and understands the presentation.*

Sec. 2. Minnesota Statutes 1984, section 171.13, is amended by adding a subdivision to read:

*Subd. 1b. [DRIVERS MANUAL.] The commissioner shall prepare, and include in the drivers manual published by the department, a chapter relating to the effect of alcohol consumption on highway safety and on the ability of drivers safely to operate motor vehicles, and summarizing the laws of Minnesota on operating a motor vehicle while under the influence of alcohol or a controlled substance.*

Sec. 3. Minnesota Statutes 1984, section 171.29, subdivision 2, is amended to read:

Subd. 2. (ANY) (a) *A person whose drivers license has been revoked as provided in subdivision 1, except under section 169.121 or 169.123, shall pay a \$30 fee before his drivers license is reinstated.*

(b) *A person whose drivers license has been revoked as provided in subdivision 1 under (SECTION) sections 169.121 or 169.123 shall pay a (\$100) \$150 fee before his drivers license is reinstated; (75) 50 percent of this fee shall be credited to the trunk highway fund and (25) 50 percent shall be credited to the general fund.*

*Sixty-seven percent of the amount credited to the general fund under clause (b) shall be set aside and credited to a separate account to be known as the alcohol safety program account. Funds in the account are annually appropriated as follows:*

(1) *50 percent to the commissioner of public safety for distribution as grants to provide for the establishment and operation of programs for the prevention of alcohol-impaired driving. Such grants shall be administered in the same manner as and in coordination with highway safety grants made by the state under the provisions of United States Code, title 23, section 402, and the annual Minnesota highway safety plan, pursuant to section 4.075; and*

(2) *50 percent to the commissioner of education for grants to school districts for the development of curriculum relating to,*



*and programs for education in elementary and secondary schools, on avoidable health risks, with particular emphasis on risks related to alcohol and young drivers. The state board of education shall promulgate rules for the distribution of grants under this clause.*

Sec. 4. Minnesota Statutes 1984, section 340.02, subdivision 8, is amended to read:

Subd. 8 [PERSONS ELIGIBLE.] Licenses hereunder shall be issued only to persons who are citizens of the United States or resident aliens, who are of good moral character and repute, who have attained the age of (19) 21 years and who are proprietors of the establishments for which the licenses are issued.

Sec. 5. Minnesota Statutes 1984, section 340.035, subdivision 1, is amended to read:

Subdivision 1. It is unlawful for any:

(1) licensee or his employee to permit any person under the age of (19) 21 years to consume nonintoxicating malt liquor on the licensed premises;

(2) person other than the parent or legal guardian to procure nonintoxicating malt liquor for any person under the age of (19) 21 years;

(3) person to induce a person under the age of (19) 21 years to purchase or procure nonintoxicating malt liquor.

Sec. 6. Minnesota Statutes 1984, section 340.119, subdivision 2, is amended to read:

Subd. 2. A bottle club may allow members to bring and keep a personal supply of intoxicating liquors in lockers assigned to such members. A bottle club or any unincorporated society which shall have more than 50 members and which shall have, for more than a year, owned, hired, or leased space in a building of such extent and character as may be suitable and adequate for reasonable and comfortable accommodations for its members, may allow members to bring and keep a personal supply of intoxicating liquors in lockers assigned to such members. Every bottle, container, or other receptacle containing intoxicating liquor stored by members shall have attached to it a label signed by the member of the club. All liquor on the premises of the club shall be labeled as herein required, and any not being actually used or consumed by the owner thereof shall be kept in a locker designated to the use of such member. It shall be unlawful for any club member under (19) 21 years of age to be assigned a locker for the storage of intoxicating liquor, or to consume or display or be permitted to consume or display intoxicating liquor on any premises owned or controlled by such private club.

Sec. 7. Minnesota Statutes 1984, section 340.13, subdivision 12, is amended to read:

Subd. 12. [LICENSES; PERSONS ELIGIBLE.] No license shall be issued to a person other than a citizen of the United States or resident alien, (19) 21 years of age or over, who shall be of good moral character and repute; nor to any person who within five years prior to the application for the license has been convicted of any willful violation of any law of the United States or the state of Minnesota or of any local ordinance with regard to the manufacture, sale, distribution, or possession for sale or distribution of intoxicating liquor; nor to any person whose license under the Intoxicating Liquor Act is revoked for a willful violation of any of those laws or ordinances.

Sec. 8. Minnesota Statutes 1984, section 340.14, subdivision 1a, is amended to read:

Subd. 1a. [PERSONS DENIED ACCESS.] No intoxicating liquor shall be sold, furnished, or delivered for any purpose to any (MINOR) *person under the age of 21 years* or to any person obviously intoxicated or to any of the persons to whom sale is prohibited by statute.

Sec. 9. Minnesota Statutes 1984, section 340.15, is amended by adding a subdivision to read:

*Subd. 1a. No manufacturer, wholesaler, or retailer of alcoholic beverages, whether holding a license in Minnesota or not, may conduct, sponsor, or contribute financially to events or activities which:*

*(a) are held on the campuses or other property of a post-secondary institution of learning, and*

*(b) involve as a part thereof the consumption or sale of alcoholic beverages, or the promotion of the consumption or sale of alcoholic beverages.*

Sec. 10. Minnesota Statutes 1984, section 340.403, subdivision 3, is amended to read:

Subd. 3. [LICENSE GRANTED.] Upon the filing of an application, the approval of the bond, and the payment of the license fee, the commissioner shall grant the license unless it appears that the applicant: (1) is not a citizen of the United States or resident alien; or (2) is not (19) 21 years of age or over; or (3) has been convicted of a felony under the laws of this state; or (4) has had his license revoked within a period of one year prior to the filing of his application; or (5) has not been a resident of Minnesota or has not been qualified as a corporation to do business in Minnesota for more than 90 days prior to appli-

cation. In the event the applicant is a corporation its managing officers must possess the qualifications stated in clauses (1), (2), (3), and (4).

No wholesale malt beverage license shall be granted to any person unless he has within the state of Minnesota warehouse space either owned or leased by him and has adequate delivery facilities to perform the function of wholesaling malt beverages. However, the requirements of this subdivision as to residence and warehouse space shall not apply to any wholesaler in an adjoining state that permits Minnesota resident licensees to deliver malt beverages to retailers without warehousing in that state or to any wholesaler in an adjoining state delivering malt beverages manufactured in Minnesota.

Sec. 11. Minnesota Statutes 1984, section 340.73, subdivision 1, is amended to read:

Subdivision 1. It is unlawful for any person, except a licensed pharmacist to sell, give, barter, furnish, deliver, or dispose of, in any manner, either directly or indirectly, any intoxicating liquors or nonintoxicating malt liquors in any quantity, for any purpose, to any person under the age of (19) 21 years, or to any obviously intoxicated person.

Sec. 12. Minnesota Statutes 1984, section 340.731, is amended to read:

**340.731 [PERSONS UNDER (19) 21 YEARS, FORBIDDEN ACTS OR STATEMENTS.]**

It shall be unlawful for (1) a person under the age of (19) 21 years to enter any premises licensed for the retail sale of alcoholic beverages or any municipal liquor store for the purpose of purchasing, or having served or delivered to him or her, any alcoholic beverage containing more than one-half of one percent of alcohol by volume; or

(2) a person under the age of (19) 21 years to purchase, attempt to purchase or have another purchase for him or her any intoxicating liquor or nonintoxicating malt liquor; or

(3) any person to misrepresent or misstate his or her age, or the age of any other person for the purpose of inducing any licensee or any employee of any licensee, or any employee of any municipal liquor store, to sell, serve or deliver any alcoholic beverage to a person under the age of (19) 21 years; or

(4) a person under the age of (19) 21 years to have in his or her possession any intoxicating liquor or non-intoxicating malt liquor, with intent to consume same at a place other than the household of his or her parent or guardian. Possession of such intoxicating liquor or nonintoxicating malt liquor at a place

other than the household of his or her parent or guardian shall be prima facie evidence of intent to consume the same at a place other than the household of his or her parent or guardian; or

(5) a person under the age of (19) 21 years to consume any intoxicating liquor or nonintoxicating malt liquor unless in the household of his or her parent or guardian and with the consent of his or her parent or guardian.

Sec. 13. Minnesota Statutes 1984, section 340.80, is amended to read:

**340.80 [INDUCING CERTAIN PERSONS TO ENTER LIQUOR ESTABLISHMENTS; PENALTY.]**

Any person who shall assist, procure or induce any person under the age of (19) 21 years or other person to whom the sale of liquor is by law forbidden, to enter or visit any saloon, bar, buffet or public drinking place for the purpose of obtaining intoxicating liquors, is guilty of a gross misdemeanor; and, upon conviction, punished therefor according to the laws of the state.

**Sec. 14. [REPEALER.]**

*Minnesota Statutes 1984, section 340.79, is repealed.*

**Sec. 15. [EFFECTIVE DATE.]**

*Sections 4 and 10 are effective July 1, 1985. The remaining sections of this act are effective September 1, 1986."*

Delete the title and insert:

"A bill for an act relating to alcoholic beverages; increasing the age for licensing, sale, consumption, possession, and furnishing; restricting certain promotion; establishing programs for the prevention of alcohol-impaired driving among young drivers and for education on avoidable health risks; increasing the fee for the reinstatement of drivers licenses revoked for alcohol-related violations; appropriating money; providing penalties; amending Minnesota Statutes 1984, sections 171.06, subdivision 3; 171.13, by adding a subdivision; 171.29, subdivision 2; 340.02, subdivision 8; 340.085, subdivision 1; 340.119, subdivision 2; 340.13, subdivision 12; 340.14, subdivision 1a; 340.15, by adding a subdivision; 340.403, subdivision 3; 340.73, subdivision 1; 340.731; and 340.80; repealing Minnesota Statutes 1984, section 340.79."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 267, A bill for an act relating to local governments; authorizing political subdivisions to enter into certain joint insurance arrangements; amending Minnesota Statutes 1984, section 471.61, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [CERTAIN COUNTIES; JOINT AGREEMENTS FOR INSURANCE COVERAGE.]

*The counties of Aitkin, Itasca, Koochiching and St. Louis, and political subdivisions located in those counties, except the city of Duluth, when two or more of them are acting jointly under Minnesota Statutes, section 471.61, subdivision 1, or section 471.59 for purposes of section 471.61, may act jointly for the same purposes with any nonprofit organization organized under the laws of Minnesota and which is exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1954, as amended through December 31, 1984.*

Sec. 2. [EFFECTIVE DATE.]

*Pursuant to Minnesota Statutes, section 645.023, subdivision 1, clause (a), local approval of this act is not required. This act is effective the day following final enactment.”*

Amend the title as follows:

Delete lines 2 to 5 and insert:

“relating to local government; authorizing certain political subdivisions to enter into certain joint insurance agreements.”

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 329, A bill for an act relating to peace officers; requiring a person seeking appointment as a part-time peace officer to provide the board of peace officer standards and training with proof that he or she has complied with appointment requirements; amending Minnesota Statutes 1984, section 626.8463.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 626.8463, is amended to read:

626.8463 [PART-TIME PEACE OFFICERS.]

*Subdivision 1. [APPOINTMENT REQUIREMENTS.]* Any individual appointed or employed as a part-time peace officer (TO A POSITION WHICH WAS FILLED BY A PART-TIME OFFICER BETWEEN JANUARY 1, 1978 AND MAY 31, 1979 OWING TO THE DEATH, TERMINATION, OR FAILURE OF THE INCUMBENT TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION) shall provide proof to the board that *the individual has:*

((A)) (1) (WITHIN SIX MONTHS OF HIS APPOINTMENT HE HAS) satisfied the selection standards of the board then in effect (. THE BOARD SHALL GRANT A REASONABLE EXTENSION OF TIME TO SHOW SATISFACTION OF SELECTION STANDARDS TO ANY LAW ENFORCEMENT AGENCY THAT DEMONSTRATES THAT SATISFACTION OF SELECTION STANDARDS WITHIN SIX MONTHS WOULD IMPOSE FINANCIAL HARDSHIP);

((B)) (2) (WITHIN 12 MONTHS OF HIS APPOINTMENT HE HAS) successfully completed (A) board (CERTIFIED COURSE, OR A PROFESSIONALLY) recognized (PROGRAM,) *courses* in first aid (,) and (, IF AUTHORIZED TO CARRY A FIREARM ON DUTY,) firearms training, including legal limitations on the justifiable use of deadly force; *and*

((C)) (3) (WITHIN 24 MONTHS OF HIS APPOINTMENT HE HAS) successfully passed a board part-time peace officer licensing examination.

*Subd. 2. [QUOTA.]* A law enforcement agency may (DESIGNATE PERSONNEL AS PART-TIME PEACE OFFICER REPLACEMENTS WHO SHALL BE SUBJECT TO THE TRAINING REQUIREMENTS OF THIS SECTION NOTWITHSTANDING THE FACT THAT THE PERSONNEL ARE APPOINTED TO POSITIONS WHICH WERE NOT FILLED BY PART-TIME OFFICERS BETWEEN JANUARY 1, 1978 AND MAY 31, 1979. PROVIDED THAT THE NUMBER OF PERSONNEL SO DESIGNATED SHALL NOT EXCEED A NUMBER EQUAL TO TWO OR TEN PERCENT OF THE POSITIONS FILLED BY PART-TIME OFFICERS BETWEEN JANUARY 1, 1978 AND MAY 31, 1979, ROUNDED TO THE NEXT HIGHEST WHOLE NUMBER, WHICHEVER IS GREATER) *have no more than two part-*

*time peace officer positions, except that the agency may have up to the number of part-time peace officer positions recognized by the board as of January 1, 1985."*

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 428, A bill for an act relating to the city of Eden Prairie; authorizing one annual one-day liquor license.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 483, A bill for an act relating to natural resources; establishing an aspen recycling program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 88.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [88.80] [ASPEN RECYCLING PROGRAM.]

*Subdivision 1. [ESTABLISHMENT.] The commissioner may:*

*(1) establish and accelerate an aspen recycling program to assure that marketable stands of aspen are available on state lands;*

*(2) designate priority areas on state lands for aspen recycling; and*

*(3) establish the pilot project under subdivision 2 in the highest priority area for aspen recycling.*

*Subd. 2. [PILOT PROJECT.] The commissioner may establish a pilot project to develop methods and practices to recycle aspen stands in the state. The commissioner may restrict bidding to loggers residing in the pilot project area designated under subdivision 1 that are financially distressed. The com-*

*missioner may establish standards and procedures for awarding logging contracts under section 86.35 relating to eligibility for employment for conservation work projects.*

*Subd. 3. [REPORT.] The commissioner shall report to the legislature by July 1, 1986, with the results of the pilot project and a plan to recycle the overmature aspen stands of the state.*

Sec. 2. [APPROPRIATION.]

*§ . . . . . is appropriated from the general fund to the commissioner of natural resources for the purpose of carrying out the duties assigned by section 1. The appropriation shall be available until June 30, 1987.*

Sec. 3. [REPEALER.]

*Section 1, subdivisions 2 and 3, are repealed effective July 1, 1987.*

Sec. 4. [EFFECTIVE DATE.]

*This act is effective July 1, 1985."*

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 511, A bill for an act relating to crimes; clarifying the elements of the crime of assault in the second degree; amending Minnesota Statutes 1984, section 609.222.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 530, A bill for an act relating to commerce; regulating transient merchants; amending Minnesota Statutes 1984, sections 329.099; 329.14; and 329.15.

Reported the same back with the following amendments:



Page 1, delete section 1

Page 2, line 11, after "corporation," insert "school,"

Page 2, line 19, after "agricultural" insert ", horticultural,"

Page 2, line 23, delete the last "or"

Page 2, line 24, after "markets" insert "; or

*(7) any sheriff, law enforcement officer, or other public officer selling goods, wares, or merchandise according to law or a bona fide assignee or receiver appointed in this state selling goods, wares, or merchandise for the benefit of creditors"*

Renumber the sections in sequence

Amend the title as follows :

Page 1, line 3, delete "329.099 ;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Schreiber from the Committee on Taxes to which was referred :

H. F. No. 538, A bill for an act relating to taxation; updating income tax provisions to changes in the Internal Revenue Code; amending Minnesota Statutes 1984, sections 290.01, subdivisions 20, 20a, 20b, and 21; 290.032, subdivision 1; 290.06, subdivision 14; 290.067, subdivision 1; 290.068, subdivisions 2, 4, and 5; 290.07, subdivisions 5 and 7; 290.071, subdivision 5; 290.079, subdivision 1; 290.08, subdivision 26; 290.089, subdivision 7; 290.09, subdivisions 7 and 19; 290.091; 290.10; 290.13, subdivision 1; 290.131, subdivision 1; 290.132, subdivision 1; 290.133, subdivision 1; 290.135, subdivision 1; 290.136, subdivision 1; 290.14; 290.16, subdivisions 3, 7, 9, 13, 15, 16, and by adding a subdivision; 290.17, subdivision 2; 290.21, subdivision 4; 290.23, subdivision 5; 290.26, subdivision 2; 290.31, subdivisions 2, 4, and 5; 290.37, subdivision 1; 290.39, subdivision 2; 290.41, subdivision 1, and by adding a subdivision; 290.53, subdivision 9; 290.65, subdivision 16; 290.93, subdivisions 1, 3, 5, 6, 7, and 10; and 290A.03, subdivision 3; repealing Laws 1984, chapter 502, article 2, section 4.

Reported the same back with the following amendments :

Page 1, line 27, after the comma insert "as amended by Laws 1985, chapter 2, section 1,"

Page 3, line 32, delete the underscoring from "*The provisions of*" and insert a stricken "section"

Page 3, line 36, delete the underscoring from "*611(a)*"

Page 4, line 3, delete the underscoring from "*of the Deficit*"

Page 4, line 4, delete the underscoring from everything before "*and*"

Page 4, line 5, delete the underscoring from everything after "*98-611*"

Page 4, line 6, delete the underscoring

Amend the title as follows :

Page 1, line 5, after "20," insert "as amended,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Bennett from the Committee on Commerce and Economic Development to which was referred :

H. F. No. 602, A bill for an act relating to alcoholic beverages ; allowing certain extensions of credit ; amending Minnesota Statutes 1984, sections 340.031, subdivision 2 ; and 340.405.

Reported the same back with the following amendments :

Page 2, line 16, delete "*non-intoxicating*" and insert "*non-alcoholic*"

Page 3, line 29, delete "*non-intoxicating*" and insert "*non-alcoholic*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Bennett from the Committee on Commerce and Economic Development to which was referred :

H. F. No. 603, A bill for an act relating to non-intoxicating malt liquor ; permitting holders of on-sale and off-sale intoxicating liquor licenses to sell non-intoxicating malt liquor without

further license; amending Minnesota Statutes 1984, section 340.02, subdivisions 2 and 3.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 267, 329, 428, 511, 530, 538, 602 and 603 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Wenzel, Omann, McEachern and Schafer introduced:

H. F. No. 764, A bill for an act relating to education; appropriating money for a grant to the Mid State Educational Cooperative.

The bill was read for the first time and referred to the Committee on Education.

Sviggum, Levi, Forsythe, Jaros and Greenfield introduced:

H. F. No. 765, A bill for an act relating to human services; restricting and subsequently abolishing the state share of Title IV-E foster care maintenance payments; repealing transfer of funds; restricting and subsequently abolishing the dependent or neglected state ward appropriation; creating permanency planning grants to counties; amending Minnesota Statutes 1984, sections 256.82, subdivision 2; and 260.38; proposing coding for new law as Minnesota Statutes, chapter 256F; repealing Minnesota Statutes 1984, section 259.405.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Marsh, Blatz and Kelly introduced:

H. F. No. 766, A bill for an act relating to crimes; requiring confinement of certain convicted defendants pending imposition of sentence; proposing coding for new law in Minnesota Statutes, chapter 629.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

DenOuden, Kahn, Frerichs, Miller and Johnson introduced :

H. F. No. 767, A bill for an act relating to state departments and agencies; regulating fees for agency services; amending Minnesota Statutes 1984, sections 16A.128; and 16A.1281.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Onnen and Wynia introduced :

H. F. No. 768, A bill for an act relating to human services; establishing a grant program for community services for the elderly; changing the method of determining and paying the state share of medical assistance payments for nursing home care; establishing uniform grant standards for supplemental aid; changing eligibility criteria for supplemental aid; designating the county agency as the lead agency for services to the elderly; appropriating money; amending Minnesota Statutes 1984, sections 256B.19, subdivision 1; 256D.37, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 256B and 393.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Onnen and Greenfield introduced :

H. F. No. 769, A bill for an act relating to human services; making certain changes in the reimbursement procedures for nursing homes; providing for an interim payment rate for newly constructed or expanded nursing homes; requiring medicare certification; creating an appeals board for appraised value disputes; amending Minnesota Statutes 1984, sections 256B.431, subdivisions 2b, 3, and 4; and 256B.50.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Quist introduced :

H. F. No. 770, A bill for an act relating to health; fixing liability of counties for the cost of care provided in a state hospital for mentally ill patients; amending Minnesota Statutes 1984, section 246.54.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Dempsey, McPherson, Quist, Scheid and Battaglia introduced:

H. F. No. 771, A bill for an act relating to health; stating legislative intent for abortion services; proposing coding for new law in Minnesota Statutes, chapter 145.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Rest introduced:

H. F. No. 772, A bill for an act relating to state government; proposing an amendment to the Minnesota Constitution, article IV, section 23; article V, sections 1, 3, and 4; article VII, section 8; article VIII, section 2; article XI, sections 6, 7, 8, and 10; and article XIII, section 11; combining the offices of state treasurer, state auditor, and secretary of state into the office of state comptroller.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Bennett, Piepho, Halberg, Simoneau and Minne introduced:

H. F. No. 773, A bill for an act relating to recreation; establishing study of need for motor sports facility; appropriating money.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Seaberg, Levi, Blatz, Begich and Greenfield introduced:

H. F. No. 774, A bill for an act relating to the juvenile court; revising and recodifying current laws governing the apprehension, detention, adjudication, and disposition of minors who commit unlawful acts or who are in need of protection or services; providing additional due process protections for minors and other parties who are subject to juvenile court jurisdiction; placing limitations on voluntary out-of-home placements of minors; providing for foster care review; establishing a procedure for court review of inpatient admissions and commitments of minors to mental health and chemical dependency programs; imposing penalties; amending Minnesota Statutes 1984, sections 242.19, subdivision 2; 257.071; 259.23, subdivision 1; 260.022,

subdivision 4; 260.024, subdivision 2; 260.094; 260.101; 260.103, subdivision 1; 260.121; 260.125, subdivision 2; 260.131; 260.132; 260.133; 260.135; 260.141, subdivision 1; 260.145; 260.151, subdivision 1; 260.155; 260.156; 260.161; 260.211; 260.221; 260.231, subdivision 3; 260.235; 260.251, subdivision 1a; 260.255, subdivision 2; 260.311, subdivision 5; 260.315; 260.35; 260.36; 484.70, subdivision 1; 484.73, subdivision 2; and 524.5-505; proposing coding for new law as Minnesota Statutes, chapters 260A and 260B; repealing Minnesota Statutes 1984, sections 260.011; 260.015; 260.024, subdivision 1; 260.031; 260.111; 260.115; 260.151, subdivision 2; 260.165 to 260.195; 260.261; 260.281; 260.291; and 260.301.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Olsen, S.; Thorson; Elioff; Tompkins and McPherson introduced:

H. F. No. 775, A bill for an act relating to education; extending the use of summer educational improvement revenue allowance to the entire year; appropriating money; amending Minnesota Statutes 1984, section 124A.033, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Hartinger introduced:

H. F. No. 776, A bill for an act relating to human services; eliminating the presumption of eligibility from the general assistance program; amending Minnesota Statutes 1984, section 256D.07.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Heap introduced:

H. F. No. 777, A bill for an act relating to Hennepin county; permitting the employment of student interns; amending Laws 1979, chapter 198, article II, by adding a section.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Blatz, Knickerbocker, Norton, Boo and Ellingson introduced :

H. F. No. 778, A bill for an act relating to financial institutions; authorizing interstate acquisition and formation of banks between this state and certain states on a reciprocal basis; proposing coding for new law in Minnesota Statutes, chapter 48.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

McKasy, Jacobs, Tjornhom, Shaver and Tomlinson introduced :

H. F. No. 779, A bill for an act relating to taxation; changing certain income tax provisions relating to corporations; amending Minnesota Statutes 1984, sections 290.05, subdivision 1; 290.10; 290.37, subdivision 1; 290.391; 290.42; and 290.931, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Onnen, DenOuden, Long and Ellingson introduced :

H. F. No. 780, A bill for an act relating to marriage dissolution; requiring that the party who is not the primary custodial parent be responsible for one-half of child care of the minor children; amending Minnesota Statutes 1984, section 518.54; proposing coding for new law in Minnesota Statutes, chapter 518.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Sviggum and Simoneau introduced :

H. F. No. 781, A bill for an act relating to workers' compensation; regulating the membership of the board of directors of the workers' compensation reinsurance association; amending Minnesota Statutes 1984, section 79.37.

The bill was read for the first time and referred to the Committee on Governmental Operations.

**Sviggum, Boo, Clark, Levi and Zaffke introduced:**

**H. F. No. 782, A bill for an act relating to human services; providing for participation by Indian tribes in the placement of their children; proposing coding for new law in Minnesota Statutes, chapter 257.**

**The bill was read for the first time and referred to the Committee on Judiciary.**

**Knickerbocker introduced:**

**H. F. No. 783, 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 coding for new law as Minnesota Statutes, chapter 15B; repealing Minnesota Statutes 1984, sections 14.01 to 14.69.**

**The bill was read for the first time and referred to the Committee on Governmental Operations.**

**Knickerbocker, Gutknecht, Simoneau, Sviggum and Krueger introduced:**

**H. F. No. 784, A bill for an act relating to retirement; state employees retirement system; reversing the workers' compensation offset; allowable service computation for leaves of absence; deferred annuities; disability benefits; amending Minnesota Statutes 1984, sections 176.021, subdivision 7; 352.01, subdivision 11; 352.22, subdivision 3; and 352B.10; repealing Minnesota Statutes 1984, section 352.113, subdivision 5.**

**The bill was read for the first time and referred to the Committee on Governmental Operations.**

**Pauly, Carlson, L.; Frerichs and Gutknecht introduced:**

**H. F. No. 785, A bill for an act relating to intoxicating liquor; authorizing the issuance of temporary on-sale intoxicating liquor licenses; amending Minnesota Statutes 1984, section 340.11, by adding a subdivision.**

**The bill was read for the first time and referred to the Committee on Commerce and Economic Development.**



Gutknecht, Knuth, Dyke, Rodosovich and Knickerbocker introduced:

H. F. No. 786, A bill for an act relating to state departments and agencies; transferring authority to make certain appointments to various commissioners; reducing size of alcohol and drug abuse advisory council; abolishing the cable communications board; transferring the duties of the public employment relations board to the bureau of mediation services; amending Minnesota Statutes 1984, sections 1.22; 4.31, subdivision 5; 14.02, subdivision 4; 16B.20, subdivision 2; 16B.33, subdivision 2; 16C.01, subdivision 2; 35.02, subdivision 1; 40.03, subdivision 1; 84B.11, subdivision 1; 115.74, subdivision 1; 115A.22, subdivisions 3 and 4; 116C.41, subdivision 2; 116J.404; 116L.03; 121.82, subdivision 1; 121.83; 125.183, subdivision 1; 129B.01, subdivision 1; 144A.19, subdivision 1; 147.01, subdivisions 1 and 2; 148.03; 148.181; 148.52; 148.90, subdivision 2; 150A.02, subdivision 1; 151.03; 153.02; 154.22; 156.01, subdivisions 1 and 2; 161.1419, subdivision 2; 250.05, subdivision 2; 254A.04; 270.41; 326.04; 326.17; 326.241, subdivision 1; 343.01, subdivision 3; 386.63, subdivision 1; 611.215, subdivision 1; and 626.841; amending Laws 1984, chapter 654, article 2, section 151, subdivision 2; repealing Minnesota Statutes 1984, sections 3.29, subdivisions 1 to 9 and 11; 179A.05, subdivisions 1, 2, and 3; 238.01; 238.02, subdivision 4; 238.04 to 238.06; 238.08, subdivision 2; 238.09; 238.10; 238.11, subdivision 1; 238.12, subdivision 3; and 238.13 to 238.17.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Kvam and Redalen introduced:

H. F. No. 787, A bill for an act relating to taxation; property; providing that the basic maintenance levy not be applied against agricultural property for taxes payable in 1985; appropriating money.

The bill was read for the first time and referred to the Committee on Taxes.

Valento, Blatz, Stanius, Vellenga and Kelly introduced:

H. F. No. 788, A bill for an act relating to crimes; increasing the penalty for an offense committed against a transit provider or operator when violence or a threat of violence is not involved; amending Minnesota Statutes 1984, section 609.855, subdivision 4.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Backlund, Welle, Thiede, Knuth and Neuenschwander introduced:

H. F. No. 789, A bill for an act relating to transportation; railroads; requiring occupied caboose car; requiring caboose car to be equipped with shortwave radio; imposing a penalty; amending Minnesota Statutes 1984, section 219.56; proposing coding for new law in Minnesota Statutes, chapter 219.

The bill was read for the first time and referred to the Committee on Transportation.

Skoglund; Gruenes; Piepho; Anderson, R., and Wynia introduced:

H. F. No. 790, A bill for an act relating to health; authorizing an autopsy for a suspected case of Alzheimer's disease; providing for research on the brains of Alzheimer's victims; appropriating money; amending Minnesota Statutes 1984, section 390.11, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 145.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Backlund, Hartle and Neuenschwander introduced:

H. F. No. 791, A bill for an act relating to state departments and agencies; providing for quorum and voting on telecommunications council; amending Minnesota Statutes 1984, section 16C.01, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Haukoos; Carlson, L.; Frerichs; Boo and Wynia introduced:

H. F. No. 792, A bill for an act relating to vocational technical education; allowing some budget, allocation, aid, and grant procedures to be set by state board policy; correcting and eliminating definitions; changing a fund for the deposit of parking fees; amending Minnesota Statutes 1984, sections 136C.08, subdivision 2; 136C.26; 136C.28, subdivisions 1 and 2; 136C.31; 136C.33, subdivision 1; and 136C.34; proposing coding for new law in Minnesota Statutes, chapter 136C; repealing Minnesota Statutes 1984, sections 136C.26, subdivisions 2 and 8; 136C.27, subdivision 1; 136C.28, subdivisions 3, 4, 5, 6, and 7; and 136C.33, subdivisions 3 and 4; 136C.37; and 136C.38.

The bill was read for the first time and referred to the Committee on Education.

Wenzel; McDonald; Rees; Anderson, G., and Krueger introduced:

H. F. No. 793, A resolution memorializing the President to discharge David Stockman.

The bill was read for the first time and referred to the Committee on Budget.

Halberg, by request, introduced:

H. F. No. 794, A bill for an act relating to motor vehicles; prescribing confidential status of and information in motor vehicle accident reports; amending Minnesota Statutes 1984, sections 169.09, subdivisions 11 and 13; and 171.12, subdivision 2.

The bill was read for the first time and referred to the Committee on Judiciary.

Pappas, Valento, Tomlinson, Backlund and Kelly introduced:

H. F. No. 795, A bill for an act relating to Ramsey county; requiring Ramsey county surveyor to approve condominium floor plans before recording; amending Minnesota Statutes 1984, section 383A.42, subdivision 2.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Kostohryz, Rose, Knuth, Pappas and Bennett introduced:

H. F. No. 796, A bill for an act relating to Ramsey county; exempting county highways from seasonal load restrictions unless posted by the county authority; proposing coding for new law in Minnesota Statutes, chapter 383A.

The bill was read for the first time and referred to the Committee on Transportation.

Nelson, D.; Riveness; Otis; Rest and Quinn introduced:

H. F. No. 797, A bill for an act relating to education; increasing state aid for school district programs for gifted and talented students; appropriating money; amending Minnesota Statutes 1984, section 124.247, subdivision 3; repealing Minnesota Statutes 1984, section 124.247, subdivision 6.

The bill was read for the first time and referred to the Committee on Education.

Cohen introduced:

H. F. No. 798, A bill for an act relating to taxation; providing for property and income tax relief for new or expanding businesses; proposing coding for new law in Minnesota Statutes, chapters 272 and 290.

The bill was read for the first time and referred to the Committee on Taxes.

Cohen introduced:

H. F. No. 799, A bill for an act relating to taxation; property; providing that the market value of property may not be increased due to the character of the surrounding property; amending Minnesota Statutes 1984, 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.

Blatz; Clausnitzer; Nelson, K.; Tjornhom and Thorson introduced:

H. F. No. 800, A bill for an act relating to crimes; making certain trespasses and assaults a gross misdemeanor; providing for the admissibility of certain evidence in domestic abuse prosecutions; amending Minnesota Statutes 1984, sections 609.224 and 609.605; proposing coding for new law in Minnesota Statutes, chapter 634.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Cohen, Skoglund, Kahn and Knickerbocker introduced:

H. F. No. 801, A bill for an act relating to taxation; providing an income tax checkoff for support of the arts; proposing coding for new law in Minnesota Statutes, chapter 290.

The bill was read for the first time and referred to the Committee on Taxes.

Kiffmeyer and Rice introduced:

H. F. No. 802, A bill for an act relating to commerce; prohibiting video games of chance; amending Minnesota Statutes 1984, sections 349.30, subdivision 2; and 609.75, subdivision 4; repealing Minnesota Statutes 1984, sections 349.50 to 349.60.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Schafer introduced:

H. F. No. 803, A bill for an act relating to public employees; regulating teacher labor relations; prohibiting the hiring of certain substitute teachers; providing for special state aid reduction in teacher strikes; regulating the school year; amending Minnesota Statutes 1984, sections 123.35, subdivision 5; 124.19, subdivision 1; 126.12; 179A.14, subdivision 1; 179A.15; 179A.18, subdivisions 2 and 3; 179A.20, subdivision 3; 471.705, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 179A.

The bill was read for the first time and referred to the Committee on Education.

Kiffmeyer, Thiede and Hartinger introduced:

H. F. No. 804, A bill for an act relating to obscenity; prohibiting obscene live performances; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 617.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Kiffmeyer, Thiede and Hartinger introduced :

H. F. No. 805, A bill for an act relating to obscenity; prohibiting distribution of sexual devices; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 617.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Kelly, Marsh, Segal and Pappas introduced :

H. F. No. 806, A bill for an act relating to juvenile court; clarifying the authority to release juvenile court records; amending Minnesota Statutes 1984, section 260.161, subdivision 2.

The bill was read for the first time and referred to the Committee on Judiciary.

Zaffke and Thorson introduced :

H. F. No. 807, A bill for an act relating to Hubbard county; authorizing county appropriations to the county agricultural society and an annual levy for that purpose; requiring a reverse referendum under certain circumstances.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Olsen, S.; Nelson, K.; Dyke; Backlund and Wenzel introduced :

H. F. No. 808, A bill for an act relating to education; establishing goals for public elementary and secondary education in Minnesota; requiring districts to examine their district policies for meeting these goals and make recommendations for facilitating progress toward these goals; proposing coding for new law in Minnesota Statutes, chapter 120.

The bill was read for the first time and referred to the Committee on Education.

Olsen, S.; Levi; Nelson, K., and Erickson introduced :

H. F. No. 809, A bill for an act relating to education; requiring adoption of standards to measure the mastery of basic skills by pupils; proposing coding for new law in Minnesota Statutes, chapter 121.

The bill was read for the first time and referred to the Committee on Education.

Quist, Greenfield, Onnen, Forsythe and Wynia introduced:

H. F. No. 810, A bill for an act relating to health; requiring the commissioner of health to develop programs for the promotion of nonsmoking; providing for tax increase on cigarettes; prohibiting the free distribution of cigarettes; raising the cigarette tax; appropriating money; amending Minnesota Statutes 1984, sections 297.02, by adding a subdivision; 297.03, subdivisions 5 and 10; 297.13, subdivision 1; 297.22, subdivision 1; 297.32, subdivisions 1, 2, and by adding subdivisions; and 297.35, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 124, 144, and 145.

The bill was read for the first time and referred to the Committee on Taxes.

Segal, McEachern, Backlund and Rest introduced:

H. F. No. 811, A bill for an act relating to education; ensuring minimum amounts of financial support to the regional public library system; requiring county board of commissioners to appoint at least one representative to the regional public library system board; proposing coding for new law in Minnesota Statutes, chapter 134.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Tompkins, Frerichs, Zaffke, Piepho and Jennings, L., introduced:

H. F. No. 812, A bill for an act relating to local government; extending deadlines for reporting on and complying with laws requiring equitable compensation relationships; amending Minnesota Statutes 1984, sections 471.992; 471.996; 471.997; 471.9975; 471.998, subdivision 1; and 471.999.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Levi, Brandl, Kostohryz, Vellenga and Heap introduced:

H. F. No. 813, A bill for an act relating to education; providing for the access to excellence program including access to: schools and programs beyond district boundaries, local program and staff development aid, learner outcomes and testing, model pro-

grams and schools, and management assistance to local districts; appropriating money; amending Minnesota Statutes 1984, sections 121.608; 121.609, subdivisions 2, 3, and 4; 123.3513; 123.39, by adding a subdivision; 123.74; 123.741, subdivisions 1, 3, 6, and by adding subdivisions; 123.742, subdivision 1, and by adding a subdivision; 124.195, subdivision 9; 124A.036, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 120, 121, and 124; repealing Minnesota Statutes 1984, section 123.741, subdivisions 2, 4, 5, and 7.

The bill was read for the first time and referred to the Committee on Education.

Wenzel; McDonald; Nelson, K.; Olsen, S., and Thiede introduced:

H. F. No. 814, A bill for an act relating to education; establishing a program to require school districts to provide milk to all elementary and secondary pupils in public and nonpublic schools; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124.

The bill was read for the first time and referred to the Committee on Education.

Fjoslien, Shaver, Simoneau and Kostohryz introduced:

H. F. No. 815, A bill for an act relating to elections; authorizing absentee voting by electronic voting system; amending Minnesota Statutes 1984, section 203B.08, subdivision 1a.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Tunheim, Dimler, Krueger, Valan and Brown introduced:

H. F. No. 816, A bill for an act relating to taxation; property; providing for 3b classification in certain cases; amending Minnesota Statutes 1984, section 273.13, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.



Knickerbocker, Sviggum, Gutknecht, Simoneau and Dempsey introduced:

H. F. No. 817, A bill for an act relating to the state board of investment; clarifying powers and duties; amending Minnesota Statutes 1984, sections 11A.14, subdivision 5; 11A.17, subdivision 13; and 11A.24, subdivisions 2, 3, and 4.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Poppenhagen, Gruenes and Vellenga introduced:

H. F. No. 818, A bill for an act relating to health; expanding the purposes of health care review organizations; amending Minnesota Statutes 1984, section 145.61, subdivision 5.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Tompkins, Elioff, Solberg, Quinn and Schreiber introduced:

H. F. No. 819, A bill for an act relating to school districts; allowing them to form and spend money on one nonprofit corporation; requiring reports to the commissioner, and by the commissioner, to the legislature; amending Minnesota Statutes 1984, section 123.35, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Tompkins, Clausnitzer, Ozment, Solberg and Brown introduced:

H. F. No. 820, A bill for an act relating to crimes; providing for assault of firefighters or emergency medical services personnel; amending Minnesota Statutes 1984, section 609.2231.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Solberg, Peterson, Minne and Dempsey introduced:

H. F. No. 821, A bill for an act relating to alcoholic beverages; repealing mandatory liquor liability insurance; restoring the authority of municipalities to require liquor liability insurance; amending Minnesota Statutes 1984, section 340.12; repealing Minnesota Statutes 1984, sections 340.11, subdivisions 21 and 23; and 340.353, subdivision 8.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Rose introduced:

H. F. No. 822, A bill for an act relating to education; establishing a scholarship program for certain secondary pupils to attend summer academic programs sponsored by certain post-secondary institutions; providing for certain duties for the state board of education and the higher education coordinating board; establishing an advisory council; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 126.

The bill was read for the first time and referred to the Committee on Education.

Vellenga, Price and Knuth introduced:

H. F. No. 823, A bill for an act relating to Ramsey county; placing the position of law clerk investigator in the unclassified service; amending Minnesota Statutes 1984, section 383A.29, subdivision 6.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Clausnitzer introduced:

H. F. No. 824, A bill for an act relating to alcoholic beverages; requiring local approval of farm winery licenses in certain instances; amending Minnesota Statutes 1984, section 340.435, subdivision 2.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Bennett; Sarna; Carlson, L., and Thorson introduced:

H. F. No. 825, A bill for an act relating to occupations and professions; regulating electricians; amending Minnesota Statutes 1984, sections 326.01, subdivisions 2, 5, 6b, and by adding a subdivision; 326.242, subdivisions 1, 2, 3, 6, and 9; 326.243; 326.244, subdivisions 1, 2, and 5; and 326.246.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Pauly, Himle, Jacobs, Tompkins and McPherson introduced:

H. F. No. 826, A bill for an act relating to taxation; income; reducing the maximum corporate rate; amending Minnesota Statutes 1984, section 290.06, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Piepho, Sarna, Valan, Poppenhagen and Rice introduced:

H. F. No. 827, A bill for an act relating to public safety; appropriating money to purchase mobile communications equipment for state patrol.

The bill was read for the first time and referred to the Committee on Transportation.

Sviggum; Anderson, R., and Staten introduced:

H. F. No. 828, A bill for an act relating to economic security; clarifying the community action program financial assistance requirements; amending Minnesota Statutes 1984, section 268.52, subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Krueger, Redalen, McDonald and Rose introduced:

H. F. No. 829, A bill for an act relating to taxation; exempting certain shelterbelts from taxation; providing for replacement of lost revenue; appropriating money; amending Minnesota Statutes 1984, section 272.02, subdivision 1, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Anderson, G.; Schreiber; Redalen; Krueger and Rest introduced:

H. F. No. 830, A bill for an act relating to taxation; estate; reducing the tax to the amount of the federal credit for state death taxes; amending Minnesota Statutes 1984, sections 290.01, subdivision 20e; 291.005, subdivision 1; 291.03, subdivision 1; 291.075; 291.09, subdivisions 1a, 2a, 3a, and 5; 291.11, subdivision 1; 291.15, subdivision 3; 291.215, subdivision 1; and 524.3-1202; repealing Minnesota Statutes 1984, sections 55.10, subdivision 2; 270.75, subdivision 7; 291.015; 291.03, subdivisions 3, 4, 5, 6, and 7; 291.05; 291.051; 291.06; 291.065; 291.07; 291.08; 291.111; 291.131, subdivision 5; 291.132; 291.20; 291.29, subdivision 5; and 385.36.

The bill was read for the first time and referred to the Committee on Taxes.

Ozment introduced:

H. F. No. 831, A bill for an act relating to crimes; prescribing the powers of the governor and the commissioner of corrections with respect to extradition under treaty; amending Minnesota Statutes 1984, section 243.515.

The bill was read for the first time and referred to the Committee on Judiciary.

Thorson; Frerichs; Piepho; Nelson, K., and Segal introduced:

H. F. No. 832, A bill for an act relating to libraries; altering regional library basic system support; appropriating money; amending Minnesota Statutes 1984, section 134.35.

The bill was read for the first time and referred to the Committee on Education.

Piepho, Haukoos, Frederick, Dempsey and Hartle introduced:

H. F. No. 833, A bill for an act relating to government operations; allowing municipalities to contract to buy sheltered workshop products without getting competitive bids; including sheltered workshops in the small business set-aside program; amending Minnesota Statutes 1984, section 16B.19, by adding a subdivision; and 471.345, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Kelly, Kostohryz, O'Connor and Greenfield introduced :

H. F. No. 834, A bill for an act relating to animals; prohibiting the use of a decompression chamber to destroy an animal; imposing a penalty; proposing coding for new law in Minnesota Statutes, chapter 343.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Miller and Ozment introduced :

H. F. No. 835, A bill for an act relating to driver's licenses; allowing same time for expiration of driver's license for spouse of active duty member of armed forces; amending Minnesota Statutes 1984, section 171.27.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Cohen, Greenfield and Clark introduced :

H. F. No. 836, A bill for an act relating to public safety; prohibiting assembly as a paramilitary organization for the purpose of practicing with weapons; prohibiting paramilitary training; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 624.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Halberg, Quinn and Wynia introduced :

H. F. No. 837, A bill for an act relating to insurance; no-fault auto; providing uninsured and underinsured motorist coverages; defining terms; amending Minnesota Statutes 1984, sections 65B.43, by adding subdivisions; and 65B.49, subdivision 4.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Begich, Battaglia, Minne, Solberg and Elioff introduced :

H. F. No. 838, A bill for an act relating to consumer protection; requiring motor vehicle manufacturers to supply a temporary replacement vehicle or to reimburse vehicle owners for rental car expenses under certain circumstances; providing an expedited civil remedy; amending Minnesota Statutes 1984, section 325F.665, subdivisions 2, 5, and 6.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

McKasy, Seaberg, Pappas, Rose and Neuenschwander introduced :

H. F. No. 839, A bill for an act relating to crimes; prohibiting escape from custody by certain mental patients; amending Minnesota Statutes 1984, section 609.485, subdivisions 2 and 4.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Fjoslien and Skoglund introduced :

H. F. No. 840, A bill for an act relating to health; authorizing statewide mosquito research; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Rest introduced :

H. F. No. 841, A bill for an act relating to retirement; permitting the payment of certain omitted salary deductions.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Marsh, Heap, Sarna and Ogren introduced :

H. F. No. 842, A bill for an act relating to commerce; clarifying commissioner's authority to conduct regulatory investigations; clarifying submission of applications for directors and officers liability insurance; providing for the withdrawal of certain registration statements; broadening the securities trans-

action exemptions for isolated sales and limited offerings; repealing the securities transaction for preorganization offerings; providing a maximum fee for the registration of redeemable securities; simplifying an exemption from franchise registration; providing for disclosure of representation by real estate brokers and salespersons; expanding those officers who may verify corporate broker licenses; altering re-examination requirements for brokers and salespersons who fail to renew their licenses; altering the unclaimed property reporting deadline for life insurance companies; raising the aggregation amount for holders reporting unclaimed property; specifying dates for notifying and advertising owners of abandoned property; and providing for the notification of all lienholders by a unit owners association in an assessment lien foreclosure; amending Minnesota Statutes 1984, sections 60A.08, by adding a subdivision; 80A.10, by adding a subdivision; 80A.13, subdivision 1; 80A.15, subdivision 2; 80A.28, subdivisions 1 and 3; 80C.03; 82.19, subdivision 3, and by adding a subdivision; 82.20, subdivision 4; 82.21, subdivision 1; 82.22, subdivision 10; 82.24, subdivision 4; 345.41; 345.42, subdivisions 1 and 3; and 515A.3-115; proposing coding for new law in Minnesota Statutes, chapters 45 and 82.

The bill was read for the first time and referred to the Committee on Governmental Operations.

**Frerichs, McKasy, Dimler, Omann and Schafer introduced :**

H. F. No. 843, A bill for an act relating to taxation; property taxation; modifying the method of determining certain adjusted assessed value; modifying the method of determining agricultural market value for property tax purposes; amending Minnesota Statutes 1984, sections 124.2131, subdivision 1; and 273.11, subdivision 1, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

**Shaver introduced :**

H. F. No. 844, A bill for an act relating to motor vehicles; requiring motor vehicle lessors to provide information to department of public safety when lease periods are greater than two months; amending Minnesota Statutes 1984, section 168.27, subdivision 4.

The bill was read for the first time and referred to the Committee on Transportation.

Nelson, K.; Carlson, L.; Wynia; Heap and Erickson introduced:

H. F. No. 845, A bill for an act relating to education; requiring examinations for certain people applying for teaching licenses; appropriating money; amending Minnesota Statutes 1984, sections 125.03, by adding a subdivision; 125.05, subdivision 1; 125.182, subdivision 1; and 125.185, subdivision 4.

The bill was read for the first time and referred to the Committee on Education.

Tomlinson, Welle, Ogren, Brown and Redalen introduced:

H. F. No. 846, A bill for an act relating to taxation; allowing deferred payments of first half property taxes on agricultural homesteads in 1985; providing for loans of state funds to taxing districts; appropriating money.

The bill was read for the first time and referred to the Committee on Taxes.

Gutknecht, Heap and Sviggum introduced:

H. F. No. 847, A bill for an act relating to unemployment compensation; altering the public policy statement; changing the taxable wage base; defining credit week; providing for employer charging; increasing the eligibility requirement; eliminating certain tax rate limitations; changing the weekly benefit amount; capping the maximum weekly benefit; providing for the duration of benefits; increasing the duration of benefits for claimants in counties with high unemployment; providing for seasonal employees; making the waiting week nonreimbursable; amending the benefit offset for severance pay; increasing the period of time and earnings necessary for requalification after disqualification; changing the definition of suitable work; transferring duties to the office of administrative hearings; amending Minnesota Statutes 1984, sections 14.03, subdivision 2; 14.51; 268.03; 268.04, subdivisions 25 and 29; 268.06, subdivisions 5, 8, 18, 19, and 20; 268.07, subdivisions 2 and 2a; 268.08, subdivisions 1 and 3; 268.09, subdivisions 1 and 2; 268.10, subdivisions 2, 3, 4, 5, 6, and 9; 268.12, subdivisions 8, 9, 10, and 13; and 268.18, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 268.

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, 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 trusts; eliminating the requirement of qualifying trustees in certain cases; amending Minnesota Statutes 1984, section 524.3-913.

PATRICK E. FLAHAVERN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

McKasy 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 trusts; eliminating the requirement of qualifying trustees in certain cases; amending Minnesota Statutes 1984, section 524.3-913.

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.	Cohen	Himle	McLaughlin	Peterson
Anderson, R.	Dempsey	Jacobs	McPherson	Piepho
Backlund	DenOuden	Jaros	Metzen	Piper
Battaglia	Dimler	Jennings, L.	Miller	Poppenhagen
Beard	Dyke	Johnson	Minne	Price
Becklin	Elioff	Kahn	Munger	Quinn
Begich	Ellingson	Kalis	Murphy	Quist
Bennett	Erickson	Kelly	Nelson, D.	Rees
Blatz	Fjoslien	Kiffmeyer	Nelson, K.	Rest
Boerboom	Forsythe	Knickerbocker	Neuenschwander	Rice
Boo	Frederick	Knuth	Norton	Richter
Brandl	Frederickson	Krueger	O'Connor	Riveness
Brinkman	Frerichs	Kvam	Ogren	Rodosovich
Brown	Greenfield	Levi	Olsen, S.	Rose
Burger	Gruenes	Lieder	Olson, E.	Sarna
Carlson, D.	Gutknecht	Long	Omann	Schafer
Carlson, J.	Halberg	Marsh	Onnen	Scheid
Carlson, L.	Hartinger	McDonald	Otis	Schoenfeld
Clark	Hartle	McEachern	Pappas	Schreiber
Clausnitzer	Haukoos	McKasy	Pauly	Seaberg

Segal	Sparby	Tjornhom	Valento	Wenzel
Shaver	Stanis	Tomlinson	Vanasek	Wynia
Sherman	Staten	Tompkins	Vellenga	Zaffke
Skoglund	Sviggum	Tunheim	Voss	Spk. Jennings, D.
Solberg	Thorson	Uphus	Waltman	

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. 379.

PATRICK E. FLAHAVER, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 379, A bill for an act relating to nonprofit corporations; requiring the articles of incorporation to contain a mailing address; amending Minnesota Statutes 1984, sections 317.02, by adding a subdivision; 317.08, subdivision 2; and 317.19, subdivision 2.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

### CONSENT CALENDAR

S. F. No. 106, A bill for an act relating to the town of Tofte; authorizing the establishment of a detached banking 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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Brown	Elioff	Hartering	Kiffmeyer
Anderson, R.	Burger	Ellingson	Hartle	Knickerbocker
Battaglia	Carlson, D.	Erickson	Haukoos	Knuth
Beard	Carlson, J.	Fjoslien	Heap	Krueger
Becklin	Carlson, L.	Forsythe	Himle	Kvam
Begich	Clark	Frederick	Jacobs	Levi
Bennett	Clausnitzer	Frederickson	Jaros	Lieder
Blatz	Cohen	Frerichs	Jennings, L.	Long
Boerboom	Dempsey	Greenfield	Johnson	Marsh
Boo	DenOuden	Gruenes	Kahn	McDonald
Brandl	Dimler	Gutknecht	Kalis	McEachern
Brinkman	Dyke	Halberg	Kelly	McKasy

McLaughlin	Olson, E.	Quist	Seaberg	Tunheim
McPherson	Omann	Redalen	Segal	Uphus
Metzen	Onnen	Rees	Shaver	Valan
Miller	Otis	Rest	Sherman	Valento
Minne	Ozment	Rice	Skoglund	Vanasek
Munger	Pappas	Richter	Solberg	Vellenga
Murphy	Pauly	Riveness	Sparby	Voss
Nelson, D.	Peterson	Rodosovich	Stanius	Waltman
Nelson, K.	Piepho	Rose	Staten	Wenzel
Neuenschwander	Piper	Sarna	Sviggum	Wynia
Norton	Poppenhagen	Schafer	Thorson	Zaffke
Ogren	Price	Scheid	Tjornhom	Spk. Jennings, D.
Olsen, S.	Quinn	Schoenfeld	Tomlinson	

The bill was passed and its title agreed to.

S. F. No. 333, A bill for an act relating to the town of Cannon Falls; authorizing the establishment of a detached banking 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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Knuth	Otis	Sherman
Anderson, R.	Ellingson	Krueger	Ozment	Skoglund
Backlund	Erickson	Kvam	Pappas	Solberg
Battaglia	Fjoslien	Levi	Pauly	Sparby
Beard	Forsythe	Lieder	Peterson	Stanius
Becklin	Frederick	Long	Piepho	Staten
Begich	Frederickson	Marsh	Piper	Sviggum
Bennett	Frerichs	McDonald	Poppenhagen	Thorson
Bishop	Greenfield	McEachern	Price	Tjornhom
Blatz	Gruenes	McKasy	Quinn	Tomlinson
Boerboom	Cutknecht	McLaughlin	Quist	Tompkins
Boo	Halberg	McPherson	Redalen	Tunheim
Brandl	Hartinger	Metzen	Rees	Uphus
Brinkman	Hartle	Miller	Rest	Valan
Brown	Haukoos	Minne	Rice	Valento
Burger	Heap	Munger	Richter	Vanasek
Carlson, D.	Himle	Murphy	Riveness	Vellenga
Carlson, J.	Jacobs	Nelson, D.	Rodosovich	Voss
Carlson, L.	Jaros	Nelson, K.	Rose	Waltman
Clark	Jennings, L.	Neuenschwander	Sarna	Wenzel
Clausnitzer	Johnson	Norton	Schafer	Zaffke
Cohen	Kahn	Ogren	Scheid	Spk. Jennings, D.
Dempsey	Kalis	Olsen, S.	Schoenfeld	
DenOuden	Kelly	Olson, E.	Seaberg	
Dimler	Kiffmeyer	Omann	Segal	
Dyke	Knickerbocker	Onnen	Shaver	

The bill was passed and its title agreed to.

H. F. No. 362, A bill for an act relating to Beltrami county; providing for disposition of the proceeds from the sale or rental of tax-forfeited lands or from the sale of their products; increasing the amount that may be spent for promotion of tourist, agri-

cultural, and industrial developments; amending Laws 1967, chapter 558, section 1, subdivision 5, 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 118 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Krueger	Ozment	Skoglund
Anderson, R.	Ellingson	Kvam	Pappas	Solberg
Backlund	Erickson	Levi	Pauly	Sparby
Battaglia	Fjoslien	Lieder	Peterson	Stanius
Beard	Forsythe	Long	Piepho	Staten
Becklin	Frederick	Marsh	Piper	Sviggum
Begich	Frederickson	McEachern	Poppenhagen	Thorson
Bennett	Frerichs	McKasy	Price	Tjornhom
Bishop	Gruenes	McLaughlin	Quinn	Tomlinson
Blatz	Gutknecht	McPherson	Redalen	Tompkins
Boerboom	Halberg	Metzen	Rest	Tunheim
Brandl	Hartinger	Miller	Rice	Uphus
Brinkman	Hartle	Minne	Richter	Valan
Brown	Haukoos	Munger	Riveness	Valento
Burger	Himle	Murphy	Rodosovich	Vanasek
Carlson, D.	Jacobs	Nelson, D.	Rose	Vellenga
Carlson, J.	Jaros	Nelson, K.	Sarna	Voss
Carlson, L.	Jennings, L.	Neuenschwander	Schafer	Waltman
Clark	Kahn	Norton	Scheid	Wenzel
Clausnitzer	Kalis	Ogren	Schoenfeld	Wynia
Dempsey	Kelly	Olsen, S.	Scaberg	Zafke
DenOuden	Kiffineyer	Omann	Segal	Spk. Jennings, D.
Dimler	Knickerbocker	Onnen	Shaver	
Dyke	Knuth	Otis	Sherman	

Those who voted in the negative were:

Johnson

The bill was passed and its title agreed to.

H. F. No. 516, A bill for an act relating to counties; authorizing reimbursement to county commissioners and county officers for certain expenses; renaming the county executive secretary; fixing expenditure authority for certain county activities; removing provisions for county purchasing agents, demonstration and experiment farms, and seed and feed loans; revising the language of the text of chapters concerning county powers and county boards; amending Minnesota Statutes 1984, sections 375.055, by adding a subdivision; 375.48, subdivisions 1 and 2; 375.49, subdivisions 1 and 2; 375.50; 375A.07, subdivision 1; 475.52, subdivision 3; chapters 370; 371; 372; 374; 376; 377; 392; and 395; proposing new law coded in Minnesota Statutes, chapter 382; repealing Minnesota Statutes 1984, sections 374.05; 377.02; 377.04; 392.01; 392.02; 392.03; 395.01; 395.02; 395.03; 395.14; 395.15; 395.16; 395.17; 395.18; 395.19; 395.20; 395.21; 395.22; 395.23; and 395.24.

The bill was read for the third 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, G.	Erickson	Krueger	Otis	Shaver
Anderson, R.	Fjoslien	Kvam	Ozment	Sherman
Backlund	Forsythe	Levi	Pappas	Skoglund
Battaglia	Frederick	Lieder	Pauly	Solberg
Beard	Frederickson	Long	Peterson	Sparby
Becklin	Frerichs	Marsh	Piepho	Stanius
Begich	Greenfield	McDonald	Piper	Staten
Bennett	Gruenes	McEachern	Poppenhagen	Sviglum
Blatz	Gutknocht	McKasy	Price	Thorson
Boerboom	Halberg	McLaughlin	Quinn	Tjornhom
Brandl	Hartinger	McPherson	Quist	Tomlinson
Brinkman	Hartle	Metzen	Redalen	Tompkins
Brown	Haukoos	Miller	Rees	Tunheim
Burger	Heap	Minne	Rest	Uphus
Carlson, D.	Himle	Munger	Rice	Valan
Carlson, J.	Jacobs	Murphy	Richter	Valento
Carlson, L.	Jaros	Nelson, D.	Riveness	Vanasek
Clark	Jennings, L.	Nelson, K.	Rodosovich	Vellenga
Clausnitzer	Johnson	Neuenschwander	Rose	Voss
Cohen	Kahn	Norton	Sarna	Waltman
Dempsey	Kalis	Oeren	Schafer	Wenzel
DenOuden	Kelly	Olsen, S.	Scheid	Wynia
Dimler	Kiffmeyer	Olson, E.	Schoenfeld	Zaffke
Dyke	Knickerbocker	Omann	Seaberg	Spk. Jennings, D.
Elioff	Knuth	Onnen	Segal	

The bill was passed and its title agreed to.

#### MOTION FOR RECONSIDERATION

Pauly moved that the vote whereby H. F. No. 67 was not passed on the Calendar on Thursday, March 7, 1985, be now reconsidered. The motion prevailed.

H. F. No. 67 was reported to the House.

Kelly moved that the action whereby H. F. No. 67 was given its third reading on Thursday, March 7, 1985, be now reconsidered. The motion prevailed.

Kelly moved to amend H. F. No. 67, the second engrossment, as follows:

Page 1, line 16, after "members" insert "two of whom must not be attorneys"

Page 1, line 19, after "members" insert "two of whom must not be attorneys"

Voss moved to re-refer H. F. No. 67 to the Committee on Judiciary. The motion did not prevail.

#### POINT OF ORDER

Norton raised a point of order pursuant to rule 5.8 that H. F. No. 67 be re-referred to the Committee on Governmental Operations. The Speaker ruled the point of order not well taken.

The question recurred on the Kelly amendment to H. F. No. 67, the second engrossment. The motion prevailed and the amendment was adopted.

Kelly moved to amend H. F. No. 67, the second engrossment, as amended, as follows:

Page 2, after line 25, insert "*Each time a vacancy occurs on the Court of Appeals, in addition to the permanent members provided in clause (1), one member shall be appointed by the governor. The member shall serve only to consider that vacancy.*"

The motion prevailed and the amendment was adopted.

Pauly moved to amend H. F. No. 67, the second engrossment, as amended, as follows:

Page 1, delete lines 13 to 25 and insert:

*"Subd. 2. [ANNOUNCEMENT BY GOVERNOR.] At least 15 days before the governor appoints a judge to a vacancy listed in subdivision 1, the governor shall make a public statement naming the proposed appointee. The statement shall list the criteria used to select a judge to the court in which the vacancy exists and detail the qualifications of the person proposed to be appointed. The governor shall immediately distribute the statement to the press so as to assure the widest possible dissemination of the statement."*

Delete pages 2 and 3

Page 4, delete lines 1 to 30

Page 4, line 33, delete "*January 1, 1986*" and insert "*August 1, 1985*"

Page 4, line 33, delete "*The initial*"

Page 4, delete lines 34 and 35

A roll call was requested and properly seconded.

The question was taken on the Pauly amendment and the roll was called. There were 43 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jaros	Norton	Rees	Tompkins
Battaglia	Johnson	O'Connor	Richter	Tunheim
Beard	Kalis	Ogren	Sarna	Uphus
Brandl	Kiffmeyer	Omann	Scheid	Vanasek
Brown	Lieder	Osthoff	Schoenfeld	Voss
Elioff	McDonald	Ozment	Solberg	Waltman
Gutknecht	McEachern	Pauly	Sparby	Zaffke
Hartinger	Metzen	Quinn	Sviggum	
Jacobs	Miller	Quist	Tjornhom	

Those who voted in the negative were:

Anderson, R.	Dyke	Kelly	Olsen, S.	Sherman
Backlund	Ellingson	Knickerbocker	Onnen	Skoglund
Becklin	Erickson	Knuth	Otis	Stanius
Begich	Fjoslien	Krueger	Pappas	Staten
Bennett	Forsythe	Kvam	Peterson	Thorson
Boerboom	Frederick	Levi	Poppenhagen	Tomlinson
Boo	Frederickson	Long	Price	Valan
Brinkman	Frerichs	Marsh	Redalen	Valento
Burger	Greenfield	McKasy	Rest	Vellenga
Carlson, D.	Gruenes	McLaughlin	Rodosovich	Wenzel
Carlson, J.	Halberg	McPherson	Rose	Wynia
Carlson, L.	Hartle	Minne	Schafer	Spk. Jennings, D.
Clark	Haukoos	Murphy	Schreiber	
Clausnitzer	Heap	Nelson, D.	Seaberg	
Cohen	Himle	Nelson, K.	Segal	
Dempsey	Jennings, L.	Neuenschwander	Shaver	

The motion did not prevail and the amendment was not adopted.

Quinn moved to amend H. F. No. 67, the second engrossment, as amended, as follows:

Page 2, after line 6, insert "A member appointed or elected pursuant to clauses (1) to (4) may not serve more than one four-year term."

The motion prevailed and the amendment was adopted.

H. F. No. 67, A bill for an act relating to judges; providing for the manner of filling vacancies in the office of judge; proposing coding for new law in Minnesota Statutes, chapter 480B.

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 75 yeas and 50 nays as follows:

## Those who voted in the affirmative were:

Anderson, R.	Dimler	Himle	Olsen, S.	Schoenfeld
Backlund	Dyke	Kelly	Olson, E.	Schreiber
Bennett	Ellingson	Kiffmeyer	Onnen	Seaberg
Bishop	Erickson	Knickerbocker	Osthoff	Segal
Blatz	Fjoslien	Knuth	Otis	Shaver
Boerboom	Forsythe	Kvam	Pappas	Sherman
Burger	Frederick	Levi	Piepho	Stanius
Carlson, D.	Frederickson	Long	Poppenhagen	Sviggum
Carlson, J.	Frerichs	Marsh	Quist	Thorson
Carlson, L.	Greenfield	McDonald	Redalen	Tomlinson
Clark	Gruenes	McKasy	Rees	Uphus
Clausnitzer	Halberg	McPherson	Rest	Valento
Cohen	Hartle	Nelson, D.	Rose	Vallenga
Dempsey	Haukoos	Nelson, K.	Schafer	Waltman
DenOuden	Heap	Neuenschwander	Scheid	Spk. Jennings, D.

## Those who voted in the negative were:

Anderson, G.	Hartinger	McLaughlin	Ozment	Solberg
Battaglia	Jacobs	Metzen	Pauly	Sparby
Beard	Jaros	Miller	Peterson	Tjornhom
Becklin	Jennings, L.	Minne	Price	Tompkins
Begich	Johnson	Munger	Quinn	Tunheim
Brandl	Kahn	Murphy	Rice	Vanasek
Brinkman	Kalis	Norton	Richter	Voss
Brown	Krueger	O'Connor	Rodosovich	Wenzel
Elioff	Lieder	Ogren	Sarna	Wynia
Gutknecht	McEachern	Omann	Skoglund	Zaffke

The bill was passed, as amended, and its title agreed to.

## CALENDAR

H. F. No. 151 was reported to the House.

Levi moved that H. F. No. 151 be continued on the Calendar for one day. The motion prevailed.

Metzen was excused between the hours of 3:45 p.m. and 6:00 p.m. Cohen and Skoglund were excused at 5:45 p.m. Nelson, D., was excused at 6:00 p.m. Rodosovich was excused at 6:40 p.m.

## GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole with Jennings, D., in the Chair for consideration of bills pending on General Orders of the day. Halberg 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 recommendations of the Committee were reported to the House:

H. F. Nos. 78 and 282 were recommended to pass.



H. F. Nos. 320, 385, 35, 468, 242, 247, 266, 273, 308, 53 and 204 were recommended for progress.

H. F. No. 268 which it recommended to pass with the following amendments:

Offered by Bishop:

Page 2, after line 22, insert:

"Sec. 3. Minnesota Statutes 1984, section 115B.09, is amended to read:

**115B.09 [LIABILITY UNDER SECTION 115B.05; COMPARATIVE FAULT AND CONTRIBUTION.]**

The provisions of sections 604.01, 604.02, subdivisions 1 and 2, apply to any action for damages under section 115B.05 (, EXCEPT THAT, IF THE PERCENTAGE OF FAULT ATTRIBUTABLE TO A DEFENDANT IS DETERMINED UNDER SECTION 604.01, THE LIABILITY OF THE DEFENDANT SHALL BE LIMITED TO TWO TIMES THAT PERCENTAGE OF THE DAMAGES RECOVERABLE IN THE ACTION)."

Page 3, line 12, after "*subdivision 2;*" insert "*and*"

Page 3, line 13, delete "*; and 115B.09*"

Page 3, line 15, delete "*4*" and insert "*5*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete "*and*"

Page 1, line 9, after "*subdivision 1;*" insert "*and 115B.09;*"

Page 1, line 12, after "*2;*" insert "*and*"

Page 1, line 12, delete "*; and 115B.09*"

Offered by Munger:

Page 2, line 22, before the period insert "*, unless the plaintiff shows that the defendant knew or reasonably should have known, at the time when the defendant became a responsible person, that the hazardous substance could cause serious harm to others if there was a release of the substance from the facility*"

Offered by Wynia and Knuth, as amended by the Halberg amendment:

Page 3, after line 13, insert:

"Sec. 6. [SCOPE OF APPLICATION.]

*Sections 1 to 5 apply only to legal actions pending on March 11, 1985."*

Renumber remaining section

Offered by Halberg:

Page 1, line 5 of the Wynia and Knuth amendment, as amended, after "5" insert "*shall not*"

Page 1, line 5 of the Wynia and Knuth amendment, as amended, delete "*only*"

On the motion of Levi 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:

Quist moved to amend H. F. No. 282, the first engrossment, as follows:

Page 1, line 13, after "*skills,*" insert "*discipline,*"

Page 1, line 14, after "*problems,*" insert "*be good citizens, protect the rights of others, respect parents and others in authority, contribute to the well-being of other persons,*"

Page 1, line 16, after "*fulfilling*" insert "*and responsible*"

The question was taken on the Quist amendment and the roll was called. There were 43 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Becklin	Frederick	Knickerbocker	Pauly	Thorson
Boerboom	Frederickson	Knuth	Piepho	Tjornhom
Boo	Frerichs	Marsh	Poppenhagen	Tompkins
Burger	Gruenes	McDonald	Quist	Uphus
Carlson, D.	Gutknecht	McPherson	Redalen	Valento
Clausnitzer	Hartinger	Miller	Rees	Waltman
DenOuden	Heap	Omman	Richter	Zafke
Dimler	Johnson	Onnen	Schafer	
Fjoslien	Kiffmeyer	Ozment	Sviggum	

Those who voted in the negative were:

Anderson, G.	Dempsey	Kvam	Ogren	Sherman
Anderson, R.	Dyke	Levi	Olsen, S.	Skoglund
Backlund	Elioff	Lieder	Olson, E.	Solberg
Battaglia	Ellingson	Long	Otis	Stanius
Beard	Forsythe	McEachern	Pappas	Tomlinson
Begich	Hartie	McLaughlin	Peterson	Tunheim
Bennett	Haukoos	Minne	Piper	Vanasek
Brandl	Jacobs	Munger	Price	Voss
Brinkman	Jennings, L.	Murphy	Rest	Wenzel
Brown	Kahn	Nelson, D.	Rice	Wynia
Carlson, J.	Kalis	Nelson, K.	Sarna	Spk. Jennings, D.
Carlson, L.	Kelly	Norton	Scheid	
Cohen	Krueger	O'Connor	Segal	

The motion did not prevail and the amendment was not adopted.

Ozment moved to amend H. F. No. 268, the first engrossment, as follows:

Page 3, line 15, delete everything after "*after*" and insert "*enactment of a bill during the 1985 legislative session that establishes a hazardous substance compensation fund, or on July 1, 1985, whichever occurred first.*"

Schoenfeld moved to amend the Ozment amendment to H. F. No. 268, the first engrossment, as follows:

In the last line of the amendment after "*fund*" delete "*, or on July 1, 1985, whichever occurred first*"

#### POINT OF ORDER

Sviggum raised a point of order pursuant to rule 3.9 that the Schoenfeld amendment to the Ozment amendment was not in order. Chairperson Jennings ruled the point of order not well taken and the Schoenfeld amendment to the Ozment amendment in order.

The question recurred on the Schoenfeld amendment to the Ozment amendment and the roll was called. There were 59 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Krueger	Nelson, K.	Peterson
Battaglia	Ellingson	Lieder	Norton	Piper
Beard	Greenfield	Long	O'Connor	Price
Begich	Jacobs	McEachern	Ogren	Quinn
Brandl	Jaros	McLaughlin	Olson, E.	Rest
Brown	Kahn	Minne	Omann	Rice
Carlson, L.	Kalis	Munger	Osthoff	Riveness
Clark	Kelly	Murphy	Otis	Rodosovich
Cohen	Knuth	Nelson, D.	Pappas	Sarna

Scheid	Skoglund	Staten	Vanasek	Wenzel
Schoenfeld	Solberg	Tomlinson	Vellenga	Wynia
Segal	Sparby	Tunheim	Voss	

Those who voted in the negative were:

Anderson, R.	Dimler	Heap	Olsen, S.	Shaver
Backlund	Dyke	Himle	Onnen	Sherman
Becklin	Fjoslien	Jennings, L.	Pauly	Stanius
Bishop	Forsythe	Johnson	Piepho	Sviggum
Blatz	Frederick	Kiffmeyer	Poppenhagen	Thorson
Boerboom	Frederickson	Kvam	Quist	Tjornhom
Boo	Frerichs	Levi	Redalen	Tompkins
Burger	Gruenes	Marsh	Rees	Uphus
Carlson, D.	Gutknecht	McDonald	Richter	Valan
Carlson, J.	Halberg	McKasy	Rose	Valento
Clausnitzer	Hartinger	McPherson	Schafer	Waltman
Dempsey	Hartle	Miller	Schreiber	Zaffke
DenOuden	Haukoos	Neuenschwander	Seaberg	Spk. Jennings, D.

The motion did not prevail and the amendment to the amendment was not adopted.

The question recurred on the Ozment amendment and the roll was called. There were 62 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Battaglia	Greenfield	Minne	Peterson	Solberg
Beard	Hartinger	Munger	Piper	Sparby
Becklin	Jacobs	Nelson, D.	Quinn	Staten
Begich	Jaros	Nelson, K.	Rest	Tunheim
Brandl	Kahn	Norton	Rice	Uphus
Brown	Kalis	O'Connor	Riveness	Vanasek
Carlson, D.	Knuth	Ogren	Rodosovich	Vellenga
Carlson, L.	Krueger	Olsen, S.	Rose	Voss
Clark	Lieder	Olson, E.	Sarna	Wenzel
Cohen	Long	Osthoff	Scheid	Wynia
DenOuden	McEachern	Otis	Schoenfeld	
Elioff	McLaughlin	Ozment	Segal	
Ellingson	Miller	Pappas	Skoglund	

Those who voted in the negative were:

Anderson, G.	Dimler	Himle	Neuenschwander	Shaver
Anderson, R.	Dyke	Jennings, L.	Omann	Sherman
Backlund	Fjoslien	Johnson	Onnen	Stanius
Bennett	Forsythe	Kelly	Pauly	Sviggum
Bishop	Frederick	Kiffmeyer	Piepho	Thorson
Blatz	Frederickson	Knickerbocker	Poppenhagen	Tjornhom
Boerboom	Frerichs	Kvam	Quist	Tomlinson
Boo	Gruenes	Levi	Redalen	Tompkins
Brinkman	Gutknecht	Marsh	Rees	Valan
Burger	Halberg	McDonald	Richter	Valento
Carlson, J.	Hartle	McKasy	Schafer	Waltman
Clausnitzer	Haukoos	McPherson	Schreiber	Zaffke
Dempsey	Heap	Murphy	Seaberg	Spk. Jennings, D.

The motion did not prevail and the amendment was not adopted.

Nelson, D., moved to amend H. F. No. 268, the first engrossment, as follows:

Page 2, delete lines 21 and 22 and insert "*completed wholly before July 1, 1987.*"

The question was taken on the Nelson, D., amendment and the roll was called. There were 49 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Kahn	Nelson, K.	Price	Segal
Battaglia	Knuth	Norton	Quinn	Skoglund
Beard	Krueger	O'Connor	Rest	Solberg
Begich	Long	Ogren	Rice	Staten
Carlson, L.	McEachern	Olson, E.	Riveness	Tunheim
Clark	McLaughlin	Osthoff	Rodosovich	Vanasek
Cohen	Minne	Otis	Rose	Vellenga
Elioff	Munger	Pappas	Sarna	Wenzel
Ellingson	Murphy	Peterson	Scheid	Wynia
Greenfield	Nelson, D.	Piper	Schoenfeld	

Those who voted in the negative were:

Anderson, R.	DenOuden	Heap	Omann	Stanius
Backlund	Dimler	Himle	Onnen	Sviggum
Becklin	Dyke	Jennings, L.	Pauly	Thorson
Bennett	Erickson	Johanson	Piepho	Tjornhorn
Bishop	Fjoslien	Kiffmeyer	Poppenhagen	Tompkins
Blatz	Forsythe	Kvam	Quist	Uphus
Boerboom	Frederick	Levi	Rees	Valan
Boo	Frederickson	Lieder	Richter	Valento
Brinkman	Frerichs	Marsh	Schafer	Voss
Burger	Gruenes	McDonald	Schreiber	Waltman
Carlson, D.	Gutknecht	McKasy	Seaberg	Zaffke
Carlson, J.	Halberg	McPherson	Shaver	Spk. Jennings, D.
Clausnitzer	Hartle	Miller	Sherman	
Dempsey	Haukoos	Neuenschwander	Sparby	

The motion did not prevail and the amendment was not adopted.

Munger moved to amend H. F. No. 268, the first engrossment, as amended, as follows:

Page 2, line 22, before the period insert "*, unless the plaintiff shows that the defendant knew or reasonably should have known, at the time when the defendant became a responsible person, that the hazardous substance could cause serious harm to others if there was a release of the substance from the facility*"

The question was taken on the Munger amendment and the roll was called. There were 77 yeas and 45 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Forsythe	McEachern	Pappas	Solberg
Anderson, R.	Greenfield	McLaughlin	Peterson	Sparby
Battaglia	Gruenes	Minne	Piper	Stanius
Beard	Halberg	Munger	Price	Staten
Begich	Hartinger	Murphy	Quinn	Tomlinson
Bishop	Himle	Nelson, D.	Rest	Tompkins
Boo	Jacobs	Nelson, K.	Rice	Tunheim
Brandl	Jaros	Norton	Riveness	Uphus
Brown	Kahn	O'Connor	Rose	Valan
Carlson, L.	Kalis	Ogren	Rodosovich	Vanasek
Clark	Kelly	Olsen, S.	Sarna	Vellenga
Cohen	Knuth	Olson, E.	Scheid	Wenzel
Dyke	Krueger	Onnen	Schoenfeld	Wynia
Elioff	Lieder	Osthoff	Seaberg	
Ellingson	Long	Otis	Segal	
Fjoslien	McDonald	Ozment	Skoglund	

Those who voted in the negative were:

Backlund	Dempsey	Heap	Omann	Shaver
Becklin	DenOuden	Johnson	Pauly	Sherman
Bennett	Dimler	Kiffmeyer	Piepho	Sviggum
Blatz	Erickson	Kvam	Poppenhagen	Thorson
Boerboom	Frederick	Levi	Quist	Tjornhom
Briickman	Frederickson	Marsh	Rees	Valento
Burger	Frerichs	McKasy	Richter	Voss
Carlson, J.	Hartle	McPherson	Schafer	Waltman
Clausnitzer	Haukoos	Miller	Schreiber	Spk. Jennings, D.

The motion prevailed and the amendment was adopted.

Vanasek moved to amend H. F. No. 268, the first engrossment, as amended, as follows:

Page 3, after line 10, insert:

“Sec. 4. [INSURANCE STUDY.]

*The commissioner of commerce shall conduct a study of the availability of environmental impairment liability insurance in Minnesota following enactment of sections 1 to 5. The commissioner shall submit the results of the study, together with his recommendations, to the legislature by January 1, 1987. The director of the pollution control agency shall cooperate with and provide assistance to the commissioner during the course of the study.”*

Renumber remaining sections

The question was taken on the Vanasek amendment and the roll was called. There were 56 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Battaglia	Jennings, L.	Nelson, D.	Piper	Sparby
Beard	Kahn	Nelson, K.	Price	Staten
Begich	Kelly	Neuenschwander	Quinn	Tomlinson
Bishop	Knuth	Norton	Rest	Vanasek
Brandl	Krueger	O'Connor	Rice	Vellenga
Brown	Lieder	Ogren	Riveness	Voss
Carlson, L.	Long	Olsen, S.	Rodosovich	Wenzel
Clark	McEachern	Olson, E.	Sarna	Wynia
Elioff	McLaughlin	Osthoff	Scheid	
Ellingson	Minne	Otis	Schoenfeld	
Greenfield	Munger	Pappas	Segal	
Jacobs	Murphy	Peterson	Solberg	

Those who voted in the negative were:

Backlund	Erickson	Johnson	Pauly	Sviggum
Becklin	Fjoslien	Kalis	Piepho	Thorson
Bennett	Forsythe	Kiffmeyer	Poppenhagen	Tjornhom
Blatz	Frederick	Knickerbocker	Quist	Tompkins
Boerboom	Frederickson	Kvam	Redalen	Uphus
Boo	Frerichs	Levi	Rees	Valan
Brinkman	Gruenes	Marsh	Richter	Valento
Burger	Gutknecht	McDonald	Rose	Waltman
Carlson, J.	Halberg	McKasy	Schafer	Zaffke
Clausnitzer	Hartering	McPherson	Schreiber	Spk. Jennings, D.
Dempsey	Hartle	Miller	Seaberg	
DenOuden	Haukoos	Omann	Shaver	
Dimler	Heap	Onnen	Sherman	
Dyke	Himle	Ozment	Stanius	

The motion did not prevail and the amendment was not adopted.

Wynia and Knuth moved to amend H. F. No. 268, the first engrossment, as amended, as follows:

Page 3, after line 13, insert:

"Sec. 6. [SCOPE OF APPLICATION.]

*Sections 1 to 5 apply only to legal actions brought after the effective date in section 6."*

Renumber remaining section

Halberg moved to amend the Wynia and Knuth amendment to H. F. No. 268, the first engrossment, as amended, as follows:

Page 1, line 5, after "actions" insert "pending on March 11, 1985"

Page 1, line 5, delete "brought after"

Page 1, delete "the effective date in section 6"

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Wynia and Knuth amendment, as amended by the Halberg amendment, and the roll was called. There were 82 yeas and 35 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Krueger	Ozment	Segal
Anderson, R.	Erickson	Lieder	Pappas	Sherman
Backlund	Fjoslien	Long	Peterson	Solberg
Battaglia	Forsythe	McEachern	Piper	Sparby
Beard	Frederickson	McLaughlin	Price	Staten
Becklin	Greenfield	Metzen	Quinn	Tomlinson
Begich	Gruenes	Minne	Redalen	Tompkins
Bennett	Halberg	Murphy	Rest	Tunheim
Brandl	Hartinger	Nelson, K.	Rice	Valan
Brown	Heap	Neuenschwander	Rivenness	Vanasek
Burger	Jacobs	Norton	Rodosovich	Vellenga
Carlson, D.	Jennings, L.	O'Connor	Rose	Voss
Carlson, L.	Kahn	Ogren	Sarna	Wenzel
Clark	Kelly	Olsen, S.	Scheid	Wynia
Dempsey	Kiffmeyer	Olson, E.	Schoenfeld	
Dyke	Knickerbocker	Osthoff	Schreiber	
Elioff	Knuth	Otis	Seaberg	

Those who voted in the negative were:

Bishop	Frederick	Levi	Onnen	Stanius
Boerboom	Ferichs	Marsh	Piepho	Svigum
Boo	Gutknecht	McDonald	Poppenhagen	Tjornhom
Brinkman	Haukoos	McKasy	Quist	Uphus
Carlson, J.	Johnson	McPherson	Rees	Waltman
Clausnitzer	Kalis	Miller	Schafer	Zaffke
Dimler	Kvam	Ormann	Shaver	Spk. Jennings, D.

The motion prevailed and the amendment, as amended, was adopted.

#### MOTION FOR RECONSIDERATION

Neuenschwander moved to reconsider the vote whereby the Ozment amendment to H. F. No. 268 was not adopted earlier today.

The question was taken on the Neuenschwander motion and the roll was called. There were 58 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	McLaughlin	Pappas	Segal
Battaglia	Hartinger	Metzen	Peterson	Solberg
Beard	Jacobs	Minne	Piper	Staten
Becklin	Jaros	Munger	Price	Tomlinson
Begich	Jennings, L.	Murphy	Quinn	Tunheim
Brandl	Kahn	Nelson, K.	Rest	Vanasek
Brown	Kalis	Neuenschwander	Rice	Vellenga
Carlson, D.	Kelly	Norton	Rivenness	Voss
Carlson, L.	Knuth	Ogren	Rodosovich	Wenzel
Clark	Krueger	Olson, E.	Rose	Wynia
Elioff	Lieder	Osthoff	Scheid	
Ellingson	Long	Otis	Schoenfeld	



Those who voted in the negative were:

Anderson, R.	Dyke	Himle	Onnen	Sparby
Backlund	Erickson	Johnson	Pauly	Stanius
Bennett	Fjoslien	Kiffmeyer	Piepho	Sviggum
Blatz	Forsythe	Knickerbocker	Poppenhagen	Thorson
Boerboom	Frederick	Kvam	Quist	Tjornhom
Boo	Frederickson	Levi	Redalen	Tompkins
Brinkman	Frerichs	Marsh	Rees	Uphus
Burger	Gruenes	McDonald	Richter	Valan
Carlson, J.	Gutknecht	McKasy	Schafer	Valento
Clausnitzer	Halberg	McPherson	Schreiber	Waltman
Dempsey	Hartle	Miller	Seaberg	Zaffke
DenOuden	Haukoos	Olsen, S.	Shaver	Spk. Jennings, D.
Dimler	Heap	Omann	Sherman	

The motion did not prevail.

Schoenfeld moved to amend H. F. No. 268, the first engrossment, as amended, as follows:

Page 3, after line 10, insert:

"Sec. 4. [115B.25] [DEFINITIONS.]

*The terms used in sections 5 to 18 have the definitions given them in section 115B.02 except that the term "fund" means the hazardous substance injury compensation fund established in section 5.*

Sec. 5. [115B.26] [HAZARDOUS SUBSTANCE INJURY COMPENSATION FUND.]

*A hazardous substance injury compensation fund is established as an account in the state treasury. The state treasurer shall credit to the trust fund account all amounts received by direct appropriation from the general fund as well as amounts received pursuant to sections 18 and 19. The state treasurer shall invest trust fund money pursuant to section 11A.25. Earnings, such as interest, dividends and any other earnings arising from trust fund assets, must be credited to the trust fund.*

Sec. 6. [115B.27] [HAZARDOUS SUBSTANCE INJURY COMPENSATION BOARD.]

*Subdivision 1. [ESTABLISHMENT OF BOARD.] The hazardous substance injury compensation board is established within the department of health. The board will consist of three members who will serve part time and who will be appointed by the governor subject to the advice and consent of the senate. At least one member shall be a physician knowledgeable in toxicology; at least one member shall be a member of the bar of this state; and the final member shall be a health professional knowl-*

*edgeable in the area of hazardous substance injuries. Filling of vacancies on the board and removal of members are governed by section 15.0575.*

*Subd. 2. [MEMBERSHIP TERMS.] The initial members shall be appointed to terms as follows:*

- (a) The first member appointed for six years;*
- (b) The second member appointed for four years;*
- (c) The third member appointed for two years.*

*At the end of each member's term, the successor shall be appointed for six years and each successor thereafter shall be appointed for six years.*

*Subd. 3. [COMPENSATION AND EXPENSES.] The board shall adopt a rule governing compensation of its members which must not exceed 80 percent of reasonable consultation fees charged by professionals with similar education and experience as board members. Expenses may be paid as for state employees.*

**Sec. 7. [115B.28] [POWERS AND DUTIES OF THE BOARD.]**

*Subdivision 1. [DUTIES.] In addition to performing duties specified elsewhere in sections 4 to 18 or in other law, the board shall:*

*(a) provide all claimants with an opportunity for a hearing pursuant to section 13;*

*(b) establish and maintain a principal office and other necessary temporary offices and appoint employees and agents as necessary and fix their duties;*

*(c) promulgate rules as soon as practicable after the final member is appointed to include rules governing the method of practice and procedure before the board, the form and procedure for applications for compensation, and discovery proceedings;*

*(d) publicize the availability of compensation and application procedures on a statewide basis with special emphasis on geographical areas surrounding sites identified by the pollution control agency as having releases prior to July 1, 1983;*

*(e) collect data in consultation with the pollution control agency, the university of Minnesota medical and public health*

*schools, and the medical community regarding injuries relating to exposure to hazardous substances; and*

*(f) prepare and transmit to the governor and the legislature a biennial report to include data collected pursuant to clause (e), data from actual cases determined by the board including but not limited to number of cases, actual compensation received by each claimant, types of cases, and types of injuries compensated as they relate to types of hazardous substances as well as length of exposure, and board recommendations for legislative changes, further study, or any other recommendation aimed at improving the system of compensation.*

*Subd. 2. [POWERS.] In addition to exercising any powers specified elsewhere in sections 4 to 18 or in other law, the board on its own initiative or on request by a claimant may:*

*(a) issue subpoenas for the appearance of witnesses and the production of books, records, studies, and other documents;*

*(b) administer oaths and affirmations and require affidavits and depositions within and without this state;*

*(c) take notice of judicially cognizable facts and general, technical, and scientific facts within the members' specialized knowledge;*

*(d) order a mental or physical examination of the claimant or an autopsy of a deceased person whose death is the basis of the claim, provided that notice is given to the person to be examined and that the claimant receives a copy of any resulting report;*

*(e) request from any source data to enable the board to perform its duties as specified in sections 4 to 18;*

*(f) grant emergency reparations pending the final determination of a claim if it is one with respect to which an award will probably be made and undue hardship will result to the claimant if immediate payment is not made; and*

*(g) reconsider any grant, amount of grant or denial of compensation.*

#### **Sec. 8. [115B.29] [LIMITATION OF CLAIMS.]**

*Subdivision 1. [COMPENSABLE INJURIES.] Claims for compensation are limited to out of pocket, economic losses suffered by the claimant as the result of any medically verifiable chronic or progressive disease or condition such as cancer, genetic mutations, behavioral abnormalities, physiological malfunctions, and physical deformations in humans or their off-*

*spring, or death. A chronic or progressive disease is a disease that does not typically manifest itself in humans within one year after initial exposure to the particular chemical substance or mixture under the circumstances in question. If the board, after experience, determines that the above criterion is inappropriate or inequitable, it may recommend that the legislature amend it. The board may only disregard the above criterion if an individual claimant would be egregiously prejudiced by applying the criterion to the specific case. In disregarding the criterion the board must make specific findings supporting its action.*

*Subd. 2. [NONCOMPENSABLE INJURIES.] The following injuries are not compensable from this fund:*

*(a) an acute disease or condition that typically manifests itself within one year after initial exposure;*

*(b) personal injuries whether acute or chronic and progressive arising out of exposure sustained in the workplace or as a result of use of consumer products;*

*(c) any injury arising out of a release which occurred or is occurring within the geographical boundaries of any state other than Minnesota;*

*(d) damage to property;*

*(e) any injury about which the claimant knew or should have known more than six years prior to the date of initial application for compensation; and*

*(f) any other injury or loss not compensable under subdivision 1.*

#### **Sec. 9. [115B.30] [CHOICE OF FORUM.]**

*A claimant who receives an administrative award from the fund is not precluded from later bringing a personal injury action in court for the same injury. Any judgment won by a claimant in a court action must be used first to repay the fund the amount of the administrative award. In any case where the final judgment does not exceed the administrative award by at least 25 percent, the presiding judge may assess costs and fees not including attorney fees against the claimant. A determination by the board whether to grant or deny compensation and the rationale for that determination are inadmissible as evidence in any later court action brought on the basis of the same injury, except the board determination is admissible solely as a basis for determining the amount to be subtracted from the judgment and returned to the fund.*

Sec. 10. [115B.31] [CLAIM FOR COMPENSATION.]

*Subdivision 1. [FORM.] A claim for compensation from the fund must be filed with the board on a claim form provided by the board. When a claim does not include all of the information required by subdivision 2 and applicable board rules, board staff shall notify a claimant of the absence of required information within 14 days of the filing of the claim. All required information must be received by the board not later than 60 days after the claimant received notice of its absence or the claim will be inactivated and may not be resubmitted for at least one year following the date of inactivation. The board may decide to refuse to inactivate a claim under this subdivision if it finds serious extenuating circumstance.*

*Subd. 2. [REQUIRED INFORMATION.] A claimant must provide as part of the claim:*

*(a) a sworn verification by the claimant of the facts set forth in the claim to the best of the claimant's knowledge;*

*(b) evidence of the claimant's exposure to a named hazardous substance;*

*(c) evidence that the exposure experienced by the claimant causes or significantly contributes to death or to personal injury or disease of the type suffered by the claimant;*

*(d) evidence of the death, personal injury or disease, and the resulting expenses incurred by the claimant;*

*(e) evidence of other economic losses resulting from the death, personal injury, or disease; and*

*(f) information regarding any collateral sources of compensation.*

*Evidence required by clause (c) is unnecessary only in a case pertaining to the same hazardous substance released at the same site, the same level and duration of exposure, and the same injury or disease that were the subjects of an earlier case. In such a case, the claimant may cite or otherwise bring to the board's attention its own determination in the earlier case in place of the information required by (c) and the board may use the earlier case as dispositive of the case before it. In any other case where the facts are similar but not the same the board may not rely on an earlier determination as dispositive of the specific claim before it.*

Sec. 11. [115B.32] [STANDARD FOR DETERMINATION OF PERSONAL INJURY CLAIM.]

*The board shall grant compensation to a claimant who shows that it is more likely than not that he or she:*

*(a) suffers or has suffered death, personal injury or disease which has caused compensable loss and*

*(b) has been exposed to a hazardous substance in an amount and duration sufficient to cause or significantly contribute to death or personal injury or disease of the type suffered by claimant.*

**Sec. 12. [115B.33] [COMPENSABLE PERSONAL INJURY LOSSES.]**

*Losses compensable by the fund are limited to:*

*(a) medical expenses directly related to the claimant's death, personal injury or disease;*

*(b) up to two-thirds of the claimant's lost wages not to exceed \$2,000 per month or \$24,000 per year;*

*(c) up to two-thirds of a self-employed claimant's lost profits, not to exceed \$2,000 per month or \$24,000 per year;*

*(d) death benefits to dependents as follows:*

*(i) to a spouse with no dependent children, a sum computed by one-half of the deceased claimant's lost wages or lost profits, calculated on a monthly basis not to exceed \$2,000 per month, multiplied by 60 months;*

*(ii) to a spouse with three or fewer dependent children, a sum computed by two-thirds the deceased claimant's lost wages or lost profits, calculated on a monthly basis not to exceed \$2,000 per month, multiplied by the number of months remaining until the youngest dependent child attains the age of 18;*

*(iii) to a spouse with four or more dependent children, a sum computed by three-fourths the deceased claimant's lost wages or lost profits, calculated on a monthly basis not to exceed \$2,000 per month, multiplied by the number of months remaining until the youngest dependent child attains the age of 18;*

*(iv) to three or fewer dependent children where there is no surviving spouse, an amount as calculated in paragraph (ii) but using one-half the deceased claimant's lost wages or lost profits as the base for the calculation;*

*(v) to four or more dependent children where there is no surviving spouse, an amount as calculated in paragraph (iii) but*

*using two-thirds the deceased claimant's lost wages or lost profits as the base for the calculation; and*

*(vi) to any one else who can show dependence on the deceased claimant, an amount equal to the amount of actual average monthly contribution made by the claimant to the dependents prior to his or her inability to contribute or one-fourth of the deceased claimant's lost wages or lost profits, calculated on a monthly basis not to exceed \$2,000 per month, whichever is less, multiplied by 36 months. No one who cannot show actual dependence on the deceased claimant may recover death benefits. For the purposes of all the provisions in clause (d), lost wages includes the value of lost household labor; and*

*(e) the value of household labor lost due to the claimant's injury or disease.*

### Sec. 13. [115B.35] [DETERMINATION OF CLAIMS.]

Subdivision 1. [ASSIGNMENT OF CLAIMS.] *The chairman of the board shall assign each claim that has been accepted for filing to himself or herself or to another member of the board.*

Subd. 2. [INITIAL DETERMINATION.] *The board member to whom the claim is assigned shall examine the papers filed in support of the claim and cause an investigation to be conducted into the validity of the claim. The board member may decide in favor of the claimant in the amount claimed on the basis of the papers filed in support of the claim and the report of the investigation of it.*

Subd. 3. [HEARING.] *If the board member is unable to decide the case on the basis of the information in subdivision 2, he or she shall order an informal hearing. At this hearing the claimant may introduce further evidence to support the claim, including books, studies, reports, and any other written material as well as oral testimony of witnesses including experts. The board member may ask questions of the claimant and of any witnesses presented by the claimant. After the hearing, the board member shall make a determination granting or denying compensation.*

Subd. 4. [CIRCULATION OF INITIAL DETERMINATION.] *A determination made under subdivision 2 or 3 along with written reasons for the determination must be circulated to the other two board members as soon as practicable. On receipt of the determination each of the other two members will have 14 days to challenge it. If neither challenges the determination, a copy must be sent to the claimant who may challenge the decision by notifying the board within 30 days of receipt of the decision.*

*Subd. 5. [CHALLENGES.] If a board member or a claimant challenges a determination made pursuant to subdivision 2, 3, or 4, the full board must meet in conference to decide the claim. The board may decide to hold an informal hearing if one has not already been held or if not rehearing the claim would unfairly prejudice the claimant. The board shall make a final decision on the claim as soon as practicable. A copy of the final decision must be sent to the claimant, including, for a claim which is granted, an explanation of the form in which the claim will be paid.*

*Subd. 6. [APPEAL.] A decision of the board made pursuant to subdivision 5 is final. There shall be no appeal.*

**Sec. 14. [115B.36] [POWER TO DISBURSE MONEY FROM THE FUND.]** *The board has the power to authorize disbursement from the fund by the secretary of the treasury for:*

- (a) paying claims granted by the board and*
- (b) reasonable administrative costs.*

**Sec. 15. [115B.37] [AMOUNT AND FORM OF PAYMENT.]**

*The board shall compute the total amount of actual losses suffered by a successful claimant. From this amount, the board shall subtract the total amount of any compensation for these losses received by the claimant from other sources including, but not limited to, all forms of insurance and social security. If the amount of net uncompensated loss is less than \$250,000, the claimant shall receive the full amount of the net uncompensated loss in compensation from the fund. If the net uncompensated loss is greater than \$250,000, the claimant shall receive \$250,000.*

*Compensation from the fund may be awarded in a lump sum or in installments in the discretion of the board. The amount of any emergency award must be deducted from the final award, prorated over time if the final award is made in installments. Compensation from the fund is exempt from execution or attachment except by persons who have supplied services, products or accommodations to the claimant directly related to the claimant's death, injury or disease. The board may order that all or part of the compensation award be paid directly to these suppliers.*

**Sec. 16. [115B.38] [ATTORNEY FEES.]** *The board shall adopt a rule to limit the fee charged by any attorney for representing a claimant before the board.*

**Sec. 17. [115B.39] [SUBROGATION.]**

*The state shall be subrogated, to the extent of compensation awarded from that portion of the fund attributable to general*



revenue, to all the claimant's rights to recover for losses covered by the fund from other sources including responsible persons as defined in section 115B.03.

Sec. 18. [115B.40] [PARTIAL RECOUPMENT.]

*On June 30 at the end of each biennium, the state treasurer shall certify to the commissioner of revenue the actual amount expended from the fund to compensate persons injured by hazardous substances. The commissioner of revenue shall compute an appropriate surtax to be added to the hazardous waste generator tax in section 115B.22 which collected over the next biennium will recoup 50 percent of the actual expenditures from the fund. All surtaxes collected under this section must be deposited in the fund.*

Sec. 19. [APPROPRIATION.]

*\$2,000,000 is appropriated to the hazardous substance injury compensation trust fund from the general fund for the purpose of administering sections 4 to 18."*

Renumber the remaining section

Page 3, delete lines 14 and 15

POINT OF ORDER

Swiggum raised a point of order pursuant to rule 3.10 that the Schoenfeld amendment was not in order. Chairperson Jennings ruled the point of order not well taken and the Schoenfeld amendment in order.

The question recurred on the Schoenfeld amendment and the roll was called. There were 54 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jaros	Munger	Piper	Solberg
Battaglia	Kahn	Murphy	Price	Sparby
Beard	Kalis	Nelson, K.	Quinn	Staten
Begich	Kelly	Norton	Rest	Tomlinson
Brandl	Knuth	O'Connor	Rice	Tunheim
Carlson, L.	Krueger	Ogren	Riveness	Vanasek
Clark	Lieder	Olson, E.	Rodosovich	Vellenga
Elioff	Long	Osthoff	Sarna	Voss
Ellingson	McEachern	Otis	Scheid	Wenzel
Greenfield	McLaughlin	Pappas	Schoenfeld	Wynia
Jacobs	Minne	Peterson	Segal	

Those who voted in the negative were:

Anderson, R.	Bennett	Boerboom	Burger	Clausnitzer
Backlund	Bishop	Boo	Carlson, D.	Dempsey
Becklin	Blatz	Brinkman	Carlson, J.	DenOuden

Dimler	Hartle	McKasy	Redalen	Tjornhom
Dyke	Haukoos	McPherson	Rees	Tompkins
Erickson	Heap	Miller	Richter	Uphus
Fjoslien	Himle	Neuenschwander	Rose	Valan
Forsythe	Jennings, L.	Olsen, S.	Schafer	Valento
Frederick	Johnson	Omann	Schreiber	Waltman
Frederickson	Kiffmeyer	Onnen	Seaberg	Zafke
Frerichs	Knickerbocker	Ozment	Shaver	Spk. Jennings, D.
Gruenes	Kvam	Pauly	Sherman	
Gutknecht	Levi	Piepho	Stanius	
Halberg	Marsh	Poppenhagen	Sviggunn	
Hartinger	McDonald	Quist	Thorson	

The motion did not prevail and the amendment was not adopted.

Long moved to amend H. F. No. 268, the first engrossment, as amended, as follows:

Delete everything after the enacting clause and insert:

“Section 1. [REPEALER.]

*Minnesota Statutes 1984, section 115B.07 is repealed.*”

Delete the title and insert:

“A bill for an act relating to the environment; removing the statutory provision for causation for personal injury, repealing Minnesota Statutes 1984, section 115B.07.”

The question was taken on the Long amendment and the roll was called. There were 47 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Munger	Piper	Solberg
Battaglia	Jacobs	Murphy	Quinn	Staten
Beard	Kahn	Nelson, K.	Rest	Tunheim
Begich	Kalis	Norton	Rice	Vanasek
Brandl	Knuth	O'Connor	Riveness	Vellenga
Brown	Lieder	Ogren	Rose	Wenzel
Carlson, L.	Long	Osthoff	Sarna	Wynia
Clark	McEachern	Otis	Scheid	
Elioff	McLaughlin	Pappas	Schoenfeld	
Ellingson	Minne	Peterson	Segal	

Those who voted in the negative were:

Anderson, R.	Carlson, D.	Frederick	Himle	McKasy
Backlund	Carlson, J.	Frederickson	Johnson	McPherson
Becklin	Clausnitzer	Frerichs	Kelly	Metzen
Bennett	Dempsey	Gruenes	Kiffmeyer	Miller
Bishop	DenOuden	Gutknecht	Knickerbocker	Neuenschwander
Blatz	Dimler	Halberg	Krueger	Olsen, S.
Boerboom	Dyke	Hartinger	Kvam	Olsen, E.
Boo	Erickson	Hartle	Levi	Omann
Brinkman	Fjoslien	Haukoos	Marsh	Onnen
Burger	Forsythe	Heap	McDonald	Ozment

Pauly	Rees	Sherman	Tomlinson	Waltman
Piepho	Richter	Sparby	Tompkins	Zaffke
Poppenhagen	Schafer	Stanius	Uphus	Spk. Jennings, D.
Price	Schreiber	Sviggum	Valan	
Quist	Seaberg	Thorson	Valento	
Redalen	Shaver	Tjornhom	Voss	

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. 268, as amended, and the roll was called. There were 77 yeas and 45 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Erickson	Kelly	Onnen	Stanius
Backlund	Fjoslien	Kiffmeyer	Ozment	Sviggum
Becklin	Forsythe	Knickerbocker	Pauly	Thorson
Bennett	Frederick	Krueger	Piepho	Tjornhom
Bishop	Frederickson	Kvam	Poppenhagen	Tomlinson
Blatz	Frerichs	Levi	Price	Tompkins
Boerboom	Gruenes	Lieder	Quist	Uphus
Boo	Gutknecht	Marsh	Redalen	Valan
Brinkman	Halberg	McDonald	Rees	Valento
Burger	Hartle	McKasy	Richter	Voss
Carlson, J.	Haukoos	McPherson	Schafer	Waltman
Clausnitzer	Heap	Metzen	Schreiber	Zaffke
Dempsey	Himle	Miller	Seaberg	Spk. Jennings, D.
DenOuden	Jennings, L.	Neuenschwander	Shaver	
Dimler	Johnson	Olson, E.	Sherman	
Dyke	Kalis	Omann	Sparby	

Those who voted in the negative were:

Anderson, G.	Ellingson	Munger	Pappas	Scheid
Battaglia	Greenfield	Murphy	Peterson	Schoenfeld
Bead	Hartinger	Nelson, K.	Piper	Segal
Begich	Jacobs	Norton	Quinn	Solberg
Brandl	Kahn	O'Connor	Rest	Staten
Brown	Knuth	Ogren	Rice	Vanasek
Carlson, L.	Long	Olsen, S.	Riveness	Vellenga
Clark	McLaughlin	Osthoff	Rose	Wenzel
Elioff	Minne	Otis	Sarna	Wynia

The motion prevailed.

There being no objection the order of business reverted to Messages from the Senate.

### MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 42.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 42, A bill for an act relating to taxation; sales; including replacement parts in the definition of farm machinery; amending Minnesota Statutes 1984, section 297A.01, subdivision 15.

The bill was read for the first time.

Fjoslien moved that S. F. No. 42 and H. F. No. 53, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

### MOTIONS AND RESOLUTIONS

Fjoslien moved that the name of Erickson be stricken and the name of Boerboom be added as an author on H. F. No. 53. The motion prevailed.

Onnen moved that the name of DenOuden be added as an author on H. F. No. 262. The motion prevailed.

Rodosovich moved that the name of Welle be added as an author on H. F. No. 347. The motion prevailed.

Peterson moved that the name of Omann be stricken as an author on H. F. No. 409. The motion prevailed.

Clausnitzer moved that the names of Skoglund, Blatz, Rest and Rodosovich be added as authors on H. F. No. 674. The motion prevailed.

Redalen moved that the name of Kvam be added as an author on H. F. No. 678. The motion prevailed.

Clausnitzer moved that the names of Rodosovich, Gruenes and Greenfield be added as authors on H. F. No. 702. The motion prevailed.

Seaberg moved that the name of Pappas be added as an author on H. F. No. 732. The motion prevailed.

Redalen moved that the name of Jennings, L., be added as an author on H. F. No. 752. The motion prevailed.

Redalen moved that H. F. No. 565 be recalled from the Committee on Environment and Natural Resources and be re-referred

to the Committee on Governmental Operations. The motion prevailed.

Rees moved that H. F. No. 725 be recalled from the Committee on Local and Urban Affairs and be re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

Price moved that H. F. No. 627 be returned to its author. The motion prevailed.

Levi moved pursuant to House Concurrent Resolution No. 3 that the Chief Clerk be directed to invite the Senate by message to meet with the House in Joint Convention in the chamber of the House of Representatives at 2:00 p.m. on Tuesday, March 19, 1985, to elect members to the Board of Regents of the University of Minnesota. The motion prevailed.

Segal introduced:

House Resolution No. 12, A house resolution commending Minnesota's street and highway maintenance personnel for their capable and diligent work in the recent snow emergency.

#### SUSPENSION OF RULES

Segal moved that the rules be so far suspended that House Resolution No. 12 be now considered and be placed upon its adoption. The motion prevailed.

#### HOUSE RESOLUTION NO. 12

A house resolution commending Minnesota's street and highway maintenance personnel for their capable and diligent work in the recent snow emergency.

*Whereas*, Minnesota has just triumphed over the fourth largest snowfall in a four-year period; and

*Whereas*, the street and highway maintenance personnel throughout the state have worked double or more shifts for the past week to clear the streets for use in a prompt and efficient manner; *Now, Therefore*,

*Be It Resolved* by the House of Representatives of the state of Minnesota that the street and highway maintenance personnel of this state are commended not only for providing a safe street and highway system during snow emergency situations but also for their promptness and outstanding dedication above and beyond the call of duty.

Segal moved that House Resolution No. 12 be now adopted. The motion prevailed and House Resolution No. 12 was adopted.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following change in committee assignment:

Financial Institutions and Insurance: Add the name of Osthoff.

ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, March 14, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, March 14, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



## STATE OF MINNESOTA

## SEVENTY-FOURTH SESSION – 1985

## TWENTY-FIFTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 14, 1985

The House of Representatives convened at 2:00 p.m. and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Pastor Hubert "Hub" Nelson, Bethlehem Lutheran Church, Minneapolis, Minnesota.

The roll was called and the following members were present:

Anderson, C.	Ellingson	Krueger	Otis	Simoneau
Anderson, R.	Erickson	Kvam	Ozment	Skoglund
Backlund	Fjoslien	Levi	Pappas	Solberg
Battaglia	Forsythe	Lieder	Pauly	Sparby
Beard	Frederick	Long	Peterson	Stanius
Becklin	Frederickson	Marsh	Piepho	Staten
Begich	Frerichs	McDonald	Piper	Sviggum
Bennett	Greenfield	McEachern	Poppenhagen	Thiede
Bishop	Gruenes	McLaughlin	Price	Thorson
Blatz	Gutknecht	McPherson	Quinn	Tjornhom
Boerboom	Halberg	Metzen	Quist	Tomlinson
Boo	Hartinger	Miller	Redalen	Tompkins
Brinkman	Hartle	Minne	Rees	Tunheim
Brown	Haukoos	Munger	Rest	Uphus
Burger	Heap	Murphy	Richter	Valan
Carlson, D.	Himle	Nelson, D.	Rodosovich	Valento
Carlson, J.	Jacobs	Nelson, K.	Rose	Vanasek
Carlson, L.	Jaros	Neuenschwander	Sarna	Voss
Clark	Jennings, L.	Norton	Schafer	Waltman
Clausnitzer	Johnson	O'Connor	Scheid	Welle
Cohen	Kahn	Ogren	Schoenfeld	Wenzel
Dempsey	Kalis	Olsen, S.	Schreiber	Wynia
DenOuden	Kiffmeyer	Olson, E.	Schberg	Zaffke
Dimler	Knickerbocker	Omann	Segal	Spk. Jennings, D.
Dyke	Knuth	Onnen	Shaver	
Elioff	Kostohryz	Osthoff	Sherman	

A quorum was present.

Brandl, Kelly, Rice and Vellenga were excused.

McKasy and Riveness were excused until 2:40 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Gutknecht 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. 428, 511, 603, 267, 329, 530, 602, 67, 268 and 538 and S. F. Nos. 379 and 42 have been placed in the members' files.

S. F. No. 42 and H. F. No. 53, 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. 42 be substituted for H. F. No. 53 and that the House File be indefinitely postponed. The motion prevailed.

#### PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

March 4, 1985

The Honorable David M. Jennings  
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 1985 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>1985</i>	<i>Date Filed</i> <i>1985</i>
328		3	March 4	March 4

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

25th Day]

THURSDAY, MARCH 14, 1985

619

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

March 5, 1985

The Honorable David M. Jennings  
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 1985 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 1985</i>	<i>Date Filed 1985</i>
54		4	March 5	March 5

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

March 8, 1985

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<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1985</i>	<i>Date Filed 1985</i>
252		5	March 8	March 8

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

## REPORTS OF STANDING COMMITTEES

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 156, A bill for an act relating to hazardous waste; establishing a hazardous substance compensation trust account; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [115B.25] [DEFINITIONS.]

*The terms used in sections 2 to 14 have the definitions given them in section 115B.02 except that the term "fund" means the hazardous substance injury compensation fund established in section 2.*

Sec. 2. [115B.26] [HAZARDOUS SUBSTANCE INJURY COMPENSATION FUND.]

*A hazardous substance injury compensation fund is established as an account in the state treasury. The state treasurer shall credit to the trust fund account all amounts received by direct appropriation from the general fund as well as amounts received pursuant to sections 12 and 14. The state treasurer shall invest trust fund money pursuant to section 11A.25. Earnings, such as interest, dividends, and any other earnings arising from trust fund assets, must be credited to the trust fund.*

Sec. 3. [115B.27] [HAZARDOUS SUBSTANCE INJURY COMPENSATION BOARD.]

*Subdivision 1. [ESTABLISHMENT OF BOARD.] The hazardous substance injury compensation board is established within the department of health. The board will consist of three members who will serve part time and who will be appointed by the governor subject to the advice and consent of the senate. At least one member shall be a physician knowledgeable in toxicology; at least one member shall be a member of the bar of this state; and the final member shall be a health professional knowledgeable in the area of hazardous substance injuries. Filling of vacancies on the board and removal of members are governed by section 15.0575.*

*Subd. 2. [MEMBERSHIP TERMS.] The initial members shall be appointed to terms as follows:*

- (1) *the first member appointed for six years;*

- (2) *the second member appointed for four years; and*
- (3) *the third member appointed for two years.*

*At the end of each member's term, the successor shall be appointed for six years and each successor thereafter shall be appointed for six years.*

*Subd. 3. [COMPENSATION AND EXPENSES.] The board shall adopt a rule governing compensation of its members which must not exceed 80 percent of reasonable consultation fees charged by professionals with similar education and experience as board members. Expenses may be paid as for state employees.*

**Sec. 4. [115B.28] [POWERS AND DUTIES OF THE BOARD.]**

*Subdivision 1. [DUTIES.] In addition to performing duties specified elsewhere in sections 1 to 14 or in other law, the board shall:*

*(1) provide all claimants with an opportunity for a hearing pursuant to section 10;*

*(2) establish and maintain a principal office within the health department and other necessary temporary offices and appoint employees and agents as necessary and fix their duties;*

*(3) promulgate rules as soon as practicable after the final member is appointed to include rules governing the method of practice and procedure before the board, the form and procedure for applications for compensation, and discovery proceedings;*

*(4) publicize the availability of compensation and application procedures on a statewide basis with special emphasis on geographical areas surrounding sites identified by the pollution control agency as having releases prior to July 1, 1983;*

*(5) collect data in consultation with the pollution control agency, the University of Minnesota medical and public health schools, and the medical community regarding injuries relating to exposure to hazardous substances; and*

*(6) prepare and transmit to the governor and the legislature a biennial report to include data collected pursuant to clause (5), data from actual cases determined by the board including but not limited to number of cases, actual compensation received by each claimant, types of cases, and types of injuries compensated as they relate to types of hazardous substances as well as length of exposure, and board recommendations for legislative changes, further study, or any other recommendation aimed at improving the system of compensation.*

*Subd. 2. [POWERS.] In addition to exercising any powers specified elsewhere in sections 1 to 14 or in other law, the board on its own initiative or on request by a claimant may:*

*(1) issue subpoenas for the appearance of witnesses and the production of books, records, studies, and other documents;*

*(2) administer oaths and affirmations and require affidavits and depositions within and without this state;*

*(3) take notice of judicially cognizable facts and general, technical, and scientific facts within the members' specialized knowledge;*

*(4) order a mental or physical examination of the claimant or an autopsy of a deceased person whose death is the basis of the claim, provided that notice is given to the person to be examined and that the claimant receives a copy of any resulting report;*

*(5) request from any source data to enable the board to perform its duties as specified in sections 1 to 14;*

*(6) grant emergency reparations pending the final determination of a claim if it is one with respect to which an award will probably be made and severe hardship will result to the claimant if immediate payment is not made; and*

*(7) reconsider any grant, amount of grant, or denial of compensation.*

## **Sec. 5. [115B.29] [LIMITATION OF CLAIMS.]**

*Subdivision 1. [WHO MAY FILE CLAIM.] A person may file a claim with the commissioner pursuant to this section for compensation for death, injury, or disease caused by a release, in Minnesota, of a hazardous substance if:*

*(1) the person responsible for the release of the hazardous substance is unknown or cannot with reasonable diligence be determined;*

*(2) the loss is not compensable because the hazardous substance was placed or came to be located in or on the facility before July 1, 1983, or the judgment could not be satisfied in whole or in part against the person determined to be liable for the release of a hazardous substance;*

*(3) the facility from which the hazardous substance was released is owned or operated by the United States or any state or local government; or*

(4) *the claimant elects to file a claim against the trust account rather than proceed directly against a person responsible under section 115B.05 or any other law, including common law.*

*Subd. 2. [COMPENSABLE INJURIES.] Claims for compensation are limited to compensable losses suffered by the claimant as the result of any medically verifiable chronic or progressive disease, illness, or disability resulting from exposure to a hazardous substance such as cancer, organic nervous system disorders, or physical deformities, including malfunctions in reproduction, in humans or their offspring, or death. A chronic or progressive disease is a disease that does not typically manifest itself in humans within one year after initial exposure to the particular hazardous substance under the circumstances in question. If the board, after experience, determines that the above criterion is inappropriate or inequitable, it may recommend that the legislature amend it. The board may only disregard the above criterion if an individual claimant would be egregiously prejudiced by applying the criterion to the specific case. In disregarding the criterion the board must make specific findings supporting its action.*

*Subd. 3. [NONCOMPENSABLE INJURIES.] The following injuries are not compensable from this fund:*

(1) *an acute disease or condition that typically manifests itself within one year after initial exposure;*

(2) *personal injuries whether acute or chronic and progressive arising out of exposure sustained in the workplace or as a result of use of consumer products;*

(3) *any injury arising out of a release which occurred or is occurring within the geographical boundaries of any state other than Minnesota;*

(4) *damage to property;*

(5) *any injury about which the claimant knew or should have known more than six years prior to the date of initial application for compensation; except that any person whose cause of action accrued prior to July 1, 1981, may file a claim by July 1, 1987; and*

(6) *any other injury or loss not compensable under subdivision 1.*

#### Sec. 6. [115B.30] [CHOICE OF FORUM.]

*A claimant who receives an administrative award from the fund is not precluded from later bringing a personal injury*

*action in court for the same injury. Any judgment won by a claimant in a court action must be used first to repay the fund the amount of the administrative award. In any case where the final judgment does not exceed the administrative award by at least 25 percent, the presiding judge may assess costs and fees not including attorney fees against the claimant. A determination by the board whether to grant or deny compensation and the rationale for that determination are inadmissible as evidence in any later court action brought on the basis of the same injury, except the board determination is admissible solely as a basis for determining the amount to be subtracted from the judgment and returned to the fund.*

**Sec. 7. [115B.31] [CLAIM FOR COMPENSATION.]**

*Subdivision 1. [FORM.] A claim for compensation from the fund must be filed with the board on a claim form provided by the board. When a claim does not include all of the information required by subdivision 2 and applicable board rules, board staff shall notify a claimant of the absence of required information within 14 days of the filing of the claim. All required information must be received by the board not later than 30 days after the claimant received notice of its absence or the claim will be inactivated and may not be resubmitted for at least one year following the date of inactivation. The board may decide to refuse to inactivate a claim under this subdivision if it finds serious extenuating circumstance.*

*Subd. 2. [REQUIRED INFORMATION.] A claimant must provide as part of the claim:*

*(1) a sworn verification by the claimant of the facts set forth in the claim to the best of the claimant's knowledge;*

*(2) evidence that the claimant is a person who may file a claim within the meaning of section 5, subdivision 1;*

*(3) evidence of the claimant's exposure to a named hazardous substance because of a release;*

*(4) evidence that the claimant's exposure to the substance in the amount and duration experienced by the claimant could reasonably have been caused or significantly contributed to by the release;*

*(5) evidence that the exposure experienced by the claimant causes or significantly contributes to death or to personal injury or disease of the type suffered by the claimant;*

*(6) evidence of the death, personal injury or disease, and the resulting expenses incurred by the claimant, including but not limited to certification of the injury or loss and expenses*

*for the injury or loss made by hospitals, physicians, or other qualified certificates including a claimant's federal income tax return;*

*(7) evidence of other economic losses resulting from the death, personal injury, or disease; and*

*(8) information regarding any collateral sources of compensation.*

*Evidence required by clause (5) is unnecessary only in a case pertaining to the same hazardous substance released at the same site, the same level and duration of exposure, and the same injury or disease that were the subjects of an earlier case. In such a case, the claimant may cite or otherwise bring to the board's attention its own determination in the earlier case in place of the information required by clause (5) and the board may use the earlier case as dispositive of the case before it. In any other case where the facts are similar but not the same the board may not rely on an earlier determination as dispositive of the specific claim before it.*

#### **Sec. 8. [115B.32] [STANDARD FOR DETERMINATION OF PERSONAL INJURY CLAIM.]**

*The board shall grant compensation to a claimant who shows that it is more likely than not that:*

*(1) the claimant was exposed to a hazardous substance because of a release;*

*(2) the exposure to the substance in the amount and duration experienced by the claimant could reasonably have been caused or significantly contributed to by the release;*

*(3) the claimant suffers or has suffered a compensable injury that has caused compensable loss; and*

*(4) the compensable injury suffered by the claimant was caused or significantly contributed to by exposure to the hazardous substance in an amount and duration experienced by the claimant.*

#### **Sec. 9. [115B.33] [COMPENSABLE LOSSES.]**

*(1) One hundred percent of uninsured out-of-pocket medical expenses for up to five years from the onset of treatment;*

*(2) eighty percent of uninsured actual lost wages or business income in lieu of wages, caused by injury to the claimant, not to exceed \$20,000 per year for five years.*



## Sec. 10. [115B.34] [DETERMINATION OF CLAIMS.]

*Subdivision 1. [ASSIGNMENT OF CLAIMS.] The chairman of the board shall assign each claim that has been accepted for filing to himself or herself or to another member of the board.*

*Subd. 2. [INITIAL DETERMINATION.] The board member to whom the claim is assigned shall examine the papers filed in support of the claim and cause an investigation to be conducted into the validity of the claim. The board member may decide in favor of the claimant in the amount claimed on the basis of the papers filed in support of the claim and the report of the investigation of it.*

*Subd. 3. [HEARING.] If the board member is unable to decide the case on the basis of the information in subdivision 2, he or she shall order an informal hearing. At this hearing the claimant may introduce further evidence to support the claim, including books, studies, reports, and any other written material as well as oral testimony of witnesses including experts. The board member may ask questions of the claimant and of any witnesses presented by the claimant. After the hearing, the board member shall make a determination granting or denying compensation.*

*Subd. 4. [CIRCULATION OF INITIAL DETERMINATION.] A determination made under subdivision 2 or 3 along with written reasons for the determination must be circulated to the other two board members as soon as practicable. Upon receipt of the determination each of the other two members will have 14 days to challenge it. If neither challenges the determination, a copy must be sent to the claimant who may challenge the decision by notifying the board within 30 days of receipt of the decision.*

*Subd. 5. [CHALLENGES.] If a board member or a claimant challenges a determination made pursuant to subdivision 2, 3, or 4, the full board must meet in conference to decide the claim. The board may decide to hold an informal hearing if one has not already been held or if not rehearing the claim would unfairly prejudice the claimant. The board shall make a final decision on the claim within 120 days of the filing of a completed claim form and supporting evidence. A copy of the final decision must be sent to the claimant, including, for a claim which is granted, an explanation of the form in which the claim will be paid.*

*Subd. 6. [APPEAL.] A decision of the board made pursuant to subdivision 5 is final. There shall be no appeal.*

Sec. 11. [115B.35] [POWER TO DISBURSE MONEY FROM THE FUND.]

*The board has the power to authorize disbursement from the fund by the secretary of the treasury for:*

- (1) paying claims granted by the board; and*
- (2) reasonable administrative costs.*

**Sec. 12. [115B.36] [AMOUNT AND FORM OF PAYMENT.]**

*The board shall compute the total amount of actual losses suffered by a successful claimant. From this amount, the board shall subtract the total amount of any compensation for these losses received by the claimant from other sources including, but not limited to, all forms of insurance and social security. If the amount of net uncompensated loss is less than \$250,000, the claimant shall receive the full amount of the net uncompensated loss in compensation from the fund. If the net uncompensated loss is greater than \$250,000, the claimant shall receive \$250,000.*

*Compensation from the fund may be awarded in a lump sum or in installments in the discretion of the board. The amount of any emergency award must be deducted from the final award, prorated over time if the final award is made in installments. Compensation from the fund is exempt from execution or attachment except by persons who have supplied services, products, or accommodations to the claimant directly related to the claimant's death, injury, or disease. The board may order that all or part of the compensation award be paid directly to these suppliers.*

**Sec. 13. [115B.37] [ATTORNEY FEES.]**

*The board shall adopt a rule to limit the fee charged by any attorney for representing a claimant before the board.*

**Sec. 14. [115B.38] [SUBROGATION.]**

*The state shall be subrogated to all the claimant's rights to recover for losses covered by the fund from other sources including responsible persons as defined in section 115B.03.*

**Sec. 15. [APPROPRIATION.]**

*\$1,000,000 is appropriated to the hazardous substance injury compensation trust fund from the general fund for the purpose of administering sections 1 to 14."*

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Judiciary.

The report was adopted.

Fjoslien from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 157, A bill for an act relating to elections; requiring that a candidate for school district office be a qualified voter; amending Minnesota Statutes 1984, section 123.32, subdivision 4.

Reported the same back with the following amendments:

Page 1, line 11, restore the stricken "person"

Page 1, line 12, delete "*qualified voter*" and insert "*eligible to hold office in the district*"

Page 1, line 16, strike "*qualified voter*" and insert "*person eligible to hold office*"

Amend the title as follows:

Page 1, line 3, delete "a qualified voter" and insert "eligible to hold office"

With the recommendation that when so amended the bill pass.

The report was adopted.

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 183, A bill for an act relating to commerce; modifying the finance charge on certain open end credit sales; amending Minnesota Statutes 1984, section 334.16.

Reported the same back with the following amendments:

Page 1, line 7, after the second comma insert "subdivision 1,"

Page 2, delete lines 6 to 22

Page 2, line 24, before the period insert "*, but does not apply to account balances outstanding on that date. The finance charges on these account balances may not exceed the rates permitted under Minnesota Statutes 1984, section 334.16*"

Amend the title as follows:

Page 1, line 4, before the period insert "*, subdivision 1*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 185, A bill for an act relating to utilities; prescribing membership on the public utilities commission; amending Minnesota Statutes 1984, section 216A.03, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 9, strike "As of January 1, 1975"

Page 1, line 10, strike ", three of"

Page 1, strike line 11

Page 1, line 12, strike everything before the period

Page 1, strike lines 13 to 15

Page 1, line 16, strike everything except "the terms of"

Page 1, line 25, after "*appointment*" insert "*or reappointment*"

Page 1, line 25, delete the semicolon

Page 2, delete lines 1 to 7

Page 2, line 8, delete everything before the period

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson, D., from the Committee on Transportation to which was referred:

H. F. No. 221, A bill for an act relating to highways; designating the George Mann Memorial Highway; amending Minnesota Statutes 1984, section 161.14, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 13, after "*signs*" insert a period and delete "*upon completion of*"

Page 1, delete lines 14 and 15 and insert:

“Sec. 2. [EFFECTIVE DATE.]

*This act is effective the day following final enactment.”*

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 274, A bill for an act relating to crimes; defining “dangerous weapon” to include flammable liquids; amending Minnesota Statutes 1984, section 609.02, subdivision 6.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Heap from the Committee on Labor-Management Relations to which was referred:

H. F. No. 284, A bill for an act relating to labor; regulating the tip credit for minimum wage purposes; amending Minnesota Statutes 1984, sections 177.24, subdivision 2; 177.28, subdivision 4; repealing Minnesota Statutes 1984, section 177.295.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 322, A bill for an act relating to education; directing the commissioner of education to form an advisory committee on nonpublic schools; amending Minnesota Statutes 1984, section 123.935, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 11, delete “five-member” and insert “15-member”

Page 1, line 12, delete “five” and insert “15”

Page 1, line 16, delete “commissioner” and insert “advisory committee”

Page 1, line 17, delete "*this section*" and insert "*sections 123.981 to 123.947*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 335, A bill for an act relating to corrections; removing certain information from the certified record for commitment of persons convicted of a felony or gross misdemeanor; amending Minnesota Statutes 1984, section 243.49.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Kvam from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 345, A bill for an act relating to insurance; no-fault automobile; providing mandatory underinsured motorist coverage; clarifying legislative intent concerning stacking of insurance policies; coordinating the priority of applicability of security for the payment of certain benefits; establishing tort threshold limitations on uninsured and underinsured motorist coverages; modifying the limitation of damages for noneconomic detriment; amending Minnesota Statutes 1984, sections 65B.43, by adding subdivisions; 65B.47, by adding a subdivision; 65B.49, subdivision 4, and by adding a subdivision; and 65B.51, subdivision 3.

Reported the same back with the following amendments:

Page 1, line 21, delete "*and the*"

Page 1, delete lines 22 and 23

Page 1, line 24, delete everything before the period

Page 3, lines 25 to 28, delete the new language

Page 5, delete section 8

Page 6, delete lines 7 and 8

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 11, after the second semicolon insert "and"

Page 1, line 12, delete the semicolon

Page 1, line 13, delete everything before the period

With the recommendation that when so amended the bill pass.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 374, A bill for an act relating to crimes; providing that persons guilty of failing to comply with fire security measures are guilty of obstructing legal process; redefining arson in the third degree and negligent fires; prescribing penalties; amending Minnesota Statutes 1984, sections 299F.03, by adding a subdivision; 609.563; and 609.576; proposing coding for new law in Minnesota Statutes, chapter 609.

Reported the same back with the following amendments:

Page 1, line 16, after "scenes" insert "for up to 48 hours after having extinguished the fire"

Page 1, line 20, after the period insert "An individual may enter the fire scene if accompanied by the fire official conducting the investigation, or if the individual obtains the fire official's written permission."

Page 1, line 22, delete "and" and insert a period

Page 1, delete lines 23 and 24

Page 1, line 24, after the period insert "Nothing in this subdivision shall be construed to increase the civil liability of fire officials or to decrease municipal or state immunities as set forth in section 3.736 or 466.03."

Page 1, after line 24, insert:

"Sec. 2. Minnesota Statutes 1984, section 609.562, is amended to read:

609.562 [ARSON IN THE SECOND DEGREE.]

Whoever unlawfully by means of fire or explosives, intentionally destroys or damages any building not covered by section

609.561, *no matter what its value*, or any other real or personal property valued at more than \$2,500, whether the property of himself or another, may be sentenced to imprisonment for not more than ten years or to a fine of not more than \$20,000 or both."

Page 3, line 3, reinstate the stricken "is"

Page 3, line 4, reinstate the stricken "at least" and delete "*exceeds*"

Page 3, line 5, reinstate the stricken "less than 90 days nor"

Page 3, line 7, reinstate the stricken "is"

Page 3, line 8, delete "*exceeds*" and after "\$10,000" insert "*or more*"

Page 3, line 13, delete "4" and insert "5"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after "the" insert "second and"

Page 1, line 5, delete "degree" and insert "degrees"

Page 1, line 7, before "609.563;" insert "609.562;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Fjoslien from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 381, A bill for an act relating to elections; delaying the applicability of certain handicapped accessibility provisions to towns; changing voting hours in towns; amending Minnesota Statutes 1984, sections 204B.16, by adding a subdivision; 204C.04; and 204C.05, subdivision 1.

Reported the same back with the following amendments:

Page 1, delete section 1

Page 1, line 19, delete "*no longer than two hours*" and insert "*a reasonable time*"

Page 2, delete lines 6 to 12 and insert:



*"In a town which had fewer than 400 registered voters in the last statewide election, except a town located within a metropolitan county as defined in section 473.121, subdivision 4, the hours for voting shall begin at noon and extend continuously until 8:00 p.m. If at least 20 percent of the registered voters in the last election sign a petition for longer hours and present it to the town clerk, the voting hours shall begin at 10:00 a.m. If there is no petition, the town board, by resolution, may set the hours for voting to begin at a time earlier than noon. The clerk shall give 30 days notice of the changed hours and notify the county auditor of the change."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete line 3

Page 1, line 5, delete "204B.16, by adding a"

Page 1, line 6, delete "subdivision;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 388, A bill for an act relating to taxation; establishing a legislative commission to study the distribution of property taxes on land values and improvement values; providing for a report by the department of revenue.

Reported the same back with the following amendments:

Page 1, line 8, delete "LEGISLATIVE"

Page 1, line 10, delete "legislative"

Page 1, line 15, delete "distribution" and insert "improvement"

Page 1, line 23, delete "1987" and insert "1986"

Page 2, after line 5, insert:

*"In making its study and recommendations, the commission shall compare the use of site value taxation with the use of other*

*tax incentives designed to encourage economic development. The commission shall also evaluate the use of site value taxation in relation to other programs that affect the taxation of agricultural land."*

Page 2, delete lines 6 to 16 and insert:

*"Subd. 2. [MEMBERSHIP.] The commission consists of 15 members. Three senators shall be appointed by the senate committee on rules and administration and two senators shall be appointed by the minority leader of the senate. Three house members shall be appointed by the speaker of the house and two house members shall be appointed by the minority leader of the house. Five members shall be appointed by the governor. The commissioners of finance, energy and economic development, revenue, and state planning, or their designees, shall serve as nonvoting members. The commission shall select its own chair. Nonlegislative members shall serve without compensation, but shall be reimbursed for expenses as provided by section 15.059."*

Page 2, line 25, delete "commission" and insert "legislative"

Page 2, line 26, delete "co-chair of"

Page 2, line 27, delete everything before the period and insert *"speaker of the house or the senate committee on rules and administration. The speaker of the house or the senate committee on rules and administration may delegate authority to approve expenses to the chair of the commission, so long as total expenses are within limits approved by the speaker or the senate committee on rules and administration"*

Page 2, delete line 31

Page 3, line 4, delete "January 1, 1986" and insert "October 1, 1985"

Page 3, after line 4, insert:

*"The department must also provide to the commission during its existence the net and distributional tax effects of any commission proposals by classification and, if possible, also by county."*

Page 3, line 7, after the period insert *"Sections 1 and 2 are repealed July 1, 1986."*

Amend the title as follows:

Page 1, line 2, delete "legislative"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Fjoslien from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 415, A bill for an act relating to elections; permitting certain reports to be made by certified mail; amending Minnesota Statutes 1984, section 10A.20, subdivision 5.

Reported the same back with the following amendments:

Page 1, line 11, strike "\$200 or more" and insert "*more than \$400*"

With the recommendation that when so amended the bill pass.

The report was adopted.

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 427, A bill for an act relating to agriculture; authorizing conservation reserve contracts covering marginal agricultural land; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 17.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [SHORT TITLE.]

*Sections 1 to 7 may be cited as the "Minnesota conservation reserve act of 1985."*

Sec. 2. [PURPOSE.]

*The legislature finds that certain marginal farm lands should be kept out of annual crop production to protect our soil and water quality and support wildlife habitat.*

*It is the purpose of sections 1 to 7 to help our depressed farm economy by placing conservation dollars where they will give financially distressed farmers relief by enhancing the natural resource values of marginal agricultural land and by protecting and developing wildlife habitat. It is the policy of the state to encourage the retirement of marginal or highly erosive lands from crop production and the reestablishment on those lands of a cover of perennial vegetation or grain to be left as food for wildlife.*

Sec. 3. [40.41] [DEFINITIONS.]

*Subdivision 1. [SCOPE.] As used in sections 3 to 7, the following terms have the meanings given.*

*Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of agriculture.*

*Subd. 3. [MARGINAL AGRICULTURAL LAND.] "Marginal agricultural land" means land which is composed of class IIIe, IVe, V, VI, VII, or VIII soil as identified in the land capability classification system of the United States department of agriculture and the county soil survey, if completed. Examples of this land include, but are not limited to, cropland adjacent to streams, lakes and marshes, hillsides, drainage ditch rights of way, native and perennial grasses, sinkholes, roadsides, and river bottoms.*

**Sec. 4. [40.42] [ELIGIBLE LAND.]**

*Marginal agricultural land that is eligible for the conservation reserve program must be:*

- (1) privately owned by a Minnesota resident;*
- (2) land that is not currently set aside or diverted under another federal or state government program; and*
- (3) land that has been in crop production for wheat, corn, oats, barley, soybeans, grain or cane sorghum, sugar beets, forage crops or pasture, in two of the five calendar years prior to the effective date of this section.*

**Sec. 5. [40.43] [CONSERVATION RESERVE PROGRAM.]**

*Subdivision 1. [AUTHORITY.] The commissioner may enter into contractual agreements with landowners for the conservation of marginal agricultural land. The agreements must be for a period of five to ten years, with provision for renewal for additional five-year to ten-year periods. No payment may exceed \$10,000 to an eligible landowner in any year of the agreement. The commissioner may re-examine the payment rates and the condition of the established cover at the beginning of any five-year renewal period in the light of the then current land and crop values and make needed adjustments in rates and cover payments for any renewal period. Contracts authorized by this section are exempt from contractual provisions of chapter 16B.*

*Subd. 2. [AGREEMENT.] In the agreement with the commissioner, a resident landowner must agree:*

- (1) to place in the program for the period of the agreement marginal agricultural land he or she and the commissioner*

*designate, which is not more than 20 percent of the landowner's total acreage within the state;*

*(2) to seed the lands, as specified in the agreement but no later than May 15 for spring seeding in the first year of the agreement so as to establish and maintain a continuous cover either of a grass-legume mixture or native grasses for the term of the agreement at seeding rates determined by the commissioner, or to plant corn, sorghum, or other grain on three acres of the lands which are adjacent to a swamp or woods at the appropriate times in the first year of the agreement and at the appropriate times in any succeeding year in which the resident landowner chooses to plant grain rather than to establish and maintain a grass cover on the three acres. Grain planted pursuant to this provision may not be harvested and must be left available for consumption by wild animals. The grain must be planted in contour strips no more than 100 feet wide which are at least 100 feet apart from each other;*

*(3) not to burn, fill, impair, or destroy the wildlife habitat and other natural features of the land, nor to use the land for agricultural crop production purposes, as determined by the commissioner;*

*(4) not to allow the grazing of domestic livestock except, with the approval of the commissioner after consultation with the commissioner of natural resources, in the case of severe drought or other natural disasters;*

*(5) not to conduct chemical spraying or mowing, except for spot weed control or for emergency control of pests necessary to protect public health;*

*(6) not to convert other woodlots, shelterbelts, windbreaks, brushlands, native prairie, wild hay land, or other marginal agricultural land which has not been in crop production and which is a part of the same farm operation to the production of wheat, corn, oats, barley, soybeans, grain or cane sorghum, sugar beets, forage crops, or pasture during the term of the agreement;*

*(7) to forfeit all rights to further payments and to refund to the state all payments received under the agreement upon violation of the agreement at any stage during the time the landowner has control of the land subject to the agreement, if the commissioner determines that the violation is of such a nature as to warrant termination of the agreement. The commissioner may require that the landowner make refunds or accept payment adjustments the commissioner considers appropriate if the commissioner determines that the violation by the landowner does not warrant termination of the agreement;*

(8) *not to adopt any practice specified by the commissioner in the agreement as a practice that would tend to defeat the purposes of the agreement; and*

(9) *to any additional provisions which the commissioner determines are desirable and includes in the agreement to effectuate the purposes of the program or to facilitate its administration.*

**Subd. 3. [DUTY OF COMMISSIONER.]** *In return for the agreement of the landowner, the commissioner shall:*

(1) *immediately make a payment to the landowner in an amount determined by the commissioner, but not more than \$75 per acre, to establish the cover crop required by the agreement, or, in the case of landowners who choose to plant grain for consumption by wild animals, in an amount determined by the commissioner, but not more than \$100 per acre for the three acres, to plant the grain as required by the agreement;*

(2) *make annual payments to the owner for the period of the agreement at a rate of five percent or, in the case of landowners who choose to plant grain for consumption by wild animals, 7-1/2 percent per year of the most recent fair market value of the landowner's agricultural land as established by the county assessor; and*

(3) *provide advice the commissioner considers appropriate on land conservation through the local soil and water conservation district in cooperation with field personnel of the department of natural resources.*

**Subd. 4. [AGREEMENT RENEWAL.]** *Any agreement may be renewed or extended at the end of the agreement period for an additional period of five to ten years by mutual agreement of the commissioner and the landowner, subject to any rate re-determination by the commissioner. If during the agreement period the landowner sells or otherwise gives up the ownership or right of occupancy of the land, the new landowner shall continue the agreement under the same terms or conditions or enter into a new agreement in accordance with the provisions of this section, including the provisions for renewal and adjustment of payment rates.*

**Subd. 5. [AGREEMENT TERMINATION.]** *The commissioner and the landowner may terminate any agreement if the commissioner finds that the termination would be in the public interest and the commissioner may agree to any agreement modifications the commissioner considers desirable to carry out the purposes of the program or facilitate its administration, except that no changes in payment rates are authorized during the terms of the agreement.*

**Sec. 6. [40.44] [COOPERATION AND TECHNICAL ASSISTANCE.]**

*Subdivision 1. [COOPERATION.] In implementing sections 3 to 7, the commissioner must share information and cooperate with the department of natural resources, the United States fish and wildlife service, the agricultural stabilization and conservation service and soil conservation service of the United States department of agriculture, the agricultural extension service of the University of Minnesota, county boards, and interested private organizations and individuals.*

*Subd. 2. [TECHNICAL ASSISTANCE.] The commissioner must provide needed technical assistance through the local soil and water conservation districts to landowners enrolled in the conservation reserve program. The commissioner of natural resources shall provide technical advice and assistance to the commissioner on the form and content of the conservation reserve agreement, on cultural practices relating to the establishment and maintenance of permanent cover, and in monitoring the terms and conditions of the agreements. The commissioners of agriculture and natural resources shall jointly prepare an informational booklet on other state and federal programs for land acquisition, conservation, and retirement that must be made available to each eligible landowner for the conservation reserve program in sections 3 to 7.*

**Sec. 7. [40.45] [RULES.]**

*The commissioner may adopt rules, including emergency rules, to administer sections 3 to 7.*

**Sec. 8. [APPROPRIATION.]**

*\$10,000,000 is appropriated from the general fund in the state treasury to the commissioner for the biennium ending July 1, 1987, to carry out the provisions of this act. This appropriation shall not cancel but shall remain available until expended.*

**Sec. 9. [EFFECTIVE DATE.]**

*This act is effective the day following final enactment."*

Amend the title as follows:

Page 1, line 5, delete "17" and insert "40"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 440, A bill for an act relating to retirement; making various changes in laws governing public retirement funds; amending Minnesota Statutes 1984, sections 3.85, subdivisions 11 and 12; 353.656, subdivision 1; 353.657, subdivision 2a; 354.44, subdivision 6; 354A.35, subdivision 1; 356.20, subdivision 4; 356.215, subdivision 4; 356.216; and 356.70.

Reported the same back with the following amendments:

Pages 3 and 4, delete section 3

Page 19, line 22, delete "*shall*"

Page 19, line 23, delete "*prepare questionnaires which*" and insert "*with the cooperation of*"

Page 19, line 24, delete "*submit to*"

Page 19, line 25, strike "employing units"

Page 19, lines 29 to 31, delete the new language and strike the old language

Page 19, line 32, delete "*of finance*" and strike "*shall*"

Page 19, line 34, after "*legislature*" insert "*by February 1, 1986*"

Page 20, line 17, delete "*10*" and insert "*9*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "353.656, subdivision 1;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson, D., from the Committee on Transportation to which was referred:

H. F. No. 454, A bill for an act relating to motor vehicles; providing defense to charge of operating motor vehicle without valid registration; amending Minnesota Statutes 1984, sections 168.09, by adding a subdivision; and 168.11, by adding a subdivision.



Reported the same back with the following amendments :

Page 2, line 2, after the period insert "*The request may be made through a deputy registrar.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred :

H. F. No. 509, A bill for an act relating to statutes; providing free distribution of Minnesota Statutes to library of largest municipality of each county; amending Minnesota Statutes 1984, section 3C.12, subdivision 2.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Schreiber from the Committee on Taxes to which was referred :

H. F. No. 556, A bill for an act relating to taxation; modifying certain procedures relating to taxpayer appeals; requiring apportionment of levies in specific situations; changing the tax treatment of certain exempt property; clarifying the calculation of property tax credits; clarifying the tax treatment of certain pipelines; modifying provisions relating to the payment of property taxes; allowing for sales of sample packs of cigarettes containing 25 cigarettes; clarifying procedures relating to the sale of cigarettes to American Indians; altering the eligibility for confessions of judgment; providing for the recording of state deeds; modifying the deed stamp tax procedure; clarifying the computation of gross earnings tax for taconite railroads; clarifying labor credit provisions; clarifying process of taconite aid guarantee phase out; clarifying cost of doing business provisions for cigarette wholesalers; requiring payment of current taxes before conveyance of registered land; allowing for memorializing of state deeds on certificates of title; clarifying cancellation of contract for deed provisions; amending Minnesota Statutes 1984, sections 270.076, subdivision 2; 270.11, subdivision 7; 270.12, subdivision 3; 272.01, subdivision 2, and by adding a subdivision; 272.02, subdivision 1; 273.123, subdivision 5; 273.13, subdivision 4; 273.138, subdivision 5; 273.33, subdivisions 1 and 2; 279.01, subdivision 1; 279.37, subdivision 1; 282.01, subdivision 6; 282.014; 282.301; 282.33, subdivision 1; 282.36; 287.25; 294.22; 297.03, subdivision 10; 297.041; 298.02, subdivision 1; 298.225; 325D.32, subdivisions 10 and 11; 473H.10, subdivision 3; 508.47, subdivision 1; 508.71, subdivision 4; 559.21, by adding a subdivi-

sion; proposing coding for new law in Minnesota Statutes, chapter 273; repealing Minnesota Statutes 1984, sections 273.19; 297.02, subdivision 2; and 477A.04.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 270.076, subdivision 2, is amended to read:

Subd. 2. In case of appeal from the assessment and levy of the tax, the airline company shall currently pay when due (THAT PORTION) *90 percent* of the tax (WHICH IS ADMITTED TO BE DUE) *unless the payment is waived or otherwise adjusted by an order of the court.* If the final determination of the litigation should result in sustaining the assessment and levy or in the finding that the amount paid by the airline company is insufficient, the difference between the amount paid and the amount which should have been paid shall be decreed delinquent taxes subject to interest, as hereinabove provided. If the final determination of the tax court or the supreme court shall result in increasing any assessment above that which was made final by the order of the commissioner from which the appeal is taken, then the taxes on such increased assessment shall be delinquent 30 days after notice of the amount of the increased tax shall have been given to the airline company by the commissioner.

Sec. 2. Minnesota Statutes 1984, section 270.11, subdivision 7, is amended to read:

Subd. 7. [APPEARANCES BEFORE THE COMMISSIONER.] A property owner, other than a public utility (,) or mining company (OR THE METROPOLITAN AIRPORT COMMISSION), for which the original assessments are determined by the commissioner of revenue, may not appear before the commissioner for the purposes provided in subdivisions 5 or 6 unless a timely appearance in person, by counsel, or by written communication has been made before the county board of equalization as provided in section 274.13, to appeal the assessment of the property, or that he can establish that he did not receive notice of his market value at least five days before the local board of review meeting.

*The commissioner may refuse to hear an appeal that is within the jurisdiction of the small claims division of the tax court as stated in section 271.21, subdivision 2. The property owner shall be notified by the commissioner of the right to appeal to the small claims division whenever an appeal to the commissioner is denied.*

Sec. 3. Minnesota Statutes 1984, section 270.12, subdivision 3, is amended to read:

Subd. 3. For taxes levied in (1983) 1985 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 average levels of assessment in the several portions of the taxing jurisdictions in the different counties differ by more than five percent, the board (SHALL) *may* order the apportionment of the levy (.). *When the sales ratio studies prepared by the department of revenue show that the average levels of assessment in the several portions of the taxing jurisdictions in the different counties differ by more than ten percent, the board shall order the apportionment of the levy unless (a) the proportion of total adjusted assessed value in one of the counties is less than ten percent of the total adjusted assessed value in the taxing jurisdiction and the average level of assessment in that portion of the taxing jurisdiction is the level which differs by more than five percent from the assessment level in any one of the other portions of the taxing jurisdiction; (b) 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 (c) commercial, industrial, mineral, or public utility property predominates in one county within the taxing jurisdiction and another class of property predominates in another county within that same taxing jurisdiction. If one or more of these factors are present, the board may order the apportionment of the levy.*

*Notwithstanding any other provision, the levy for the metropolitan mosquito control district, metropolitan council, metropolitan transit district, and metropolitan transit area must be apportioned without regard to the percentage difference.*

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 1984, section 272.02, subdivision 1, is amended to read:

Subdivision 1. All property described in this section to the extent herein limited shall be exempt from taxation:

- (1) All public burying grounds;
- (2) All public schoolhouses;
- (3) All public hospitals;
- (4) All academies, colleges, and universities, and all seminaries of learning;
- (5) All churches, church property, and houses of worship;
- (6) Institutions of purely public charity except parcels of property containing structures and the structures assessed pursuant to section 273.13, subdivisions 17, 17b, 17c or 17d;
- (7) All public property exclusively used for any public purpose;
- (8) Except for the taxable personal property enumerated below, all personal property and the property described in section 272.03, subdivision 1, clause (c) shall be exempt.

The following personal property shall be taxable:

- (a) personal property which is part of an electric generating, transmission, or distribution system or a pipeline system transporting or distributing water, gas, *crude oil*, or petroleum products or mains and pipes used in the distribution of steam or hot or chilled water for heating or cooling buildings and structures;
- (b) railroad docks and wharves which are part of the operating property of a railroad company as defined in section 270.80;
- (c) personal property defined in section 272.03, subdivision 2, clause (3);
- (d) leasehold or other personal property interests which are taxed pursuant to section 272.01, subdivision 2; 273.13, subdivi-

sion 7b or 7d; or 273.19, subdivision 1; or any other law providing the property is taxable as if the lessee or user were the fee owner;

(e) property classified as class 2a property; and

(f) flight property as defined in section 270.071.

(9) Real and personal property used primarily for the abatement and control of air, water, or land pollution to the extent that it is so used, other than real property used primarily as a solid waste disposal site.

Any taxpayer requesting exemption of all or a portion of any equipment or device, or part thereof, operated primarily for the control or abatement of air or water pollution shall file an application with the commissioner of revenue. The equipment or device shall meet standards, regulations or criteria prescribed by the Minnesota Pollution Control Agency, and must be installed or operated in accordance with a permit or order issued by that agency. The Minnesota Pollution Control Agency shall upon request of the commissioner furnish information or advice to the commissioner. If the commissioner determines that property qualifies for exemption, he shall issue an order exempting the property from taxation. The equipment or device shall continue to be exempt from taxation as long as the permit issued by the Minnesota Pollution Control Agency remains in effect.

(10) Wetlands. For purposes of this subdivision, "wetlands" means (1) land described in section 105.37, subdivision 15, or (2) land which is mostly under water, produces little if any income, and has no use except for wildlife or water conservation purposes, provided it is preserved in its natural condition and drainage of it would be legal, feasible, and economically practical for the production of livestock, dairy animals, poultry, fruit, vegetables, forage and grains, except wild rice. "Wetlands" shall include adjacent land which is not suitable for agricultural purposes due to the presence of the wetlands. "Wetlands" shall not include woody swamps containing shrubs or trees, wet meadows, meandered water, streams, rivers, and floodplains or river bottoms. Exemption of wetlands from taxation pursuant to this section shall not grant the public any additional or greater right of access to the wetlands or diminish any right of ownership to the wetlands.

(11) Native prairie. The commissioner of the department of natural resources shall determine lands in the state which are native prairie and shall notify the county assessor of each county in which the lands are located. Pasture land used for livestock grazing purposes shall not be considered native prairie for the purposes of this clause and section 273.116. Upon receipt of an application for the exemption and credit provided in this

clause and section 273.116 for lands for which the assessor has no determination from the commissioner of natural resources, the assessor shall refer the application to the commissioner of natural resources who shall determine within 30 days whether the land is native prairie and notify the county assessor of his decision. Exemption of native prairie pursuant to this clause shall not grant the public any additional or greater right of access to the native prairie or diminish any right of ownership to it.

(12) Property used in a continuous program to provide emergency shelter for victims of domestic abuse, provided the organization that owns and sponsors the shelter is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1954, as amended through December 31, 1982, notwithstanding the fact that the sponsoring organization receives funding under section 8 of the United States Housing Act of 1937, as amended.

(13) If approved by the governing body of the municipality in which the property is located, property not exceeding one acre which is owned and operated by 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; provided the property is used primarily as a clubhouse, meeting facility or recreational facility by the group or association and the property is not used for residential purposes on either a temporary or permanent basis.

(14) To the extent provided by section 295.44, real and personal property used or to be used primarily for the production of hydroelectric or hydromechanical power on a site owned by the state or a local governmental unit which is developed and operated pursuant to the provisions of section 105.482, subdivisions 1, 8 and 9.

(15) If approved by the governing body of the municipality in which the property is located, and if construction is commenced after June 30, 1983:

(a) a "direct satellite broadcasting facility" operated by a corporation licensed by the federal communications commission to provide direct satellite broadcasting services using direct broadcast satellites operating in the 12-ghz. band;

(b) a "fixed satellite regional or national program service facility" operated by a corporation licensed by the federal communications commission to provide fixed satellite-transmitted regularly scheduled broadcasting services using satellites operating in the 6-ghz. band; and

(c) a facility at which a licensed Minnesota manufacturer produces distilled spirituous liquors, liqueurs, cordials, or liquors designated as specialties regardless of alcoholic content, but not including ethyl alcohol, distilled with a majority of the ingredients grown or produced in Minnesota. An exemption provided by paragraph (15) shall apply for a period not to exceed five years. When the facility no longer qualifies for exemption, it shall be placed on the assessment rolls as provided in subdivision 4. Before approving a tax exemption pursuant to this paragraph, the governing body of the municipality shall provide an opportunity to the members of the county board of commissioners of the county in which the facility is proposed to be located and the members of the school board of the school district in which the facility is proposed to be located to meet with the governing body. The governing body shall present to the members of those boards its estimate of the fiscal impact of the proposed property tax exemption. The tax exemption shall not be approved by the governing body until the county board of commissioners has presented its written comment on the proposal to the governing body, or 30 days has passed from the date of the transmittal by the governing body to the board of the information on the fiscal impact, whichever occurs first.

The exemptions granted by this subdivision shall be subject to the limits contained in the other subdivisions of this section, section 272.025, or section 273.13, subdivisions 17, 17b, 17c, or 17d.

(16) Real and personal property owned and operated by a private, nonprofit corporation exempt from federal income taxation pursuant to United States Code, title 26, section 501(c)(3), primarily used in the generation and distribution of hot water for heating buildings and structures.

Sec. 5. Minnesota Statutes 1984, section 273.123, subdivision 5, is amended to read:

Subd. 5. [COMPUTATION OF CREDITS.] The amounts of any (HOMESTEAD, AGRICULTURAL, OR SIMILAR) credits or tax relief which reduce the gross tax shall be computed upon the reassessed value determined under subdivision 2. *Payment shall be made pursuant to section 273.13, subdivision 15a.* For purposes of the property tax refund, property taxes payable, as defined in section 290A.03, subdivision 13, and net property taxes payable, as defined in section 290A.04, subdivision 2d, shall be computed upon the reassessed value determined under subdivision 2.

Sec. 6. Minnesota Statutes 1984, 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, *crude oil*, 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, 3c, 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. 7. Minnesota Statutes 1984, section 273.138, subdivision 5, is amended to read:

Subd. 5. The commissioner of revenue shall calculate the aids pursuant to subdivisions 2 and 3, basing all necessary calculations on the abstracts of assessment of real property for assessment year 1972 transmitted to the commissioner of revenue pursuant to section 270.11 as equalized by the state board of equalization pursuant to sections 270.11 and 270.12, and the 1973 abstracts of tax lists transmitted by the county auditors pursuant to section 275.29. He shall (MAKE PAYMENTS) *pay* directly to the affected taxing authorities (IN TWO EQUAL PARTS ON JULY 15 AND NOVEMBER 15 OF EACH YEAR, COMMENCING IN 1974) *their total payment for the year at the time distributions are made pursuant to section 273.13, subdivision 15a.*

Sec. 8. [273.1393] [COMPUTATION OF NET PROPERTY TAXES.]

*Notwithstanding any other provisions to the contrary, "net" property taxes are determined by subtracting the credits in the order listed from the gross tax:*



- (1) *disaster credit as provided in section 273.123;*
- (2) *wetlands credit as provided in section 273.115;*
- (3) *native prairie credit as provided in section 273.116;*
- (4) *powerline credit as provided in section 273.42;*
- (5) *agricultural preserves credit as provided in section 473H.10;*
- (6) *enterprise zone credit as provided in section 273.1314;*
- (7) *state school agricultural credit as provided in section 124.2137;*
- (8) *state paid homestead credit as provided in section 273.13, subdivisions 6 and 7;*
- (9) *taconite homestead credit as provided in section 273.135;*
- (10) *supplemental homestead credit as provided in section 273.1391.*

*The combination of all property tax credits must not exceed the gross tax amount.*

Sec. 9. Minnesota Statutes 1984, section 273.33, subdivision 1, is amended to read:

Subdivision 1. The personal property of express, stage and transportation companies, and of pipeline companies engaged in the business of transporting natural gas, gasoline, *crude oil*, or other petroleum products except as otherwise provided by law, shall be listed and assessed in the county, town or district where the same is usually kept.

Sec. 10. Minnesota Statutes 1984, section 273.33, subdivision 2, is amended to read:

Subd. 2. The personal property, consisting of the pipeline system of mains, pipes and equipment attached thereto, of pipeline companies and others engaged in the operations or business of transporting natural gas, gasoline, *crude oil*, or other petroleum products by pipe lines, shall be listed with and assessed by the commissioner of revenue. This subdivision shall not apply to the assessment of the products transported through the pipe lines nor to the lines of local commercial gas companies engaged primarily in the business of distributing gas to consumers at retail nor to pipe lines used by the owner thereof to supply natural gas or other petroleum products exclusively for such owner's own consumption and not for resale to others. On or before the fif-

teenth day of November, the commissioner shall certify to the auditor of each county, the amount of such personal property assessment against each company in each district in which such property is located.

Sec. 11. Minnesota Statutes 1984, section 279.01, subdivision 1, is amended to read:

Subdivision 1. On May 16, 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 nonhomestead property, except that this penalty shall not accrue until June 1 of each year on commercial use real property used for seasonal residential recreational purposes and classified as class 3 or 3a, and on other commercial use real property classified as class 4c, provided that over 60 percent of the gross income earned by the enterprise on the class 4c property is earned during the months of May, June, July, and August. Any property owner of such class 4c property who pays the first half of the tax due on the property after May 15 and before June 1 shall attach an affidavit to his payment attesting to compliance with the income provision of this subdivision. Thereafter, for both homestead and nonhomestead property, on the 16th day of each month, up to and including October 16 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) \$50, one-half thereof may be paid prior to May 16 and, if so paid, no penalty shall attach; the remaining one-half shall be paid at any time prior to October 16 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 nonhomestead property. Thereafter, for homestead property, on the 16th day of each month up to and including December 16 following, an additional penalty of two percent for each month shall accrue and be charged on all such unpaid taxes. Thereafter, for nonhomestead property, on the 16th day of each month up to and including December 16 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 May 16, the same may be paid at any time prior to October 16, with accrued penalties to the date of payment added, and thereupon no penalty shall attach to the remaining one-half until October 16 following; provided, also, that the same may be paid in installments as follows: One-fourth prior to March 16; one-fourth prior to May 16; one-fourth prior to August 16; and the remaining one-fourth prior to October 16, subject to the aforesaid penalties. Where the taxes delinquent after October 16 against any tract or parcel exceed (\$40) \$100, upon resolution of the county board, 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. 12. Minnesota Statutes 1984, section 282.01, subdivision 6, is amended to read:

Subd. 6. [DUTIES OF COMMISSIONER OF REVENUE; ISSUANCE OF CONVEYANCE.] When any sale has been made by the county auditor under sections 282.01 to 282.13, he shall immediately certify to the commissioner of revenue such information relating to such sale, on such forms as the commissioner of revenue may prescribe as will enable the commissioner of revenue to prepare an appropriate deed if the sale is for cash, or keep his necessary records if the sale is on terms; and not later than October 31 of each year the county auditor shall submit to the commissioner of revenue a statement of all instances wherein any payment of principal, interest, or current taxes on lands held under certificate, due or to be paid during the preceding calendar years, are still outstanding at the time such certificate is made. When such statement shows that a purchaser or his assignee is in default, the commissioner of revenue may instruct the county board of the county in which the land is located to cancel said certificate of sale in the manner provided by subdivision 5, provided that upon recommendation of the county board, and where the circumstances are such that the commissioner of revenue after investigation is satisfied that the purchaser has made every effort reasonable to make payment of both the annual instalment and said taxes, and that there has been no wilful neglect on the part of the purchaser in meeting these obligations, then the commissioner of revenue may extend the time for the payment for such period as he may deem warranted, not to exceed one year. On payment in full of the purchase price, appropriate conveyance in fee, in such form as may be prescribed by the attorney general, shall be issued by the commissioner of revenue, which conveyance *must be recorded by the county* and shall have the force and effect of a patent from the state subject to easements and restrictions of record at the date of the tax judgment sale, including, but without limitation, permits for telephone, telegraph, and electric power lines either by underground cable or conduit or otherwise, sewer and water lines, highways, railroads, and pipe lines for gas, liquids, or solids in suspension.

Sec. 13. Minnesota Statutes 1984, section 282.014, is amended to read:

282.014 [COMPLETION OF SALE AND CONVEYANCE.]

Upon compliance by the purchaser with the provisions of sections 282.011 to 282.015 and with the terms and conditions

of the sale, and upon full payment for the land, plus a \$10 fee in addition to the sale price, the sale shall be complete and a conveyance of the land shall be issued to the purchaser as provided by the appropriate statutes according to the status of the land upon forfeiture.

*The conveyance must be forwarded to the county recorder who shall record the conveyance before the auditor issues it to the purchaser.*

Sec. 14. Minnesota Statutes 1984, section 282.301, is amended to read:

**282.301 [RECEIPTS FOR PAYMENTS.]**

The purchaser shall receive from the county auditor at the time of repurchase a receipt, in such form as may be prescribed by the attorney general. When the purchase price of a parcel of land shall be paid in full, the following facts shall be certified by the county auditor to the commissioner of revenue of the state of Minnesota: the description of land, the date of sale, the name of the purchaser or his assignee, and the date when the final instalment of the purchase price was paid. Upon payment in full of the purchase price, the purchaser or his assignee shall receive a quitclaim deed from the state, to be executed by the commissioner of revenue. *The deed must be sent to the county recorder for recording before it is forwarded to the purchaser.* Failure to make any payment herein required shall constitute default and upon such default and cancellation in accord with section 282.40, the right, title and interest of the purchaser or his heirs, representatives, or assigns in such parcel shall terminate.

Sec. 15. Minnesota Statutes 1984, 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 commissioner shall send the new deed to the county recorder, who after recording the deed will forward it to the county auditor.* The application shall be accompanied by a fee of \$10, payable to the commissioner of revenue, which shall be deposited with the state treasurer and credited to the general fund.

Sec. 16. Minnesota Statutes 1984, section 282.36, is amended to read:

## 282.36 [FEES PAYABLE TO REPURCHASER.]

Any person repurchasing land after forfeiture to the state for nonpayment of taxes under the provisions of a repurchase law shall at the time the certificate of repurchase is issued *and recorded* by the county auditor or before receiving quit claim deed pursuant thereto, pay to the county treasurer a fee of \$3. Fees so collected during any calendar year shall be credited to a special fund and, upon a warrant issued by the county auditor on or before March 1 of the year following, shall be remitted to the state treasurer and credited to the general fund. The commissioner of revenue shall, on or before February 1 in each year, certify to the state treasurer the number of deeds issued during the preceding calendar year to which these fees apply, showing by counties the number of deeds so issued and the total fees due therefor. This section shall not apply to repurchases made under any law enacted prior to January 1, 1945.

Sec. 17. Minnesota Statutes 1984, section 287.25, is amended to read:

## 287.25 [PAYMENT OF TAX; STAMPS.]

*The county board shall determine the method for collection of the tax imposed by section 287.21:*

(1) The tax imposed by section 287.21 (SHALL) *may* be paid by the affixing of a documentary stamp or stamps in the amount of the tax to the document or instrument with respect to which the tax is paid, provided that the commissioner of revenue may, in exceptional cases, permit the payment of the tax without the affixing of the documentary stamps and in such cases shall, upon receipt of the tax, endorse his receipt for such tax upon the face of the document or instrument. In such case the commissioner of revenue shall deposit the amount received in payment of the tax with the state treasurer to the credit of the general fund; *or*

(2) *The tax imposed by section 287.21 may be paid in the manner prescribed by section 287.08 relating to payment of mortgage registration tax.*

Sec. 18. Minnesota Statutes 1984, section 294.22, is amended to read:

## 294.22 [GROSS EARNINGS TAX; COMPUTATION.]

Every company owning or operating any taconite railroad shall pay annually into the state treasury a sum of money equal to five percent of the gross earnings derived from the operation of such taconite railway within the state. The gross earnings of such a taconite railroad company from the transportation of

taconite concentrates from the Mesabi Range to ports on Lake Superior, for all purposes hereof, shall be a sum of money equal to the amount which would be charged under established tariffs of common carriers for the transportation of an equal tonnage of iron ore or *taconite concentrates, whichever is shipped* from Mesabi Range points to ports at the head of Lake Superior, including the established charges for loading such ore on boats. For all purposes of chapter 298 the amount of the gross earnings as so calculated shall be treated as the cost of transportation of such concentrates or *iron ore* between such points. If such a taconite railroad company transports coal or any other commodity, except taconite concentrates, its gross earnings shall include an amount equal to the established tariffs of common carriers for the transportation of the same quantities of similar commodities for corresponding distances, not, however, including any such charges for any such commodities used or intended to be used in the construction, operation or maintenance of such railroad.

Sec. 19. Minnesota Statutes 1984, 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 under the terms provided for by the commissioner:

(1) Any manufacturer, providing such packages contain not more than (20) 25 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 (20) 25 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. 20. Minnesota Statutes 1984, section 298.02, subdivision 1, is amended to read:

Subdivision 1. [CREDIT.] For the purpose of increasing employment and the utilization of low-grade, underground, and high labor cost ores any taxpayer on whom a tax is imposed by reason of the provisions of section 298.01, subdivisions 1 and 2, shall be allowed a credit against the occupation tax as computed in that section because of the mining or production of ore from any mine, in an amount calculated as follows:

(a) In the case of underground mines or that tonnage of merchantable ore produced in open pit mines in the year in question which tonnage has resulted from beneficiation at an ore beneficiation plant within the state (BY JIGGING, HEAVY MEDIA, SPIRAL SEPARATION, CYCLONE PROCESS, ROASTING, DRYING BY ARTIFICIAL HEAT, SINTERING, MAGNETIC SEPARATION, FLOTATION, AGGLOMERATION OR ANY PROCESS REQUIRING FINE GRINDING OR ANY OTHER IRON ORES MINED AFTER DECEMBER 31, 1984), ten percent of that part of the cost of labor employed by the mine or in the beneficiation of all ore mined or produced in the calendar year in excess of 70 cents and not in excess of 90 cents per ton of the merchantable ore produced during the year at that mine, and 15 percent of that part of the cost of such labor in excess of 90 cents per ton; (IN THE CASE OF ANY OTHER TONNAGE PRODUCED AT SAID MINE OR IN THE CASE OF OTHER MINES, TEN PERCENT OF THE AMOUNT BY WHICH THE AVERAGE COST PER TON OF LABOR EMPLOYED AT THE MINE, OR IN THE BENEFICIATION OF THE ORE AT OR NEAR THE MINE, EXCEEDS 80 CENTS, BUT DOES NOT EXCEED \$1.05, PLUS 15 PERCENT OF THE AMOUNT BY WHICH THE AVERAGE LABOR COST PER TON EXCEEDS \$1.05, MULTIPLIED BY THE NUMBER OF TONS OF ORE PRODUCED AT THE MINE, NOT EXCEEDING 100,000 TONS, BUT THIS 100,000 TONS OR LESS SHALL BE FIRST REDUCED BY ANY TONNAGE DESCRIBED IN THE FIRST PART OF THIS SUBPARAGRAPH;) provided, however, that in no event shall the credit allowed hereunder be in excess of three-fourths of eleven percent, as applied to underground and taconite, semi-taconite or other iron ore operations, and six-tenths of eleven percent as applied to all other operations, of the valuation of the ore used in computing the tax under the provisions of section 298.01. The term "merchantable ore produced" as used herein means ores which as mined or as mined and beneficiated, are ready for shipment as a merchantable product.

(b) The aggregate amount of all credits allowed under this subdivision to all mines shall not exceed six and two-tenths percent of the aggregate amount of occupation taxes imposed under section 298.01, subdivision 1, assessed against all mines in the state for said year prior to the deduction of such credits, provided, that after December 31, 1954, labor credits to underground mines or taconite or semi-taconite operations shall not be subject to such percentage limitation and that, after December 31, 1984, labor credits to other iron ore operations shall not be subject to the percentage limitation and both the occupation taxes of such underground mines or taconite, semi-taconite or other iron ore operations and the labor credits allowed thereto, shall be excluded in calculating such percentage limitations. At the time of his final determination of occupation tax pursuant to section 298.09, subdivision 3, the commissioner shall reduce the credit otherwise allowable to each mine hereunder by such

equal percentage as will bring the total within such limitation. If an equal percentage reduction is made in the labor credits of mines pursuant to this subparagraph at the time of certification to the commissioner of revenue as set forth in section 298.10, the same percentage will be used where changes are made pursuant to section 298.09, subdivision 4, subsequent to June 1. Also if no reduction is made at the time of certification by the commissioner of revenue on or before June 1, pursuant to this subdivision and section 298.10, no reduction will be made subsequent to June 1, due to changes made pursuant to section 298.09, subdivision 4. This subparagraph shall apply to occupation tax calculations in calendar years subsequent to December 31, 1952.

Sec. 21. Minnesota Statutes 1984, section 298.225, is amended to read:

298.225 [APPROPRIATION.]

For distribution of taconite production tax in 1985 and thereafter with respect to production in 1984 and thereafter, the recipients of the taconite production tax as provided in section 298.28, subdivision 1, clauses (1) to (4) and (5)(b), (7), and (8)(a), shall receive distributions equal to the amount distributed to them pursuant to sections 298.225 and 298.28, subdivision 1, with respect to 1983 production if the production for the year prior to the distribution year is no less than 42,000,000 taxable tons. If the production is less than 42,000,000 taxable tons, the amount of the distributions shall be reduced (BY) *proportionately at the rate of two percent for each 1,000,000 tons, or part of 1,000,000 tons by which the production is less than 42,000,000 tons.* There is hereby appropriated to the commissioner of revenue from the taconite environmental protection fund and the corpus of the northeast Minnesota economic protection trust fund in equal proportions the amount needed to make the above payments.

If a taconite producer ceases beneficiation operations permanently and is required by a special law to make bond payments for a school district, the northeast Minnesota economic protection trust fund shall assume the payments of the taconite producer if the producer ceases to make the needed payments. There is hereby appropriated from the corpus of the northeast Minnesota economic protection trust fund to the commissioner of revenue the amounts needed to make these school bond payments.

Sec. 22. Minnesota Statutes 1984, section 473H.10, subdivision 3, is amended to read:

Subd. 3. (a) After the assessor has determined the market value of all land valued according to subdivision 2, he shall compute the assessed value of those properties by applying the appropriate classification percentages. When the county auditor



computes the rate of tax pursuant to section 275.08, he shall include the assessed value of land as provided in this clause.

(b) The county auditor shall compute the tax on lands valued according to subdivision 2 and nonresidential buildings by multiplying the assessed value times the total rate of tax for all purposes as provided in clause (a).

(c) The county auditor shall then compute the maximum ad valorem property tax on lands valued according to subdivision 2 and nonresidential buildings by multiplying the assessed value times 105 percent of the previous year's statewide average mill rate levied on property located within townships for all purposes.

(d) The tax due and payable by the owner of preserve land valued according to subdivision 2 and nonresidential buildings will be the amount determined in clause (b) or (c), whichever is less. If the gross tax in clause (c) is less than the gross tax in clause (b), the state shall reimburse the taxing jurisdictions for the amount of difference. Residential buildings shall continue to be valued and classified according to the provisions of sections 273.11 and 273.13, as they would be in the absence of this section, and the tax on those buildings shall not be subject to the limitation contained in this clause.

The county auditor shall certify to the commissioner of revenue on or before June 1 the total amount of tax lost to the taxing jurisdictions located within his county as a result of this subdivision. Payments shall be made by the state (ANNUALLY ON OR BEFORE JULY 15) *as provided in section 273.13, subdivision 15a* to each of the affected taxing jurisdictions. There is annually appropriated from the general fund in the state treasury to the commissioner of revenue an amount sufficient to make the reimbursement provided in this subdivision.

Sec. 23. Minnesota Statutes 1984, section 508.47, subdivision 4, is amended to read:

Subd. 4. [SURVEY; REQUISITES; FILING; COPIES.] The registered land survey shall correctly show the legal description of the parcel of unplatted land represented by said registered land survey and the outside measurements of the parcel of unplatted land and of all tracts delineated therein, the direction of all lines of said tracts to be shown by angles or bearings or other relationship to the outside lines of said registered land survey, and the surveyor shall place stakes in the ground at appropriate corners, and all tracts shall be lettered consecutively beginning with the letter "A". None of said tracts or parts thereof may be dedicated to the public by said registered land survey. Except in counties having microfilming capabilities, a reproduction copy of the registered land survey shall be delivered to the county auditor. The registered land survey shall be on paper, mounted on cloth, shall be a black on white drawing, the scale

to be not smaller than one inch equals 200 feet, and shall be certified to be a correct representation of said parcel of unplatted land by a registered surveyor. The mounted drawing shall be exactly 17 inches by 14 inches and not less than 2 1/2 inches of the 14 inches shall be blank for binding purposes, and such survey shall be filed in triplicate with the registrar of titles upon the payment of a fee of \$15. Before filing, however, any such survey shall be approved in the manner required for the approval of subdivision plats, which approval shall be endorsed thereon or attached thereto.

*At the time of filing, a certificate from the treasurer that current taxes have been paid must be presented before the survey is accepted by the registrar for filing.*

In counties having microfilming capabilities, the survey may be prepared on sheets of suitable mylar or on linen tracing cloth by photographic process or on material of equal quality. Notwithstanding any provisions of subdivision 5 to the contrary, no other copies of the survey need be filed.

The registrar shall furnish to any person a copy of said registered land survey, duly certified by him, for a fee of \$7.50, which shall be admissible in evidence.

Sec. 24. Minnesota Statutes 1984, section 508.71, subdivision 4, is amended to read:

Subd. 4. [REGISTRATION OF MEMORIALS.] Without order of court or directive of the examiner, the registrar of titles may receive and register as memorials upon any certificate of title to which they pertain, the following instruments: receipt or certificate of county treasurer showing redemption from any tax sale or payment of any tax described in a certificate of title, a state deed issued to purchaser of tax forfeited land, a certified copy of a marriage certificate showing the subsequent marriage of any owner shown by a certificate of title to be unmarried, a certified copy of a final decree of divorce or dissolution of a marriage entered in the state of Minnesota, or in any state, territory or possession of the United States, or the District of Columbia to establish the dissolution of a marriage relationship of any party shown on the certificate to be married, and a certified copy of the death certificate of party listed in any certificate of title as being the spouse of the registered owner when accompanied by an affidavit satisfactory to the registrar identifying the decedent with the spouse. In all subsequent dealings with the land covered by the certificates, the registrar shall give full faith to these memorials.

Sec. 25. Minnesota Statutes 1984, section 559.21, is amended by adding a subdivision to read:

Subd. 8. [APPLICATION.] *The provisions of this section relating to payment of mortgage registration tax as a require-*

*ment of the cancellation process only apply to those contracts for deed subject to payment of mortgage registration tax at time of recording.*

**Sec. 26. [REPEALER.]**

*(a) Minnesota Statutes 1984, section 297.02, subdivision 2, is repealed.*

*(b) Minnesota Statutes 1984, section 477A.04, is repealed.*

**Sec. 27. [EFFECTIVE DATE.]**

*Sections 1 to 11 and 26, paragraph (b), are effective for taxes levied in 1985 and thereafter, payable in 1986 and thereafter. Sections 12 to 25, and 26, paragraph (a), are effective the day after final enactment."*

Delete the title and insert:

"A bill for an act relating to taxation; modifying certain procedures relating to taxpayer appeals; requiring apportionment of levies in specific situations; clarifying the calculation of property tax credits; clarifying the tax treatment of certain pipelines; modifying provisions relating to the payment of property taxes; allowing for sales of sample packs of cigarettes containing 25 cigarettes; providing for the recording of state deeds; modifying the deed stamp tax procedure; clarifying the computation of gross earnings tax for taconite railroads; clarifying labor credit provisions; clarifying process of taconite aid guarantee phase out; requiring payment of current taxes before conveyance of registered land; allowing for memorializing of state deeds on certificates of title; clarifying cancellation of contract for deed provisions; amending Minnesota Statutes 1984, sections 270.076, subdivision 2; 270.11, subdivision 7; 270.12, subdivision 3; 272.02, subdivision 1; 273.123, subdivision 5; 273.13, subdivision 4; 273.138, subdivision 5; 273.33, subdivisions 1 and 2; 279.01, subdivision 1; 282.01, subdivision 6; 282.014; 282.301; 282.33, subdivision 1; 282.36; 287.25; 294.22; 297.03, subdivision 10; 298.02, subdivision 1; 298.225; 473H.10, subdivision 3; 508.47, subdivision 4; 508.71, subdivision 4; 559.21, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 273; repealing Minnesota Statutes 1984, sections 297.02, subdivision 2; and 477A.04."

With the recommendation that when so amended the bill pass.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 581, A bill for an act relating to agriculture; establishing a task force; implementing a program of farm financial recordkeeping; appropriating money.

Reported the same back with the following amendments:

Page 2, line 32, after the period insert "*The task force shall forward the public information that it collects to the department of agriculture.*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 587, A bill for an act relating to agriculture; providing income tax incentives to landowners who sell or lease agricultural land to beginning farmers and to banks who make loans to beginning farmers; amending Minnesota Statutes 1984, sections 290.01, subdivisions 20a and 20b; 290.361, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 290.

Reported the same back with the following amendments:

Page 8, line 36, before "*Capital*" insert "*Interest earned or*"

Page 9, line 6, delete "*and to section 5*"

Page 10, after line 12, insert:

*"Subd. 2. [EXCLUSION FOR INTEREST ON SALE WITH SELLER-SPONSORED LOAN.] There is allowed as a subtraction from the federal adjusted gross income of any landowner interest income earned on the sale of at least 80 acres of agricultural land with a seller-sponsored loan to a beginning farmer for agricultural purposes.*

*This subdivision applies only if the following conditions are met:*

*(1) the loan will be completely amortized in 20 years or less with even payments of interest and principal and no balloon payment at the end, or the loan is amortized for 20 years with a balloon payment in ten years or less;*

*(2) the loan has an annual imputed interest rate equal to the minimum rate allowed by the Internal Revenue Service for transactions between nonrelated parties to meet installment sales requirements; and*

*(3) the interest is not excludable under section 41.58, subdivision 3."*

Page 10, line 26, delete "five" and insert "three"

Page 10, line 27, delete everything before the period

Reorder the subdivisions in sequence

Page 12, line 6, delete "five-year" and insert "three-year"

Page 12, line 9, delete "2" and insert "3"

Pages 12 and 13, delete sections 4 and 5

Reorder the sections in sequence

Page 14, line 2, delete "5" and insert "3"

Amend the title as follows:

Page 1, line 4, delete "and to banks"

Page 1, line 5, delete everything before the semicolon

Page 1, line 6, delete "sections" and insert "section"

Page 1, line 7, delete "290.361, subdivision 2;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 657, A bill for an act relating to dissemination of data; prohibiting public access to data identifying certain youthful victims of criminal sexual behavior; amending Minnesota Statutes 1984, section 609.3471.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

S. F. No. 412, A bill for an act relating to housing; raising the limit on the total amount of Minnesota housing finance agency bonds and notes outstanding; amending Minnesota Statutes 1984, section 462A.22, 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. 157, 183, 185, 221, 274, 284, 335, 345, 374, 381, 415, 440, 454, 509, 556 and 657 were read for the second time.

### SECOND READING OF SENATE BILLS

S. F. No. 42 was read for the second time.

### SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Fjoslien moved that the rule therein be suspended and an urgency be declared so that S. F. No. 42 be given its third reading and be placed upon its final passage. The motion prevailed.

Fjoslien moved that the rules of the House be so far suspended that S. F. No. 42 be given its third reading and be placed upon its final passage. The motion prevailed.

S. F. No. 42 was reported to the House.

Fjoslien moved to amend S. F. No. 42, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 297A.01, subdivision 15, is amended to read:

Subd. 15. "Farm machinery" means new or used machinery, equipment, implements, accessories and contrivances used directly and principally in the production for sale, but not including the processing, of livestock, dairy animals, dairy products, poultry and poultry products, fruits, vegetables, forage, grains and bees and apiary products. "Farm machinery" shall include machinery for the preparation, seeding or cultivation of soil for

growing agricultural crops, harvesting and threshing of agricultural products, and certain machinery for dairy, livestock and poultry farms, together with barn cleaners, milking systems, grain dryers, automatic feeding systems and similar installations. Irrigation equipment sold for exclusively agricultural use, including pumps, pipe fittings, valves, sprinklers and other equipment necessary to the operation of an irrigation system when sold as part of an irrigation system, except irrigation equipment which is situated below ground and considered to be a part of the real property, shall be included in the definition of farm machinery. Logging equipment, except chain saws, shall be included in the definition of farm machinery. Repair or replacement parts for farm machinery (SHALL NOT BE) *are* included in the definition of farm machinery.

Tools, shop equipment, grain bins, feed bunks, fencing material, communication equipment and other farm supplies shall not be considered to be farm machinery. "Farm machinery" does not include motor vehicles taxed under chapter 297B, snow-mobiles, snow blowers, lawn mowers, garden-type tractors or garden tillers and the repair and replacement parts for those vehicles and machines.

Sec. 2. Minnesota Statutes 1984, section 297A.02, subdivision 2, is amended to read:

Subd. 2. [MACHINERY AND EQUIPMENT.] Notwithstanding the provisions of subdivision 1, the rate of the excise tax imposed upon sales of (FARM MACHINERY,) special tooling (,) and capital equipment is four percent *and upon sales of farm machinery is three percent.*

Sec. 3. Minnesota Statutes 1984, section 297A.14, is amended to read:

297A.14 [USING, STORING OR CONSUMING TANGIBLE PERSONAL PROPERTY; ADMISSIONS; UTILITIES.]

For the privilege of using, storing or consuming in Minnesota tangible personal property, tickets or admissions to places of amusement and athletic events, electricity, gas, and local exchange telephone service purchased for use, storage or consumption in this state, a use tax is imposed on every person in this state at the rate of six percent of the sales price of sales at retail unless the tax imposed by section 297A.02 was paid on the sales price. Notwithstanding the provisions of the preceding sentence, the rate of the use tax imposed upon the sales price of sales of (FARM MACHINERY,) special tooling (,) and capital equipment is four percent *and upon the sales price of sales of farm machinery is three percent.*

A motor vehicle subject to tax under this section shall be taxed at its fair market value at the time of transport into

Minnesota if the motor vehicle was acquired more than three months prior to its transport into this state.

Sec. 4. [EFFECTIVE DATE.]

*Sections 1 to 3 are effective for sales occurring after March 31, 1985."*

Delete the title and insert:

"A bill for an act relating to taxation; sales and use; reducing the rate of tax on farm machinery; including repair and replacement parts in the definition of farm machinery; amending Minnesota Statutes 1984, sections 297A.01, subdivision 15; 297A.02, subdivision 2; and 297A.14."

The motion prevailed and the amendment was adopted.

Brinkman moved to amend S. F. No. 42, as amended by the Fjoslien amendment, as follows:

Page 1, line 11, strike "new or used"

Page 2, line 5, reinstate the stricken language and delete the new language

Page 2, line 18, after "of" insert "*new*" and reinstate the old language

Page 2, lines 19 and 20, delete the new language

Page 2, line 34, after "of" insert "*new*" and reinstate the old language

Page 2, lines 35 and 36, delete the new language

Page 3, after line 4, insert:

"Sec. 4. Minnesota Statutes 1984, 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, except when sold for fundraising purposes by a nonprofit organization that provides educational and social activities for young people primarily aged 18 and under;

(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-half 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 prop-

erty 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, pocket-books, 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. The term "publication" shall not include magazines and periodicals sold over the counter. 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 building, construction or reconstruction materials purchased by a contractor or a subcontractor as a part of a lump-sum contract or similar type of contract with a guaranteed maximum price covering both labor and materials for use in the construction, alteration or repair of a building or facility. This exemption does not apply to construction materials purchased by tax exempt entities or their contractors to be used in constructing buildings or facilities which will not be used principally by the tax exempt entities;

(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. For purposes of this clause, sales by a nonprofit organization shall be deemed to be "isolated or occasional" if they occur at sale events that have a duration of three or fewer consecutive days. The granting of the privilege of admission to places of amusement and the privilege of use of amusement devices by a nonprofit organization at an isolated or occasional event conducted on property owned or leased for a continuous period of more than 30 days by the nonprofit organization are also exempt. The exemption provided for isolated sales of tangible personal property and of the granting of admissions or the privilege of use of amusement devices by nonprofit organizations pursuant to this clause shall be available only if the sum of the days on which the organization and any subsidiary nonprofit organization sponsored by it that does not have a separate sales tax exemption permit conduct sales of tangible personal property, plus the days with respect to which the organization charges for the use of amusement devices or admission to places of amusement, does not exceed eight days in a calendar year. For purposes of this clause, a "nonprofit organization" means any corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, no part of the net earnings of which inures to the benefit of a private individual;

(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. Sales exempted by this clause include sales pursuant to section 297A.01, subdivision 3, clauses (d) and (f). This exemption shall not apply to building, construction or reconstruction materials purchased by a contractor or a subcontractor as a part of a lump-sum contract or similar type of contract with a guaranteed maximum price covering both labor and materials for use in the construction, alteration or repair of a building or facility. This exemption does not apply to construction materials purchased by tax exempt entities or their contractors to be used in constructing buildings or facilities which will not be used principally by the tax exempt entities;

(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 receipt 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, hot water, 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 Minnesota Statutes 1980, 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, 1982; 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;

(aa) The gross receipts from the sale of a manufactured home, as defined in section 327.31, subdivision 6, to be used by the purchaser for residential purposes, unless the sale is the first retail sale of the manufactured home in this state;

(bb) The gross receipts from the sale of equipment used for processing solid or hazardous waste at a resource recovery facility, as defined in section 115A.03, subdivision 28;

*(cc) The gross receipts from the sale of and storage, use, or consumption of used farm machinery and repair and replacement parts for farm machinery."*

Page 3, line 6, delete "3" and insert "4"

Renumber the remaining section

A roll call was requested and properly seconded.

#### POINT OF ORDER

Halberg raised a point of order pursuant to rule 3.10 that the Brinkman amendment was not in order. The Speaker ruled the point of order not well taken and the Brinkman amendment in order.

## CALL OF THE HOUSE

On the motion of Anderson, G., and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Anderson, G.	Elioff	Krueger	Ozment	Solberg
Anderson, R.	Erickson	Kvam	Pauly	Sparby
Backlund	Fjoslien	Levi	Peterson	Stanius
Battaglia	Forsythe	Lieder	Piepho	Staten
Beard	Frederick	Long	Piper	Svigum
Becklin	Frederickson	Marsh	Poppenhagen	Thiede
Begich	Frerichs	McDonald	Price	Thorson
Bennett	Greenfield	McEachern	Quinn	Tjornhom
Bishop	Gruenes	McKasy	Quist	Tomlinson
Blatz	Gutknecht	McLaughlin	Redalen	Tompkins
Boerboom	Halberg	McPherson	Rees	Tunheim
Boo	Hartering	Metzen	Rest	Uphus
Brinkman	Hartle	Miller	Richter	Valan
Brown	Haukoos	Minne	Rodosovich	Valento
Burger	Heap	Murphy	Rose	Vanasek
Carlson, D.	Himle	Nelson, D.	Sarna	Voss
Carlson, J.	Jacobs	Nelson, K.	Schafer	Waltman
Carlson, L.	Jaros	Neuenschwander	Schoenfeld	Welle
Clark	Jennings, L.	Norton	Schreiber	Wenzel
Clausnitzer	Johnson	O'Connor	Seaberg	Wynia
Cohen	Kalis	Ogren	Segal	Zaffke
Dempey	Kiffmeyer	Olsen, S.	Shaver	Spk. Jennings, D.
DenOuden	Knickerbocker	Olmann	Sherman	
Dimler	Knuth	Onnen	Simoneau	
Dyke	Kostohryz	Otis	Skoglund	

Levi 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 Brinkman amendment to S. F. No. 42, as amended by the Fjoslien amendment, and the roll was called.

Levi moved that those not voting be excused from voting. The motion prevailed.

There were 66 yeas and 57 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jacobs	Murphy	Price	Staten
Battaglia	Jaros	Nelson, D.	Quinn	Svigum
Beard	Jennings, L.	Nelson, K.	Rest	Tomlinson
Begich	Kalis	Neuenschwander	Riveness	Tunheim
Brinkman	Knuth	Norton	Rodosovich	Uphus
Brown	Kostohryz	O'Connor	Sarna	Vanasek
Carlson, L.	Krueger	Ogren	Schafer	Voss
Clark	Lieder	Olson, E.	Scheid	Welle
Cohen	Long	Osthoff	Schoenfeld	Wenzel
DenOuden	McEachern	Otis	Segal	Wynia
Dyke	McLaughlin	Ozment	Simoneau	
Elioff	Metzen	Pappas	Skoglund	
Ellingson	Minne	Peterson	Solberg	
Greenfield	Munger	Piper	Sparby	



Those who voted in the negative were :

Backlund	Erickson	Himle	Omann	Stanius
Becklin	Fjoslien	Johnson	Onnen	Thiede
Bennett	Forsythe	Kiffmeyer	Pauly	Thorson
Blatz	Frederick	Knickerbocker	Piepho	Tjornhom
Boerboom	Frederickson	Kvam	Poppenhagen	Tompkins
Boo	Frerichs	Levi	Redalen	Valan
Burger	Gruenes	Marsh	Rees	Valento
Carlson, D.	Gutknecht	McDonald	Richter	Zaffke
Carlson, J.	Halberg	McKasy	Rose	Spk. Jennings, D.
Clausnitzer	Hartinger	McPherson	Schreiber	
Dempsey	Hartle	Miller	Shaver	
Dimler	Haukoos	Olsen, S.	Sherman	

The motion prevailed and the amendment was adopted.

S. F. No. 42, A bill for an act relating to taxation; sales; including replacement parts in the definition of farm machinery; amending Minnesota Statutes 1984, section 297A.01, subdivision 15.

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.

Levi moved that those not voting be excused from voting. The motion prevailed.

There were 113 yeas and 11 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Erickson	Kvam	Ozment	Solberg
Backlund	Fjoslien	Levi	Pappas	Sparby
Battaglia	Frederick	Lieder	Peterson	Stanius
Beard	Frederickson	Long	Piepho	Staten
Becklin	Frerichs	Marsh	Piper	Sviggum
Begich	Greenfield	McDonald	Poppenhagen	Thiede
Bennett	Gruenes	McEachern	Price	Thorson
Bishop	Gutknecht	McKasy	Quinn	Tomlinson
Boerboom	Halberg	McLaughlin	Quist	Tompkins
Boo	Hartinger	McPherson	Redalen	Tunheim
Brinkman	Hartle	Miller	Rees	Uphus
Brown	Haukoos	Minne	Rest	Valan
Burger	Heap	Munger	Richter	Valento
Carlson, D.	Himle	Murphy	Riveness	Vanasek
Carlson, J.	Jacobs	Nelson, D.	Rodosovich	Voss
Carlson, L.	Jaros	Nelson, K.	Rose	Waltman
Clark	Jennings, L.	Neuenschwander	Schafer	Welle
Cohen	Johnson	Norton	Scheid	Wenzel
Dempsey	Kahn	Ogren	Schoenfeld	Wynia
DenOuden	Kalis	Olson, E.	Schreiber	Zaffke
Dyke	Kiffmeyer	Omann	Seaberg	Spk. Jennings, D.
Elioff	Knuth	Onnen	Segal	
Ellingson	Krueger	Otis	Sherman	

Those who voted in the negative were :

Blatz	Knickerbocker	Olsen, S.	Pauly	Skoglund
Clausnitzer	Kostohryz	Osthoff	Shaver	Tjornhom
Dimler				

The bill was passed, as amended, and its title agreed to.

## SECOND READING OF SENATE BILLS, Continued

S. F. No. 412 was read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced :

Blatz, Vellenga and Clausnitzer introduced :

H. F. No. 848, A bill for an act relating to children and families; providing judicial procedures to protect the welfare of alleged child abuse victims; requiring juvenile and criminal courts to give docket priority to child abuse cases; providing certain protections for parents in juvenile court proceedings; clarifying the scope and effect of juvenile court orders; changing the crimes of "intrafamilial sexual abuse" to "criminal sexual abuse" and limiting the discretion of courts to stay sentences for these crimes; requiring that investigative interviews with child abuse victims be tape-recorded; amending Minnesota Statutes 1984, sections 260.011, subdivision 2; 260.133, subdivision 2; 260.135, subdivision 1; 260.155, by adding a subdivision; 260.156; 260.172, subdivision 4, and by adding a subdivision; 260.191, subdivision 1, and by adding subdivisions; 260.301; 595.02, subdivision 3; 609.364 to 609.3644; and 630.36; proposing coding for new law in Minnesota Statutes, chapter 626.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Schreiber; Carlson, D.; Kahn; Munger and Waltman introduced :

H. F. No. 849, A bill for an act relating to water pollution control; establishing a state financial assistance program for the abatement of combined sewer overflow; reauthorizing the state independent grants program; appropriating money; amending Minnesota Statutes 1984, sections 116.16, subdivisions 1, 2, and 5; 116.18, subdivisions 1, 3, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 116; repealing Minnesota Statutes 1984, section 116.18, subdivision 2.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Shaver and Scheid introduced:

H. F. No. 850, A bill for an act relating to elections; making changes in registration, caucuses, ballots, affidavits of candidacy and withdrawal, nominations, election certificates, and election judge qualifications; amending Minnesota Statutes 1984, sections 201.018, subdivision 2; 201.095; 201.12, subdivision 2; 201.15, subdivision 1; 202A.11, subdivision 2; 202A.16, subdivision 1; 204B.03; 204B.06, subdivision 1; 204B.07, subdivision 4; 204B.09, subdivision 1; 204B.10, by adding a subdivision; 204B.12, subdivision 3; 204B.35, subdivision 2; 204C.40, subdivision 1; 204D.11, subdivisions 3, 5, and 6; 206.71, by adding a subdivision; and 208.03; repealing Minnesota Statutes 1984, section 204B.19, subdivision 3.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Marsh, Blatz, Ozment, Rest and Pappas introduced:

H. F. No. 851, A bill for an act relating to crimes; providing that an individual asked to supply data relating to maltreatment of minors or vulnerable adults need not be given an informational warning; prohibiting diversion of corporate property; authorizing criminal trials with petit juries composed of six persons for gross misdemeanor prosecutions; changing the crimes of "intrafamilial sexual abuse" to the crimes of "criminal sexual abuse"; eliminating the requirement that a defendant receive a copy of a confession that is to be introduced into evidence; amending Minnesota Statutes 1984, sections 13.04, subdivision 2; 593.01, subdivision 2; 609.364; 609.3641, subdivision 1; 609.3642, subdivision 1; 609.3643, subdivision 1; 609.3644, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 302A; repealing Minnesota Statutes 1984, section 611.033.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Boo, Jaros and Munger introduced:

H. F. No. 852, A bill for an act relating to state lands; directing conveyance of an easement over certain state lands to the city of Duluth.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Valan; Carlson, D.; Olsen, S.; Cohen and Piepho introduced:

H. F. No. 853, A bill for an act relating to flood plain management; establishing a state flood hazard mitigation program to mitigate the damaging effects of floods on public and private properties; authorizing grants-in-aid to local government units for flood damage mitigation; appropriating money; amending Minnesota Statutes 1984, section 104.02; proposing coding for new law in Minnesota Statutes, chapter 104.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Dimler introduced:

H. F. No. 854, A bill for an act relating to taxation; property; clarifying the definition of real property; amending Minnesota Statutes 1984, section 272.03, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Olsen, S., and Segal introduced:

H. F. No. 855, A bill for an act relating to retirement; St. Louis Park firefighters service, disability, and survivor benefits; amending Laws 1969, chapter 576, sections 3, subdivision 1; and 4, subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Pauly, Quinn, Waltman, Otis and Kvam introduced:

H. F. No. 856, A bill for an act relating to taxation; imposing an additional tax on certain interest earned on state or municipal obligations; providing an income tax credit for certain interest paid on those obligations; amending Minnesota Statutes 1984, section 290.06, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 290.

The bill was read for the first time and referred to the Committee on Taxes.

Olsen, S.; Voss; Brinkman; Blatz and Sviggum introduced:

H. F. No. 857, A bill for an act relating to insurance; authorizing the receiver of an insolvent insurer to accelerate the distribution of available assets in payment of claims against the insurer; establishing priority of certain claims; providing for recoupment of assessments; amending Minnesota Statutes 1984, sections 60B.44, subdivision 4; 60B.46, by adding subdivisions; 60C.05, subdivision 1; 60C.18; and 61B.07, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Erickson; Nelson, K.; McEachern; Levi and Olsen, S., introduced:

H. F. No. 858, A bill for an act relating to education; providing various activities to study and improve teacher education; appropriating money; amending Minnesota Statutes 1984, sections 124.19, subdivision 1; 125.05, subdivision 1; and 125.185, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 136A.

The bill was read for the first time and referred to the Committee on Education.

Zaffke, Valento, Shaver, Pauly and Brinkman introduced:

H. F. No. 859, A bill for an act relating to taxation; changing applicability of the gravel tax and making imposition of the tax permissive; amending Minnesota Statutes 1984, section 298.75, subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Taxes.

Pauly, Long, Rose, Kahn and Backlund introduced:

H. F. No. 860, A bill for an act relating to eminent domain; providing for court determination of and payment for pollution of property subject to condemnation; proposing coding for new law in Minnesota Statutes, chapter 117.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Redalen introduced:

H. F. No. 861, A bill for an act relating to independent school district No. 233, Preston-Fountain; authorizing a permanent fund transfer.

The bill was read for the first time and referred to the Committee on Education.

Clark, Staten, Jaros and McLaughlin introduced:

H. F. No. 862, A bill for an act relating to post-secondary education; reducing the tuition component required to pay in part for instruction costs; amending Minnesota Statutes 1984, section 135A.03, subdivision 1.

The bill was read for the first time and referred to the Committee on Education.

Schreiber; Anderson, G.; Frerichs; Ozment and Knuth introduced:

H. F. No. 863, A bill for an act relating to transportation; specifying the method of payment for landscape contractors providing goods or services to the department of transportation; amending Minnesota Statutes 1984, section 161.32, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Boo introduced:

H. F. No. 864, A bill for an act relating to human services; establishing a demonstration project for state-operated, community-based services for mentally retarded persons; creating a limited exception to the moratorium on new intermediate care facilities for the mentally retarded; requiring the commissioner of human services to establish rules concerning staff ratios; setting priorities for services under federal waivers; expanding the responsibility of the legislative commission on long-term health care; amending Minnesota Statutes 1984, sections 252.291, subdivisions 2 and 3; 256B.092, subdivision 5; Laws 1983, chapter 199, section 17, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 252.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Kelly introduced:

H. F. No. 865, A bill for an act relating to courts; authorizing conciliation courts to hear civil disputes involving up to \$5,000; amending Minnesota Statutes 1984, sections 487.30, subdivision 1; 488A.12, subdivision 3; 488A.14, subdivision 6; 488A.29, subdivision 3; and 488A.31, subdivision 6.

The bill was read for the first time and referred to the Committee on Judiciary.

Cohen introduced:

H. F. No. 866, A bill for an act relating to marriage dissolution; allowing separate summary judgment on the issue of dissolution; excluding mediators' information except on consent of the parties; providing for deposing of investigators; allowing a partial distribution of marital assets during the pendency of a dissolution proceeding; amending Minnesota Statutes 1984, sections 518.13, by adding a subdivision; 518.167, subdivision 3; and 518.58.

The bill was read for the first time and referred to the Committee on Judiciary.

Stanius, Becklin and Valento introduced:

H. F. No. 867, A bill for an act relating to the legislature; reducing its size; amending Minnesota Statutes 1984, sections 2.021 and 2.031, subdivision 1.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Staten, Osthoff and Clark introduced:

H. F. No. 868, A bill for an act relating to state purchasing; establishing a certification process for set-aside programming in the department of human rights; establishing a small business procurement advisory council; appropriating money; providing penalties; amending Minnesota Statutes 1984, sections 16B.19, subdivision 6, and by adding a subdivision; 16B.22; 137.31, subdivision 3; 161.321, subdivisions 3 and 6; 473.129, subdivision 3 and by adding a subdivision; 473.406, subdivision 6; 473.523, by adding a subdivision; and 473.652, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 363; repealing Minnesota Statutes 1984, sections 16B.20 and 16B.21.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Erickson, Levi, Segal, Boo and Quinn introduced :

H. F. No. 869, A bill for an act relating to education ; providing for a study of the gifted and talented education program ; establishing an advisory council ; appropriating money ; proposing coding for new law in Minnesota Statutes, chapter 124.

The bill was read for the first time and referred to the Committee on Education.

Riveness, Seaberg, Pappas and Boo introduced :

H. F. No. 870, A bill for an act relating to courts ; providing that tax court judges must be learned in the law ; permitting retired tax court judges and district court judges to serve on the tax court ; amending Minnesota Statutes 1984, section 271.01, subdivision 1, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Riveness, Brandl, Schreiber, Tomlinson and Redalen introduced :

H. F. No. 871, A bill for an act relating to state government ; clarifying laws governing fiscal notes on bills affecting state revenues ; amending Minnesota Statutes 1984, section 3.98, subdivisions 1, 2, and 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Carlson, D., and Battaglia introduced :

H. F. No. 872, A bill for an act relating to crimes ; providing for peace officer training of persons who are employed by the commissioner of natural resources and who possess peace officer authority for the purpose of enforcing game and fish laws ; providing for the financing of such training through surcharges on penalties imposed for violations of certain laws ; amending Minnesota Statutes 1984, section 609.101.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.



Sherman, Metzen, Valan, Brinkman and Boerboom introduced:

H. F. No. 873, A bill for an act relating to financial institutions; authorizing the department of administration to provide for the use of certain motor vehicles by the department of commerce; providing for the classification and disclosure of records; modifying the definition of financial institutions to include branches and detached facilities; regulating the closing of financial institutions; providing for the deposit of securities in lieu of bonds; simplifying the recording requirements of credit union certificates or bylaw amendments; providing for certain industrial loan and thrift loan disclosures; providing for the liquidation of safe deposit companies; eliminating a certain motor vehicle finance company assessment; modifying the licensing requirements of regulated lenders; regulating changes of business locations of regulated lenders; providing for the recovery of examination and investigation costs from motor vehicle sales finance companies; increasing the time price differentials on motor vehicle sales; regulating payments in advance on retail installment contracts; and providing for the notice and publication of, and hearings on, bank applications; amending Minnesota Statutes 1984, sections 16B.54, subdivision 2; 46.041, subdivision 1; 46.042; 46.07, subdivision 2, and by adding a subdivision; 46.131, subdivision 2; 47.015, subdivision 1; 47.0151, subdivision 3; 48.13; 49.05, by adding subdivisions; 52.02, subdivision 3; 53.04, by adding a subdivision; 55.095; 56.04; 56.07; 168.705; 168.72, subdivisions 1 and 2; 168.73; and 168.74; proposing coding for new law in Minnesota Statutes, chapter 47; repealing Minnesota Statutes 1984, sections 47.20, subdivisions 11 and 12; 48.19; 48.57; and 48.58.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Sarna, Clausnitzer and O'Connor introduced:

H. F. No. 874, A bill for an act relating to commerce; requiring the payment of interest on downpayments for the purchase of goods or services; prescribing penalties; providing remedies; proposing coding for new law in Minnesota Statutes, chapter 325G.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Nelson, K.; Levi; Olsen, S.; Nelson, D., and McEachern introduced:

H. F. No. 875, A bill for an act relating to education; establishing an excellence in teaching and curriculum program; authorizing aid to develop plans for excellence in teaching and

curriculum; providing for aid and levy for excellence in teaching and curriculum with a portion for certain teacher contracts; eliminating summer educational improvement revenue; appropriating money; amending Minnesota Statutes 1984, sections 124.195, subdivision 9; 124A.03, subdivision 4; 124A.033, subdivisions 2, 3, and 5; and 275.125, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 124 and 126; repealing Minnesota Statutes 1984, sections 121.601; 124.246, subdivisions 2 and 3; 124.247, subdivision 6; 124A.03, subdivision 5; 129B.33; 129B.34; and 129B.36.

The bill was read for the first time and referred to the Committee on Education.

Olsen, S.; Munger; Rose; Carlson, D., and Neuenschwander introduced:

H. F. No. 876, A bill for an act relating to environment; creating a hazardous substance injury compensation fund; establishing a board to administer compensation; limiting compensable losses; prescribing claims procedures; allowing partial subrogation rights; providing for partial recoupment of expenditures from hazardous waste generators; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115B.

The bill was read for the first time and referred to the Committee on Judiciary.

Kalis, Poppenhagen and Brinkman introduced:

H. F. No. 877, A bill for an act relating to civil procedure; repealing the dram shop act; repealing Minnesota Statutes 1984, sections 340.95; and 340.951.

The bill was read for the first time and referred to the Committee on Judiciary.

Nelson, K.; Olsen, S.; Nelson, D.; Erickson and Lieder introduced:

H. F. No. 878, A bill for an act relating to education; requiring the higher education coordinating board to send information relating to post-secondary education to all eighth graders; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136A.

The bill was read for the first time and referred to the Committee on Education.

Staten, Bishop, Wynia, Norton and Jennings, D., introduced:

H. F. No. 879, A bill for an act relating to agriculture; providing famine relief for African people; appropriating money.

The bill was read for the first time and referred to the Committee on Agriculture.

O'Connor, Osthoff, Norton, Wynia and Kelly introduced:

H. F. No. 880, A bill for an act relating to the city of St. Paul; applying portions of the state ethical practices law to candidates in the city elections.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Thorson, Sherman, Waltman, Zaffke and Neuenschwander introduced:

H. F. No. 881, A bill for an act relating to natural resources; providing for annual timber harvest public informational meetings; amending Minnesota Statutes 1984, section 90.041, subdivision 4.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Thorson, Riveness, Waltman and Jennings, L., introduced:

H. F. No. 882, A bill for an act relating to natural resources; authorizing the commissioner to enter into agreements with other states for forest fire prevention and suppression purposes; proposing coding for new law in Minnesota Statutes, chapter 88.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Tomlinson, Bennett, Heap, Kelly and Staten introduced:

H. F. No. 883, A bill for an act relating to unclaimed property; extending coverage to corporate stock and other ownership interests; amending Minnesota Statutes 1984, sections 345.35; 345.43; and 345.47.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Staten, Onnen, Greenfield, Clark and Jaros introduced:

H. F. No. 884, A bill for an act relating to human services; establishing and empowering a board for the blind; transferring certain powers and duties of the commissioner of human services to the board; appropriating money; amending Minnesota Statutes 1984, section 160.28, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 248; repealing Minnesota Statutes 1984, sections 248.07; and 248.08.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Clark introduced:

H. F. No. 885, A bill for an act relating to post-secondary education; reducing the tuition component required to pay in part for instruction costs; amending Minnesota Statutes 1984, section 135A.03, subdivision 1.

The bill was read for the first time and referred to the Committee on Education.

Jennings, L.; Peterson; Nelson, D.; Carlson, D., and Johnson introduced:

H. F. No. 886, A resolution memorializing the governments of the United States and Sweden that the State of Minnesota adopts the County of Kronoberg as a sister state.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Begich and Battaglia introduced:

H. F. No. 887, A bill for an act relating to peace officers; regulating hours worked by part-time peace officers; amending Minnesota Statutes 1984, section 179A.03, subdivision 14.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Pauly; Anderson, R.; Solberg; Piepho and Sparby introduced:

H. F. No. 888, A bill for an act relating to commerce; granting motor fuel retailers the option to purchase from wholesalers other than the refiner; proposing coding for new law in Minnesota Statutes, chapter 80C.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Frederickson, Becklin, Dyke, Sparby and McEachern introduced:

H. F. No. 889, A bill for an act relating to local government; providing for the conduct of the business of towns; providing for certain town debt; authorizing certain towns to provide certain services; revising various other town laws; amending Minnesota Statutes 1984, sections 16B.62, by adding a subdivision; 160.17, subdivision 1; 160.25, subdivision 3; 163.11, subdivision 5a, and by adding a subdivision; 164.06; 365.10; 365.37; 365.44; 366.095; 367.03, subdivision 2; 367.10; 367.23; 444.075; and 471.56, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapters 365 and 379; repealing Minnesota Statutes 1984, section 375.18, subdivisions 4, 5, and 6.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Ozment, Clausnitzer, Knickerbocker, Greenfield and Jaros introduced:

H. F. No. 890, A bill for an act relating to human services; providing for reimbursement of chiropractic services for people receiving general assistance medical care; clarifying the meaning of medically certified for purposes of a work exemption under general assistance; amending Minnesota Statutes 1984, sections 256D.03, subdivision 4; and 256D.111, subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Rees, Backlund, Kiffmeyer, Cohen and McKasy introduced:

H. F. No. 891, A bill for an act relating to civil procedure; providing for the treatment of certain foreign judgments; enacting the Uniform Foreign Money-Judgments Act; proposing coding for new law in Minnesota Statutes, chapter 548.

The bill was read for the first time and referred to the Committee on Judiciary.

Staten; Olsen, S.; Nelson, K., and McEachern introduced:

H. F. No. 892, A bill for an act relating to education; requiring a school district to disclose effects of not taking certain courses; proposing coding for new law in Minnesota Statutes, chapter 126.

The bill was read for the first time and referred to the Committee on Education.

Nelson, K.; Blatz; Seaberg; Lieder and Kelly introduced:

H. F. No. 893, A bill for an act relating to crime victims; requiring that crime victims be notified of certain court dates and other information; requiring that the needs of victims and witnesses be considered when criminal cases are scheduled; amending Minnesota Statutes 1984, sections 609.115, subdivision 1c; and 611A.03; proposing coding for new law in Minnesota Statutes, chapter 611A.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Dyke, Redalen, Jacobs, Kalis and Haukoos introduced:

H. F. No. 894, A bill for an act relating to utilities; defining independent telephone company; amending Minnesota Statutes 1984, section 237.01, subdivision 3.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

Carlson, D.; Johnson; Schoenfeld; Omann and Battaglia introduced:

H. F. No. 895, A bill for an act relating to towns; providing funds for the preparation of a handbook of town laws; appropriating money.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Valento and Rose introduced:

H. F. No. 896, A bill for an act relating to education; providing for employment rights in certain school district supervisory, administrative positions; amending Minnesota Statutes 1984, section 125.12, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Gruenes, Erickson, Kelly, Haukoos and Knickerbocker introduced:

H. F. No. 897, A bill for an act relating to education; establishing the state council on vocational technical education; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136C.

The bill was read for the first time and referred to the Committee on Education.

Solberg, Fjoslien, Beard and Ogren introduced:

H. F. No. 898, A bill for an act relating to gambling; allowing casino nights under certain circumstances; amending Minnesota Statutes 1984, sections 349.31, by adding a subdivision; and 609.761; proposing coding for new law in Minnesota Statutes, chapter 349.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Bennett; Jennings, L.; Olsen, S.; Rose and Battaglia introduced:

H. F. No. 899, 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 1984, section 116.082.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Halberg, Tompkins, Metzen, Seaberg and Rees introduced:

H. F. No. 900, A bill for an act relating to courts; providing for additional county court judgeships in the first judicial district; appropriating money; amending Minnesota Statutes 1984, section 487.01, subdivision 5.

The bill was read for the first time and referred to the Committee on Judiciary.

Nelson, K., introduced:

H. F. No. 901, A bill for an act relating to elections in the city of Minneapolis; changing the time of election of certain board members; extending certain terms; amending Laws 1959, chapter 462, section 3, subdivision 1, as amended and renumbered.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Shaver, Osthoff, Gutknecht, McKasy and Tjornhom introduced:

H. F. No. 902, A bill for an act relating to the legislature; reducing its size; amending Minnesota Statutes 1984, sections 2.021 and 2.031, subdivision 1.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Hartinger; Jennings, D., and Valento introduced:

H. F. No. 903, A bill for an act relating to solid waste; prohibiting the operation, construction, and expansion of a waste facility in the city of Ramsey; providing for local approval.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Gutknecht, Hartle, Clausnitzer, Kiffmeyer and Kvam introduced:

H. F. No. 904, A bill for an act relating to workers' compensation; repealing the state workers' compensation insurance fund; repealing Minnesota Statutes 1984, chapter 176A.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.



Backlund; Olsen, S.; McEachern; Schafer and Knuth introduced:

H. F. No. 905, A bill for an act relating to education; providing for decline pupil units in certain school districts; appropriating money; amending Minnesota Statutes 1984, sections 124.17, by adding a subdivision; 124A.02, subdivision 6, and by adding a subdivision; and 124A.03, subdivision 3.

The bill was read for the first time and referred to the Committee on Education.

Backlund; Anderson, R.; Hartle; Dempsey and Hartinger introduced:

H. F. No. 906, A bill for an act relating to taxation; reducing individual income taxes; amending Minnesota Statutes 1984, section 290.06, subdivision 2c.

The bill was read for the first time and referred to the Committee on Taxes.

Valento, Wynia and Vellenga introduced:

H. F. No. 907, A bill for an act relating to Ramsey county; providing for the creation, organization, powers, and duties of a personnel system; providing penalties; amending Minnesota Statutes 1984, sections 383.405; and 383A.41, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 383A; repealing Minnesota Statutes 1984, sections 383A.28; 383A.29; 383A.30; and 383A.31.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Onnen introduced:

H. F. No. 908, A bill for an act relating to nursing homes; extending the nursing home bed moratorium; amending Minnesota Statutes 1984, section 144A.071, subdivisions 1, 2, and 3.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Schafer introduced:

H. F. No. 909, A bill for an act relating to education; appropriating money for a grant to the Arlington/Gaylord/Gibbon/Winthrop cable communications commission.

The bill was read for the first time and referred to the Committee on Education.

Gruenes and Greenfield introduced:

H. F. No. 910, A bill for an act relating to human services; authorizing the commissioner to establish a state advisory planning council; requiring counties to contract with nonprofit organizations; changing set aside project amounts; amending Minnesota Statutes 1984, sections 245.70, subdivision 1; 245.71; 245.711, subdivision 2; and 245.713, subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Gruenes and Clark introduced:

H. F. No. 911, A bill for an act relating to human services; expanding medical assistance eligibility for young mothers living at home with parents; allowing prenatal services to be delivered to pregnant women living at home; amending Minnesota Statutes 1984, sections 256.99; 256B.02, subdivisions 2 and 3; 256B.06, subdivision 1; 256B.062; and 256B.17, subdivision 6.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Clausnitzer and Segal introduced:

H. F. No. 912, A bill for an act relating to human services; increasing incentives for enforcing and collecting child support; amending Minnesota Statutes 1984, sections 256.74, subdivision 5; 256.87, subdivisions 1a and 3; 257.58, subdivision 1; 518.551, subdivision 7; 518.611, subdivisions 2, 4, and 6; and 518.645; repealing Minnesota Statutes 1984, section 518.611, subdivision 3.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Quist and Stanius introduced:

H. F. No. 913, A bill for an act relating to employment; abolishing the department of economic security; creating a new department of jobs and training; transferring responsibilities of the department of economic security to the department of jobs and training and the department of human services; transferring certain employment and training functions of the department of human services and the department of administration to the department of jobs and training; providing for biennial statewide plans for jobs and training and apprenticeships; providing for coordination of state and federal jobs programs; establishing community investment programs; granting rule-making authority; changing formulas for paying local agencies for general assistance grants to recipients subject to work requirements; removing a sunset provision from the Minnesota emergency employment development act; amending Minnesota Statutes 1984, sections 86.33, by adding subdivisions; 116L.03, subdivision 7; 116L.04, by adding a subdivision; 129A.02, subdivision 2; 129A.03; 129A.04; 178.03, by adding a subdivision; 245.87; 248.07; 248.08; 256.01, subdivision 4; 256.736; 256C.24; 256C.25; 256C.26; 256D.02, subdivision 13; 256D.03, subdivision 2; 256D.09, subdivision 3, and by adding a subdivision; 256D.111, subdivision 2; 268.31; 268.32; 268.33; 268.34; 268.35; 268.36; 268.673, subdivisions 1 and 3; 268.683, subdivision 3; and 268.685; 268.82; proposing coding for new law as Minnesota Statutes, chapter 268A; repealing Minnesota Statutes 1984, sections 129A.02, subdivision 4; 245.84, subdivision 2; 256.737; 256D.02, subdivision 8a; 256D.111, subdivision 1a; 256D.112; 268.011; 268.012; 268.013; 268.12, subdivisions 1 and 1a; 268.683, subdivision 2; 268.684; 268.686; 268.80; and 268.81.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Long, Kostohryz, Ogren, Otis and Greenfield introduced:

H. F. No. 914, A bill for an act relating to education; requiring school districts to provide special instruction and services for handicapped children under the age of four and their families; requiring certain agencies and political subdivisions to maintain certain services and funding levels for young handicapped children and their families until agreements are reached; appropriating money; amending Minnesota Statutes 1984, sections 120.03; 120.17, subdivisions 1, 2, 3, 3a, and by adding subdivisions; 124.17, subdivision 1; 124.223; and 124.32, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Vellenga, Wenzel, Schoenfeld, Segal and Erickson introduced:

H. F. No. 915, A bill for an act relating to education; requiring school districts to provide special instruction and services for handicapped children under the age of four and their families; requiring certain agencies and political subdivisions to maintain certain services and funding levels for young handicapped children and their families until agreements are reached; appropriating money; amending Minnesota Statutes 1984, sections 120.03; 120.17, subdivisions 1, 2, 3, 3a, and by adding subdivisions; 124.17, subdivision 1; 124.223; and 124.32, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Heap, Marsh, Bennett and Seaberg introduced:

H. F. No. 916, A bill for an act relating to corporations; regulating corporate take-overs and control share acquisitions; defining terms; prescribing penalties; amending Minnesota Statutes 1984, sections 80B.01, subdivisions 6, 8, and 9; 80B.03, subdivisions 1, 2, 4a, 5, and 6; 80B.05; 80B.06, subdivision 7; 80B.07, subdivision 3; 80B.10, subdivisions 1, 4, and by adding a subdivision; 302A.011, subdivisions 37, 39, and by adding a subdivision; 302A.449, subdivision 7; and 302A.671; repealing Minnesota Statutes 1984, section 80B.06, subdivisions 3, 4, and 6.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Valan, Seaberg, Rice, Johnson and Norton introduced:

H. F. No. 917, A bill for an act relating to motor vehicles; providing that certain license plates be issued every six years; amending Minnesota Statutes 1984, section 168.12, subdivisions 1 and 5.

The bill was read for the first time and referred to the Committee on Transportation.

Jaros, Munger and Boo introduced:

H. F. No. 918, A bill for an act relating to labor; independent school district No. 709; removing educational assistants from civil service; amending Laws 1967, chapter 252, section 2, as amended.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Pappas, Clark and Knuth introduced :

H. F. No. 919, A bill for an act relating to human services; transferring the child care sliding fee program to the department of economic security; expanding the child care sliding fee program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256; and repealing Minnesota Statutes 1984, sections 245.84, subdivision 2; and 245.87.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Riveness introduced :

H. F. No. 920, A bill for an act relating to taxation; providing for economic opportunity and arts enterprise zones; depositing revenue from the mortgage registration and deed taxes with the county and reducing certain welfare aids to the counties by the amount of revenue deposited; providing for local collection of taconite production taxes; changing property tax refund benefit schedules; changing maximum local government aid to cities and towns; amending Minnesota Statutes 1984, sections 273.1312, subdivision 4; 273.1313, subdivision 2; 273.1314, subdivisions 2, 4, 5, 7, 8, and by adding subdivisions; 273.136, subdivisions 1, 2, and 4; 287.05, subdivision 1; 287.08; 287.09; 287.12; 287.21, subdivision 2, and by adding a subdivision; 287.23; 287.25; 287.28; 287.29, subdivision 1; 287.33; 287.35; 290A.03, subdivisions 3, 7, and 8; 290A.04, subdivisions 1, 2, and 3; 290A.06; 290A.19; 298.225; 298.24, subdivision 4; 298.27; 298.28, subdivisions 1 and 2; 298.282, subdivisions 1, 4, and 5; and 477A.011, subdivision 10; repealing Minnesota Statutes 1984, sections 273.136, subdivision 3; 287.27; 287.29; 287.32; and 290A.04, subdivisions 2a and 2b.

The bill was read for the first time and referred to the Committee on Taxes.

Zaffke introduced :

H. F. No. 921, A bill for an act relating to energy; providing for the method of calculating the payback of certain energy conservation investments; amending Minnesota Statutes 1984, section 116J.37, subdivision 1.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

Pauly, Otis, Bishop, Norton and Valento introduced:

H. F. No. 922, A bill for an act relating to economic development; granting certain powers to municipalities; amending Minnesota Statutes 1984, sections 16B.61, subdivision 3; 273.73, subdivisions 9, 12, and by adding a subdivision; 273.74, subdivision 3; 273.75, subdivision 1; 273.76, subdivision 1; 458.16, by adding a subdivision; 462.352, subdivisions 5, 7, 9, 10, 15, and by adding a subdivision; 462.357, subdivision 1; 462.358, subdivision 2a; 472.08, subdivision 1; 472A.03; 474.02, by adding a subdivision; Laws 1980, chapter 595, section 3, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 465; and proposing coding for new law as Minnesota Statutes, chapter 472B.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Tomlinson introduced:

H. F. No. 923, A bill for an act relating to taxation; simplifying the property classification system; amending Minnesota Statutes 1984, sections 124.2137, subdivision 1; 272.02, subdivision 1, and by adding a subdivision; 272.115, subdivision 4; 273.1104, subdivision 1; 273.115, subdivisions 3 and 7; 273.116, subdivisions 3 and 7; 273.118; 273.121; 273.123, subdivisions 1 and 4; 273.13, by adding subdivisions; 273.1311; 273.1313, subdivisions 1, 2, and 4; 273.1314, subdivision 6; 273.133, subdivisions 1 and 3; 273.135, subdivisions 1, 2, and 5; 273.1391, subdivisions 1, 2, and 4; 273.1392; 273.15; 273.38; 273.42, subdivision 2; 274.19, by adding a subdivision; 276.04; 279.01, subdivision 1; 290A.03, subdivisions 6, 13, and 14; 290A.04, subdivisions 2, 2a, and 2b; proposing coding for new law in Minnesota Statutes, chapter 273; repealing Minnesota Statutes 1984, sections 273.11, subdivision 8; 273.1105; 273.112, subdivision 9; 273.13, subdivisions 2, 2a, 3, 4, 5a, 6, 6a, 7, 7a, 7b, 7c, 7d, 8a, 9, 10, 11, 12, 14a, 15a, 16, 17, 17a, 17b, 17c, 17d, 19, 20, and 21; 273.1313, subdivision 3; and 273.1315.

The bill was read for the first time and referred to the Committee on Taxes.

Onnen introduced:

H. F. No. 924, A bill for an act relating to health; providing for the approval of hospital swing beds; authorizing the granting of license conditions; providing penalties; amending Minnesota Statutes 1984, sections 144.50, subdivision 2; 144A.01, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Gruenes; Carlson, L.; Anderson, R.; Vellenga and Valan introduced:

H. F. No. 925, A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection program; appropriating money; amending Minnesota Statutes 1984, sections 62E.52, subdivisions 2, 3, 7, and by adding a subdivision; 62E.53, subdivisions 1, 2, 3, and 4; and 62E.531, subdivisions 1 and 3.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Thiede, Sviggum and Wenzel introduced:

H. F. No. 926, A bill for an act relating to education; aids to school districts; requiring that AFDC pupil units be computed each year based upon the annual count of pupils whose families receive aid to families with dependent children; amending Minnesota Statutes 1984, sections 124.17, by adding a subdivision; and 124A.02, subdivision 16.

The bill was read for the first time and referred to the Committee on Education.

Voss, Waltman, Rose, Quinn and Otis introduced:

H. F. No. 927, A bill for an act relating to watercraft; exempting certain boats from watercraft licensing requirements; amending Minnesota Statutes 1984, section 361.03, subdivision 12.

The bill was read for the first time and referred to the Committee on Transportation.

Thiede, Zaffke, Backlund, Battaglia and Kahn introduced:

H. F. No. 928, A bill for an act relating to the registration of snowmobiles; correcting an erroneous repealer; amending Minnesota Statutes 1984, section 84.82, by adding a subdivision; repealing Minnesota Statutes 1984, section 84.82, subdivision 9.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Minne introduced :

H. F. No. 929, A bill for an act relating to outdoor recreation; disposition of cross country ski license fees; amending Minnesota Statutes 1984, sections 85.41, subdivision 2; and 85.43.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Voss, Simoneau, Sviggum, Quinn and Dempsey introduced :

H. F. No. 930, A bill for an act relating to retirement; volunteer firefighters serving new fire district; service credit; amending Minnesota Statutes 1984, section 424A.02, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Begich, Battaglia and Carlson, D., introduced :

H. F. No. 931, A bill for an act relating to natural resources; providing for exemption of certain peat harvesting operations from the requirement for mining permits; amending Minnesota Statutes 1984, section 93.461.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Metzen introduced :

H. F. No. 932, A bill for an act relating to the city of South Saint Paul; authorizing the city to permit certain nonprofit organizations to conduct blackjack.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Long, Pauly, Scheid and Cohen introduced :

H. F. No. 933, A bill for an act relating to taxation; limiting the property tax on homesteads; providing for state reimbursement to local governments for revenue lost due to the limitation; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 273.

The bill was read for the first time and referred to the Committee on Taxes.



Long, Cohen and Vanasek introduced:

H. F. No. 934, A bill for an act relating to civil commitment; requiring continued commitment of mentally retarded persons to be for a determinate period of time; conforming provisions relating to mentally ill and mentally retarded persons; correcting a cross-reference; amending Minnesota Statutes 1984, sections 253B.12, subdivision 4; and 253B.13, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 253B; repealing Minnesota Statutes 1984, section 253B.13, subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Long, Himle, Scheid, Forsythe and Pauly introduced:

H. F. No. 935, A bill for an act relating to taxation; modifying homestead property tax assessment ratios; amending Minnesota Statutes 1984, section 273.13, subdivisions 6 and 7.

The bill was read for the first time and referred to the Committee on Taxes.

Long, Forsythe, Pauly and Scheid introduced:

H. F. No. 936, A bill for an act relating to taxation; modifying the homestead credit computation; amending Minnesota Statutes 1984, section 273.13, subdivisions 6, 7, and 14a.

The bill was read for the first time and referred to the Committee on Taxes.

Richter, Zaffke, Sparby, Haukoos and Poppenhagen introduced:

H. F. No. 937, A bill for an act relating to wild animals; altering provisions relating to taking and possession of certain animals; amending Minnesota Statutes 1984, sections 98.48, subdivision 5; 100.27, subdivisions 1, 3, and 4; and 100.29, subdivisions 15 and 25.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Blatz, Rest, Clausnitzer, Marsh and Pappas introduced:

H. F. No. 938, A bill for an act relating to the competency of witnesses; redefining the marital privilege; amending Minnesota Statutes 1984, section 595.02, subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Rose, Clausnitzer, Long, Tompkins and Hartinger introduced:

H. F. No. 939, A bill for an act relating to solid waste and sewage sludge management; restricting land disposal of solid waste in the metropolitan area; providing for the financing of resource recovery facilities in the metropolitan area by counties and the metropolitan council; changing provisions relating to designation plans, local disposal fees, metropolitan sludge and sludge ash facilities, and metropolitan county ordinances; defining terms; allocating and appropriating money from the metropolitan landfill contingency action and abatement funds; amending Minnesota Statutes 1984, sections 115A.03, subdivision 27; 115A.84, subdivisions 3 and 4; 115A.919; 473.153, subdivisions 5, 6b, and 7; 473.811, subdivisions 5 and 5a; 473.831; 473.840, subdivision 2; 473.842, by adding subdivisions; 473.843, subdivision 7; and 473.844, subdivisions 2 and 5; Laws 1984, chapter 644, section 81, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 115A and 473.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Rose, Sparby, Johnson, Neuenschwander and Haukoos introduced:

H. F. No. 940, A bill for an act relating to wild animals; authorizing the commissioner of natural resources to permit, on an experimental basis, the taking of two deer by one hunter, under conditions and restrictions prescribed by order; proposing coding for new law in Minnesota Statutes, chapter 98.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Valento and Stanius introduced:

H. F. No. 941, A bill for an act relating to metropolitan government; providing for the audit of certain metropolitan commissions; amending Minnesota Statutes 1984, sections 473.375, by adding a subdivision; 473.435, subdivision 2; 473.595, subdivision 5; 473.604, subdivision 6; and 473.703, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 6; repealing Minnesota Statutes 1984, section 3.9741.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Sviggum introduced:

H. F. No. 942, A bill for an act relating to the city of Red Wing; permitting the establishment of a port authority.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Forsythe; Onnen; Greenfield; Carlson, J., and Brandl introduced:

H. F. No. 943, A bill for an act relating to human services; providing state hospital revolving fund for chemical dependency; creating a consolidated fund for payment of chemical dependency treatment; appropriating money to counties for treatment; providing for client eligibility, vendor eligibility, and state collections; providing for American Indian special funding; removing chemical dependency treatment from medical assistance, general assistance medical care, and general assistance funding; amending Minnesota Statutes 1984, sections 246.04; 246.18; 246.23; 246.50, by adding a subdivision; 246.51, subdivision 1; 246.54; 256B.02, subdivision 8; 256B.70; and 256D.03, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 246; and proposing coding for new law as Minnesota Statutes, chapter 254B.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Valento introduced:

H. F. No. 944, A bill for an act relating to the city of Roseville; granting the city the powers of a port authority; requiring local approval.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Begich introduced:

H. F. No. 945, 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 and edged weapons; prohibiting discrimination in the issuance of licenses to purchase a handgun or licenses to carry a handgun or weapon; excepting certain persons from the purview of the law prohibiting possession of short-barreled shotguns and machine guns; requiring the department of public safety to design application forms and licenses; prohibiting altering licenses to purchase handguns or to carry handguns; recognizing use of licenses to carry handguns issued by other jurisdictions; prescribing penalties; amending Minnesota Statutes 1984, sections 609.66; 609.67, subdivisions 4 and 5; 624.712; 624.713; 624.7131; 624.714; 624.715; 624.717; and 629.361; proposing coding for new law in Minnesota Statutes, chapter 624; repealing Minnesota Statutes 1984, sections 624.7132; 624.716; and 624.718.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Erickson, Redalen, Schoenfeld, Uphus and Rose introduced:

H. F. No. 946, A bill for an act relating to education; appropriating money for the agricultural extension service and to the state board of vocational technical education for certain agricultural projects.

The bill was read for the first time and referred to the Committee on Education.

Zaffke, Peterson, Ogren, Thorson and Bennett introduced:

H. F. No. 947, A bill for an act relating to commerce; regulating membership camping; prescribing the powers and duties of the commissioner; proposing coding for new law as Minnesota Statutes, chapter 82A.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Dempsey introduced:

H. F. No. 948, A bill for an act relating to marriage dissolution; allowing for a presumption of joint custody; requiring mediation services in contested custody matters; establishing a trust account in certain child support matters; amending Minnesota Statutes 1984, sections 518.17, subdivision 2; 518.551, subdivision 5; 518.57; 518.61; and 518.64, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 518; repealing Minnesota Statutes 1984, section 518.641.

The bill was read for the first time and referred to the Committee on Judiciary.

Riveness, Price, Knuth, Rest and Pappas introduced:

H. F. No. 949, A bill for an act relating to landlords and tenants; allowing a tenant early termination of a rental lease under certain conditions; proposing coding for new law in Minnesota Statutes, chapter 504.

The bill was read for the first time and referred to the Committee on Judiciary.

#### CALL OF THE HOUSE LIFTED

Knickerbocker moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

#### MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 71, 147 and 546.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 71, A bill for an act relating to commerce; providing for payment to a farm implement retailer by the manufacturer, wholesaler, or distributor who repurchases inventory; requiring

the payment of interest on overdue accounts; amending Minnesota Statutes 1984, section 325E.06, subdivision 1.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

S. F. No. 147, A bill for an act relating to human services; authorizing a state hospital to enter into shared service agreements with for profit organizations; amending Minnesota Statutes 1984, section 246.57, subdivision 3.

The bill was read for the first time and referred to the Committee on Health and Human Services.

S. F. No. 546, A bill for an act relating to agriculture; appropriating money for the state board of vocational technical education and the agricultural extension service of the University of Minnesota.

The bill was read for the first time and referred to the Committee on Appropriations.

Osthoff and Scheid were excused for the remainder of today's session.

### CONSENT CALENDAR

H. F. No. 267, A bill for an act relating to local government; authorizing certain political subdivisions to enter into certain joint insurance agreements.

The bill was read for the third 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, G.	Clausnitzer	Gutknecht	Kostohryz	Nelson, D.
Backlund	Cohen	Halberg	Krueger	Nelson, K.
Battaglia	Dempsey	Hartinger	Kvam	Neuenschwander
Beard	DenOuden	Hartle	Levi	Norton
Becklin	Dimler	Haukoos	Lieder	O'Connor
Begich	Dyke	Heap	Long	Ogren
Bennett	Elioff	Himle	Marsh	Olsen, S.
Bishop	Ellingson	Jacobs	McDonald	Olson, E.
Blatz	Erickson	Jaros	McEachern	Omann
Brinkman	Fjoslien	Jennings, L.	McKasy	Onnen
Brown	Forsythe	Johnson	McLaughlin	Otis
Burger	Frederick	Kahn	McPherson	Ozment
Carlson, D.	Frederickson	Kalis	Metzen	Pauly
Carlson, J.	Frerichs	Kiffmeyer	Minne	Peterson
Carlson, L.	Greenfield	Knickerbocker	Munger	Piepho
Clark	Gruenes	Knuth	Murphy	Piper

Poppenhagen	Rodosovich	Simoneau	Thorson	Voss
Price	Rose	Skoglund	Tjornhom	Waltman
Quinn	Schafer	Solberg	Tompkins	Welle
Redalen	Schreiber	Sparby	Tunheim	Wenzel
Rees	Seaberg	Stanius	Uphus	Wynia
Rest	Segal	Staten	Valan	Zafke
Richter	Shaver	Sviggum	Valento	Spk. Jennings, D.
Riveness	Sherman	Thiede	Vanasek	

The bill was passed and its title agreed to.

H. F. No. 329, A bill for an act relating to peace officers; requiring a person seeking appointment as a part-time peace officer to provide the board of peace officer standards and training with proof that he or she has complied with appointment requirements; amending Minnesota Statutes 1984, section 626.-8463.

The bill was read for the third 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 0 nays as follows:

Those who voted in the affirmative were:

Anderson, C.	Fjoslien	Kvam	Otis	Skoglund
Backlund	Forsythe	Levi	Ozment	Solberg
Battaglia	Frederick	Lieder	Pauly	Sparby
Beard	Frederickson	Long	Piepho	Stanius
Becklin	Frerichs	Marsh	Piper	Staten
Begich	Greenfield	McDonald	Poppenhagen	Sviggum
Bennett	Gruenes	McEachern	Price	Thiede
Bishop	Gutknecht	McKasy	Quinn	Tjornhom
Blatz	Halberg	McLaughlin	Quist	Tompkins
Brinkman	Hartinger	McPherson	Redalen	Tunheim
Brown	Hartle	Metzen	Rees	Uphus
Burger	Haukoos	Minne	Rest	Valan
Carlson, D.	Heap	Munger	Richter	Valento
Carlson, J.	Jacobs	Murphy	Riveness	Vanasek
Carlson, L.	Jaros	Nelson, D.	Rodosovich	Voss
Clausnitzer	Jennings, L.	Nelson, K.	Rose	Waltman
Cohen	Johnson	Neuenschwander	Sarna	Welle
Dempsey	Kahn	Norton	Schafer	Wenzel
DenOuden	Kalis	O'Connor	Schreiber	Wynia
Dimler	Kiffmeyer	Ogren	Seaberg	Zafke
Dyke	Knickerbocker	Olsen, S.	Segal	Spk. Jennings, D.
Elioff	Knuth	Olson, E.	Shaver	
Ellingson	Kostohryz	Omann	Sherman	
Erickson	Krueger	Onnen	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 428, A bill for an act relating to the city of Eden Prairie; authorizing one annual one-day liquor license.

The bill was read for the third 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 3 nays as follows:

Those who voted in the affirmative were:

Backlund	Fjoslien	Kvam	Otis	Shaver
Battaglia	Forsythe	Levi	Ozment	Sherman
Beard	Frederick	Lieder	Pappas	Simoneau
Becklin	Frederickson	Long	Pauly	Skoglund
Begich	Frerichs	Marsh	Piepho	Solberg
Bennett	Greenfield	McDonald	Piper	Sparby
Bishop	Gruenes	McLaughlin	Poppenhagen	Stanius
Blatz	Gutknecht	McPherson	Price	Staten
Boo	Halberg	Metzen	Quinn	Sviggum
Brinkman	Hartle	Miller	Quist	Tjornhom
Brown	Haukoos	Minne	Redalen	Tompkins
Burger	Heap	Munger	Rees	Tunheim
Carlson, D.	Jacobs	Murphy	Rest	Uphus
Carlson, J.	Jaros	Nelson, D.	Richter	Valan
Carlson, L.	Jennings, L.	Nelson, K.	Riveness	Valento
Clark	Johnson	Neuenschwander	Rodosovich	Vanasek
Clausnitzer	Kahn	Norton	Rose	Voss
Cohen	Kalis	O'Connor	Sarna	Waltman
Dempsey	Kiffmeyer	Ogren	Schafer	Welle
Dimler	Knickerbocker	Olsen, S.	Schoenfeld	Wenzel
Dyke	Knuth	Oison, E.	Schreiber	Wynia
Elioff	Kostohryz	Omann	Seaberg	Spk. Jennings, D.
Ellingson	Krueger	Onnen	Segal	

Those who voted in the negative were:

DenOuden      Erickson      Hartinger

The bill was passed and its title agreed to.

H. F. No. 511, A bill for an act relating to crimes; clarifying the elements of the crime of assault in the second degree; amending Minnesota Statutes 1984, section 609.222.

The bill was read for the third 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:

Backlund	Carlson, J.	Forsythe	Jacobs	Lieder
Battaglia	Carlson, L.	Frederick	Jaros	Long
Beard	Clark	Frederickson	Jennings, L.	Marsh
Becklin	Clausnitzer	Frerichs	Johnson	McDonald
Begich	Cohen	Greenfield	Kahn	McEachern
Bennett	Dempsey	Gruenes	Kalis	McLaughlin
Bishop	DenOuden	Gutknecht	Kiffmeyer	McPherson
Blatz	Dimler	Halberg	Knickerbocker	Metzen
Boerboom	Dyke	Hartinger	Knuth	Miller
Boo	Elioff	Hartle	Kostohryz	Minne
Brown	Ellingson	Haukoos	Krueger	Munger
Burger	Erickson	Heap	Kvam	Murphy
Carlson, D.	Fjoslien	Himle	Levi	Nelson, D.



Nelson, K.	Pauly	Rose	Sparby	Valento
Neuenschwander	Peterson	Sarna	Stanius	Vanasek
Norton	Piepho	Schafer	Staten	Voss
O'Connor	Poppenhagen	Schoenfeld	Sviggum	Waltman
Ogren	Price	Schreiber	Thiede	Welle
Olsen, S.	Quist	Seaberg	Thorson	Wenzel
Olson, E.	Redalen	Segal	Tjornhom	Wynia
Omann	Rees	Shaver	Tomlinson	Zaffke
Onnen	Rest	Sherman	Tompkins	Spk. Jennings, D.
Otis	Richter	Simoneau	Tunheim	
Ozment	Riveness	Skoglund	Uphus	
Pappas	Rodosovich	Solberg	Valan	

The bill was passed and its title agreed to.

### CALENDAR

H. F. No. 151 was reported to the House and given its third reading.

The Speaker called Halberg to the Chair.

The Speaker resumed the Chair.

### CALL OF THE HOUSE

On the motion of Schafer and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Anderson, G.	Dyke	Kvam	Otis	Simoneau
Anderson, R.	Elioff	Levi	Ozment	Skoglund
Backlund	Ellingson	Lieder	Pappas	Solberg
Battaglia	Erickson	Long	Peterson	Sparby
Beard	Forsythe	Marsh	Piepho	Stanius
Becklin	Frederick	McDonald	Poppenhagen	Staten
Begich	Frederickson	McEachern	Price	Sviggum
Bennett	Frerichs	McLaughlin	Quinn	Thiede
Bishop	Greenfield	McPherson	Quist	Thorson
Blatz	Gruenes	Metzen	Redalen	Tjornhom
Boerboom	Gutknecht	Miller	Rees	Tomlinson
Boo	Hartinger	Minne	Rest	Tompkins
Brinkman	Hartle	Munger	Richter	Uphus
Brown	Haukoos	Murphy	Riveness	Valento
Burger	Heap	Nelson, D.	Rodosovich	Vanasek
Carlson, D.	Himle	Nelson, K.	Rose	Waltman
Carlson, J.	Jacobs	Neuenschwander	Sarna	Welle
Carlson, L.	Jennings, L.	Norton	Schafer	Wenzel
Clark	Johnson	O'Connor	Schoenfeld	Wynia
Clausnitzer	Kahn	Ogren	Schreiber	Zaffke
Cohen	Knickerbocker	Olsen, S.	Seaberg	Spk. Jennings, D.
Dempsey	Knuth	Olson, E.	Segal	
DenOuden	Kostohryz	Omann	Shaver	
Dimler	Krueger	Onnen	Sherman	

Levi 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. 151, A bill for an act relating to education; prohibiting a school district from commencing the school year prior to Labor Day; amending Minnesota Statutes 1984, section 126.12.

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 68 yeas and 48 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Forsythe	Knuth	Olson, E.	Sherman
Battaglia	Frederick	Kostohryz	Omam	Solberg
Beard	Gutknecht	Krueger	Peterson	Sparby
Becklin	Halberg	Levi	Poppenhagen	Stanisus
Begich	Hartinger	Lieder	Price	Thiede
Bennett	Hartle	Marsh	Quinn	Thorson
Blatz	Heap	McDonald	Quist	Tjornhom
Boo	Himle	McEachern	Redalen	Valento
Brinkman	Jacobs	Metzen	Rees	Voss
Carlson, D.	Jaros	Minne	Richter	Wenzel
Clark	Johnson	Munger	Rodosovich	Zafke
Cohen	Kahn	Murphy	Schafer	Spk. Jennings, D.
Elioff	Kiffmeyer	Neuenschwander	Schocnfeld	
Fjoslien	Knickerbocker	Ogren	Shaver	

Those who voted in the negative were:

Anderson, G.	Dimler	Kalis	Ozment	Swiggum
Backlund	Dyke	Kvam	Pappas	Tomlinson
Bishop	Ellingson	McKasy	Piepho	Tompkins
Boerboom	Erickson	McLaughlin	Piper	Valan
Brown	Frederickson	McPherson	Rest	Vanasek
Burger	Frerichs	Miller	Riveness	Waltman
Carlson, J.	Greenfield	Nelson, D.	Rose	Welle
Carlson, L.	Gruenes	Nelson, K.	Seaberg	Wynia
Dempsey	Haukoos	Olsen, S.	Skoglund	
DenOuden	Jennings, L.	Onnen	Staten	

The bill was passed and its title agreed to.

H. F. No. 78, A bill for an act relating to crimes; defining the crime of owning or operating a disorderly house; requiring a mandatory fine for a person owning or operating a disorderly house; amending Minnesota Statutes 1984, section 609.33.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Beard	Bishop	Brinkman	Carlson, J.
Anderson, R.	Becklin	Blatz	Brown	Carlson, L.
Backlund	Begich	Boerboom	Burger	Clark
Battaglia	Bennett	Boo	Carlson, D.	Clausnitzer

Cohen	Himle	Miller	Poppenhagen	Sparby
Dempsey	Jacobs	Minne	Price	Stanius
DenOuden	Jennings, L.	Munger	Quinn	Staten
Dimler	Johnson	Murphy	Quist	Sviggum
Dyke	Kahn	Nelson, D.	Redalen	Thiede
Elioff	Kalis	Nelson, K.	Rees	Thorson
Ellingson	Kiffmeyer	Neuenschwander	Rest	Tjornhom
Erickson	Knickerbocker	Norton	Richter	Tomlinson
Fjoslien	Knuth	O'Connor	Riveness	Tompkins
Forsythe	Kostohryz	Ogren	Rodosovich	Tunheim
Frederick	Krueger	Olsen, S.	Rose	Valan
Frederickson	Kvam	Olson, E.	Sarna	Valento
Frerichs	Levi	Omann	Schafer	Vanasek
Greenfield	Lieder	Onnen	Schoenfeld	Voss
Gruenes	Long	Otis	Schreiber	Waltman
Gutknecht	Marsh	Ozment	Seaberg	Welle
Halberg	McDonald	Pappas	Segal	Wenzel
Hartinger	McEachern	Pauly	Shaver	Wynia
Hartle	McLaughlin	Peterson	Sherman	Zaffke
Haukoos	McPherson	Piepho	Skoglund	Spk. Jennings, D.
Heap	Metzen	Piper	Solberg	

The bill was passed and its title agreed to.

#### CALL OF THE HOUSE LIFTED

Staten moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

H. F. No. 282, A bill for an act relating to education; declaring the mission of public elementary and secondary education in Minnesota; proposing coding for new law in Minnesota Statutes, chapter 120.

The bill was read for the third 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 3 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Cohen	Jaros	Munger	Poppenhagen
Anderson, R.	Dempsey	Jennings, L.	Murphy	Price
Backlund	Dyke	Johnson	Nelson, D.	Quinn
Battaglia	Elioff	Kahn	Nelson, K.	Quist
Beard	Ellingson	Kalis	Neuenschwander	Redalen
Becklin	Erickson	Knickerbocker	Norton	Rees
Begich	Fjoslien	Knuth	O'Connor	Rest
Bennett	Forsythe	Kostohryz	Ogren	Richter
Blatz	Frederick	Krueger	Olsen, S.	Riveness
Boerboom	Frederickson	Kvam	Olson, E.	Rodosovich
Boo	Greenfield	Levi	Omann	Rose
Brinkman	Gruenes	Lieder	Onnen	Sarna
Brown	Gutknecht	Long	Otis	Schafer
Burger	Halberg	Marsh	Ozment	Schoenfeld
Carlson, D.	Hartinger	McEachern	Pappas	Schreiber
Carlson, J.	Hartle	McLaughlin	Pauly	Seaberg
Carlson, L.	Haukoos	McPherson	Peterson	Segal
Clark	Himle	Metzen	Piepho	Sherman
Clausnitzer	Jacobs	Minne	Piper	Simoneau

Skoglund	Sviggum	Tompkins	Valento	Welle
Solberg	Thorson	Tunheim	Vanasek	Wenzel
Sparby	Tjornhom	Uphus	Voss	Wynia
Stanius	Tomlinson	Valan	Waltman	Spk. Jennings, D.
Staten				

Those who voted in the negative were :

Kiffmeyer	McDonald	Zaffke
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The bill was passed and its title agreed to.

H. F. No. 268 was reported to the House and given its third reading.

#### CALL OF THE HOUSE

On the motion of Levi and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Anderson, G.	Erickson	Levi	Ozment	Skoglund
Anderson, R.	Fjoslien	Lieder	Pappas	Solberg
Backlund	Forsythe	Long	Pauly	Sparby
Battaglia	Frederick	Marsh	Peterson	Stanius
Becklin	Frederickson	McDonald	Pjeph	Staten
Begich	Frerichs	McEachern	Piper	Sviggum
Bennett	Greenfield	McKasy	Poppenhagen	Thiede
Bishop	Gruenes	McLaughlin	Price	Thorson
Blatz	Gutknecht	McPherson	Quinn	Tjornhom
Boerboom	Halberg	Metzen	Quist	Tomlinson
Boo	Hartinger	Miller	Redalen	Tompkins
Brown	Hartle	Minne	Rees	Tunheim
Burger	Haukoos	Munger	Rest	Uphus
Carlson, D.	Heap	Murphy	Richter	Valan
Carlson, J.	Himle	Nelson, D.	Rodosovich	Vanasek
Carlson, L.	Jacobs	Nelson, K.	Rose	Voss
Clark	Jaros	Neuenschwander	Sarna	Waltman
Clausnitzer	Jennings, L.	Norton	Schafer	Welle
Cohen	Johnson	O'Connor	Schoenfeld	Wenzel
Dempsey	Kalis	Ogren	Schreiber	Wynia
DenOuden	Kiffmeyer	Olsen, S.	Seaberg	Zaffke
Dimler	Knuth	Olson, E.	Segal	Spk. Jennings, D.
Dyke	Kostohryz	Omann	Shaver	
Elioff	Krueger	Onnen	Sherman	
Ellingson	Kvam	Otis	Simoneau	

Levi 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. 268, A bill for an act relating to the environment; removing statutory provisions for joint and several liability and causation for personal injury; changing the date when liability applies; removing additional defense for abnormally dangerous activity; stating effect of removing certain provisions; amending Minnesota Statutes 1984, sections 115B.05, subdivision 1; 115B.06, subdivision 1; and 115B.09; proposing coding for new

law in Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1984, sections 115B.06, subdivision 2; and 115B.07.

The bill was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

Levi moved that those not voting be excused from voting. The motion prevailed.

There were 81 yeas and 44 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Fjoslien	Krueger	Piepho	Thorson
Backlund	Forsythe	Kvam	Poppenhagen	Tjornhom
Becklin	Frederick	Levi	Price	Tomlinson
Bennett	Frederickson	Lieder	Quist	Tompkins
Bishop	Frerichs	Marsh	Redalen	Tunheim
Blatz	Gruenes	McDonald	Rees	Uphus
Boerboom	Gutknecht	McEachern	Richter	Valan
Boo	Hartle	McKasy	Rose	Valento
Burger	Haukoos	McPherson	Schafer	Voss
Carlson, D.	Heap	Metzen	Schreiber	Waltman
Carlson, J.	Himle	Miller	Seaberg	Welle
Clausnitzer	Jennings, L.	Neuenschwander	Shaver	Zafke
Dempsey	Johnson	Olson, E.	Sherman	Spk. Jennings, D.
DenOuden	Kalis	Omann	Sparby	
Dimler	Kiffmeyer	Onnen	Stanius	
Dyke	Knickerbocker	Ozment	Sviggum	
Erickson	Kostohryz	Pauly	Thiede	

Those who voted in the negative were:

Anderson, G.	Greenfield	Minne	Pappas	Segal
Battaglia	Halberg	Munger	Peterson	Simoneau
Beard	Hartinger	Murphy	Piper	Skogiund
Begich	Jacobs	Nelson, D.	Quinn	Solberg
Brown	Jaros	Norton	Rest	Staten
Carlson, L.	Kahn	O'Connor	Riveness	Vanasek
Clark	Knuth	Ogren	Rodosovich	Wenzel
Cohen	Long	Olsen, S.	Sarna	Wynia
Elioff	McLaughlin	Otis	Schoenfeld	

The bill was passed and its title agreed to.

#### CALL OF THE HOUSE LIFTED

Levi moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

Kvam and Valan were excused for the remainder of today's session.

## GENERAL ORDERS

Levi moved that the bills on General Orders for today be continued one day. The motion prevailed.

## MOTIONS AND RESOLUTIONS

Rees moved that the name of Vanasek be added as an author on H. A. No. 5. The motion prevailed.

Pappas moved that the name of Haukoos be stricken and the name of Clark be added as an author on H. F. No. 492. The motion prevailed.

Johnson moved that the name of Gutknecht be added as an author on H. F. No. 683. The motion prevailed.

Anderson, R., moved that the name of Zaffke be added as an author on H. F. No. 694. The motion prevailed.

Marsh moved that his name be stricken as an author on H. F. No. 717. The motion prevailed.

Tjornhom moved that the name of Heap be stricken and the name of Ogren be added as an author on H. F. No. 730. The motion prevailed.

Brinkman moved that the name of Neuenschwander be added as an author on H. F. No. 733. The motion prevailed.

Marsh moved that the names of Tjornhom and Clausnitzer be added as authors on H. F. No. 766. The motion prevailed.

Rest moved that the name of Anderson, G., be added as an author on H. F. No. 772. The motion prevailed.

Onnen moved that the name of Pappas be added as an author on H. F. No. 780. The motion prevailed.

Kiffmeyer moved that the name of Osthoff be added as an author on H. F. No. 802. The motion prevailed.

Kelly moved that the name of Clark be added as an author on H. F. No. 806. The motion prevailed.

Solberg moved that the name of Neuenschwander be added as an author on H. F. No. 821. The motion prevailed.

Krueger moved that the name of Sparby be added as an author on H. F. No. 829. The motion prevailed.

Kelly moved that the name of Clark be added as an author on H. F. No. 834. The motion prevailed.

Cohen moved that the name of Pappas be added as an author on H. F. No. 836. The motion prevailed.

Halberg moved that the name of Sparby be added as an author on H. F. No. 837. The motion prevailed.

Fjoslien moved that the name of Clark be added as an author on H. F. No. 840. The motion prevailed.

Segal moved that H. F. No. 811 be recalled from the Committee on Local and Urban Affairs and be re-referred to the Committee on Education. The motion prevailed.

Solberg moved that H. F. No. 618 be recalled from the Committee on General Legislation and Veterans Affairs and be re-referred to the Committee on Agriculture. The motion prevailed.

Backlund moved that H. F. No. 791 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Regulated Industries and Energy. The motion prevailed.

Gruenes moved that H. F. No. 303 be returned to its author. The motion prevailed.

Jennings, L., moved that H. F. No. 318 be returned to its author. The motion prevailed.

Wenzel; McDonald; Rees; Anderson, G., and Krueger introduced:

House Resolution No. 13, A house resolution expressing the sense of the Minnesota House of Representatives that the director of the Office of Management and Budget, David Stockman, should be fired.

#### SUSPENSION OF RULES

Wenzel moved that the rules be so far suspended that House Resolution No. 13 be now considered and be placed upon its adoption.

A roll call was requested and properly seconded.

The question was taken on the Wenzel motion and the roll was called. There were 43 yeas and 64 nays as follows:

## Those who voted in the affirmative were:

Anderson, G.	Jacobs	Nelson, D.	Piper	Staten
Battaglia	Jaros	Nelson, K.	Price	Tomlinson
Beard	Jennings, L.	Neuenschwander	Riveness	Tunheim
Begich	Kalis	Norton	Rodosovich	Vanasek
Clark	Krueger	Ogren	Sarna	Welle
Cohen	Long	Olson, E.	Schoenfeld	Wenzel
Elioff	McEachern	Otis	Simoneau	Wynia
Ellingson	McLaughlin	Pappas	Solberg	
Greenfield	Munger	Peterson	Sparby	

## Those who voted in the negative were:

Anderson, R.	Erickson	Kiffmeyer	Omann	Sherman
Backlund	Fjoslien	Knickerbocker	Onnen	Stanius
Becklin	Forsythe	Kostohryz	Ozment	Sviggum
Bennett	Frederick	Levi	Pauly	Thiede
Boerboom	Frederickson	Lieder	Piepho	Thorson
Burger	Frerichs	Marsh	Quinn	Tjornhom
Carlson, D.	Gruenes	McDonald	Quist	Tompkins
Carlson, J.	Halberg	McKasy	Redalen	Uphus
Clausnitzer	Hartinger	McPherson	Rees	Valento
Dempsey	Hartle	Miller	Richter	Waltman
DenOuden	Haukoos	Murphy	Schafer	Zaffke
Dimler	Himle	O'Connor	Seaberg	Spk. Jennings, D.
Dyke	Johnson	Olsen, S.	Shaver	

The motion did not prevail.

House Resolution No. 13 was referred to the Committee on Budget.

Halberg introduced:

House Resolution No. 14, A house resolution congratulating the hockey team and the swimming and diving team from Burnsville High School for winning both the State High School Hockey Championship and the State High School Swimming and Diving Championship.

## SUSPENSION OF RULES

Halberg moved that the rules be so far suspended that House Resolution No. 14 be now considered and be placed upon its adoption. The motion prevailed.

## HOUSE RESOLUTION NO. 14

A house resolution congratulating the hockey team and the swimming and diving team from Burnsville High School for winning both the State High School Hockey Championship and the State High School Swimming and Diving Championship.

*Whereas*, competitive sports in our high schools are helpful in teaching the principles of sportsmanship and fair play to our



high school students, thereby contributing to better citizenship; and

*Whereas*, high school sports promote vigorous good health of the participants; and

*Whereas*, the Hockey and Swimming and Diving teams from Burnsville High School participated in the State Championships as one of the few teams from among the 151 teams that originally participated in hockey and 111 that originally participated in swimming and diving; and

*Whereas*, both the hockey and swimming teams made outstanding and determined efforts to win their tournaments during the weekend of March 7 to 9, 1985; and

*Whereas*, both the hockey and swimming and diving teams won the State Championships; and

*Whereas*, the teams also finished the year with an outstanding win-loss record; and

*Whereas*, Burnsville High School's players and fans have exhibited outstanding sportsmanship, skill, and desire throughout the season;

*Now, Therefore, Be It Resolved* by the House of Representatives of the State of Minnesota that congratulations are extended to the hockey and swimming and diving teams of Burnsville High School on the accomplishments, skill, and determination of their hockey and swimming and diving teams. In particular, congratulations are extended to the following team members, coaches, and managers:

*Burnsville Hockey Team*

Lance Werness

Mike Luckraft

Kevin Schrader

Herm Finnegan

John Borrell

Kelly Ramswick

Kevin Featherstone

Mike Travalent

Mike Mageau

Kurt Hammond

Scott Bloom

*Burnsville Swim Team*

*Seniors*

Alex Beuchel

Ralph Hoppe

Paul Jensen

Matt Johnson

John Schmeling

Steve Thompson

*Juniors*

Don Appleby

John Bordi

Bret Busse

Matt Larson  
 Steve Treichel  
 Steve Ferrera  
 Don Granato  
 Kevin Gorg  
 Scott Branson  
 Scott Schulze  
 Mark Osiecki  
 Greg Gelineau

Tom Osiecki, Head Coach  
 Bruce Anderson, Assistant Coach  
 Steve Kisch, Student Manager  
 Paul Lewis, Student Manager

Mark Carlson  
 Kirt Dordan  
 David Snapko  
 John Wright  
*Sophomores*  
 Michael Clausen  
 Brian MacRae  
 Dave Marshall  
 Brian Sakowicz  
 Jon-Michael VanDerWege  
 Steve Varney  
 Arti Vogt  
*Freshmen*  
 Erick Hoffman  
 David Hover  
 Rob Marshall  
*Coaches*  
 Dennis Dale  
 Nancy Gould  
 Mark Roefler  
*Student Managers*  
 Tina Tribilcock  
 Marita Endersen

*Be It Further Resolved* that the Chief Clerk of the House of Representatives is instructed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Speaker, and transmit it to the principal of Burnsville High School.

Halberg moved that House Resolution No. 14 be now adopted. The motion prevailed and House Resolution No. 14 was adopted.

Levi introduced:

House Resolution No. 15, A house resolution congratulating the Mahtomedi High School Zephyrs for winning first place in the Class A Minnesota State Gymnastics Championship.

The resolution was referred to the Committee on Education.

Neuenschwander introduced:

House Concurrent Resolution No. 5, A house concurrent resolution commending Larry Ross upon his retirement after 31 years as hockey coach at International Falls High School.

The concurrent resolution was referred to the Committee on Education.

Halberg moved that the names of Dimler and Seaberg be added as authors on House Resolution No. 14. The motion prevailed.

#### POINT OF ORDER

Levi raised a point of order pursuant to section 114 of "Mason's Manual of Legislative Procedure" relating to the procedure on asking questions. The Speaker ruled the point of order well taken.

#### ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, March 18, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, March 18, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTY-FOURTH SESSION - 1985

## TWENTY-SIXTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 18, 1985

The House of Representatives convened at 2:00 p.m. and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Reverend Howard C. Gravrock, House Chaplain.

The roll was called and the following members were present:

Anderson, G.	Elioff	Kostohryz	Osthoff	Seaberg
Anderson, R.	Ellingson	Krueger	Otis	Shaver
Backlund	Erickson	Kvam	Ozment	Sherman
Battaglia	Fjoslien	Levi	Pappas	Skoglund
Beard	Forsythe	Lieder	Pauly	Solberg
Becklin	Frederick	Marsh	Peterson	Sparby
Begich	Frederickson	McDonald	Piepho	Stanius
Bennett	Frerichs	McEachern	Piper	Staten
Bishop	Greenfield	McLaughlin	Poppenhagen	Sviggum
Blatz	Gruenes	McPherson	Price	Thiede
Boerboom	Gutknecht	Metzen	Quinn	Thorson
Boo	Halberg	Miller	Quist	Tjornhom
Brinkman	Hartinger	Minne	Redalen	Tomlinson
Brown	Hartle	Munger	Rees	Tompkins
Burger	Haukoos	Murphy	Rest	Tunheim
Carlson, D.	Heap	Nelson, D.	Rice	Uphus
Carlson, J.	Himle	Nelson, K.	Richter	Valan
Carlson, L.	Jacobs	Neuenschwander	Rivencss	Valento
Clark	Jaros	Norton	Rodosovich	Vanasek
Clausnitzer	Jennings, L.	O'Connor	Rose	Voss
Cohen	Johnson	Ogren	Sarna	Waltman
Dempsey	Kalis	Olsen, S.	Schafer	Welle
DenOuden	Kiffmeyer	Olson, E.	Scheid	Wenzel
Dimler	Knickerbocker	Omann	Schoenfeld	Zafke
Dyke	Knuth	Onnen	Schreiber	Spk. Jennings, D.

A quorum was present.

Brandl, Kahn, Long, McKasy, Segal, Simoneau, Vellenga and Wynia were excused.

Kelly was excused until 4:30 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. 274, 284, 335, 509, 657, 157, 183, 185, 221, 345, 374, 381, 415, 440, 454 and 556 and S. F. Nos. 71, 147 and 546 have been placed in the members' files.

#### REPORTS OF STANDING COMMITTEES

Schreiber from the Committee on Taxes to which was referred:

H. F. No. 65, A bill for an act relating to taxation; sales and use; eliminating accelerated payment of liability; amending Minnesota Statutes 1984, section 297A.27, subdivision 1; repealing Minnesota Statutes 1984, section 297A.275.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Fjoslien from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 270, A bill for an act relating to the city of Hibbing; fixing the term of mayor.

Reported the same back with the following amendments:

Page 1, line 7, before "The" insert "Notwithstanding section 412.022, or any law to the contrary,"

Page 1, after line 9, insert:

"Sec. 2. [HIBBING; CITY COUNCIL MEMBERS' TERMS.]

*The council members of the city of Hibbing shall be elected at the 1986 general election for the following terms: three for two years and two for four years. At subsequent regular elections, all council members shall be elected for a term of four years."*

Renumber the remaining section

Amend the title as follows:

Page 1, line 2, delete "term" and insert "terms"

Page 1, line 3, after "mayor" insert "and city council members"

With the recommendation that when so amended the bill pass.

The report was adopted.

Fjoslien from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 316, A bill for an act relating to the military; providing for the appointment of an additional assistant adjutant general for the army national guard; amending Minnesota Statutes 1984, section 190.08, subdivision 1.

Reported the same back with the following amendments:

Page 1, after line 20, insert:

"Sec. 2. [EFFECTIVE DATE.]

*This act is effective the day following final enactment.*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Fjoslien from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 317, A bill for an act relating to the national guard; changing minimum pay for certain enlisted persons; amending Minnesota Statutes 1984, section 192.51, subdivision 2.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Carlson, D., from the Committee on Transportation to which was referred:

H. F. No. 327, A bill for an act relating to transportation; defining "trees" for purposes of removal from highway right of way; amending Minnesota Statutes 1984, section 160.22, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 10, delete "7" and insert "8"

Page 1, line 12, after "diameter" insert "*as measured at a point two feet from the ground, and "hedge" means any planted and maintained hedge within the right-of-way*"

Amend the title as follows:

Page 1, line 2, before "for" insert "and "hedges" "

With the recommendation that when so amended the bill pass.

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 488, A bill for an act relating to appropriations; appropriating money for walleyed pike fingerling production and related educational documentation.

Reported the same back with the following amendments:

Page 1, line 13, after the period insert: "*No more than five percent shall be expended for administrative purposes. \$25,000 of the total amount appropriated shall be available for expenditure the day following final enactment of this section.*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 628, A bill for an act relating to game and fish; enhancement of fish and wildlife; planning and implementation of wildlife management; conservation of marginal agricultural lands; habitat management; aspen recycling program; appropriating money; amending Minnesota Statutes 1984, sections 97.49, subdivision 3; 97.55, subdivision 16; 290.421, subdivision 5; and 290.431; proposing coding for new law in Minnesota Statutes, chapters 40, 84, and 88.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [SHORT TITLE.]

*Sections 2 to 17 may be cited as the "fish and wildlife enhancement act of 1985."*

## Sec. 2. [84.941] [POLICY.]

*It is hereby declared to be the policy of the state to conserve, maintain, enhance, and wisely use fish and wildlife resources through natural resource planning, protection, and utilization. This policy shall include the following goals:*

(1) *to perpetuate all species of wild animals for their social, spiritual, economic, ecologic, and recreational values;*

(2) *to maintain diversified recreational uses of wild animals, including hunting, fishing, and trapping as proper uses of certain species of wild animals subject to scientific management and regulations that ensure the development and maintenance of optimum populations of wild animals consistent with public safety and quality outdoor experiences;*

(3) *to provide for the beneficial use and enjoyment of wild animals by all citizens of the state;*

(4) *to protect, provide, and maintain well distributed high-quality habitat for wild animals;*

(5) *to recognize that wild animals are renewable resources from which citizens of the state may derive economic return consistent with the public ownership of these resources;*

(6) *to provide for aesthetic, cultural, and educational uses of wild animals;*

(7) *to reduce damages, public health, or safety problems caused by wild animals in a manner consistent with the goals stated in this section;*

(8) *to stimulate private sector involvement as a partner with the state of Minnesota in promoting conservation of critical habitats, soil, water, and wildlife resources; and*

(9) *to establish a funding mechanism for the management of wild animals which is financed by all citizens of the state not just hunters, trappers, and anglers.*

## Sec. 3. [84.942] [FISH AND WILDLIFE RESOURCES MANAGEMENT PLAN.]

*Subdivision 1. [PREPARATION.] The commissioner of natural resources shall prepare a comprehensive fish and wildlife management plan designed to accomplish the policy and goals stated in section 2. Phase 1 of the plan shall include a program outline and issues analysis and shall be completed by July 1, 1986. The final plan shall include a resource assessment*



and the program elements as provided in subdivisions 2 and 3 and any other matter which the commissioner of the department of natural resources determines appropriate and shall be completed by July 1, 1988.

Subd. 2. [RESOURCE ASSESSMENT.] The resource assessment shall be updated every five years and shall include but not be limited to the following:

(1) a description of historical use as well as present use, supply, and demand for fish and wildlife resources statewide;

(2) an assessment of the projected use and demand for fish and wildlife resources statewide;

(3) an assessment of the capability of fish and wildlife resources to meet future demand; and

(4) development of a data base capable of continuous updating and useable as a resource management tool.

Subd. 3. [PROGRAM ELEMENTS.] The program elements shall be continuously reviewed and shall be updated every two years and shall describe specific actions to address the assessment and to accomplish the policy and goals of section 2, including but not limited to:

(1) an issue analysis describing major fish and wildlife management problems;

(2) a strategic plan which shall include a statement of goals, policies, and alternative actions by the commissioner of natural resources to address the resource management issues, and recommendations for actions of other agencies to accomplish fish and wildlife resource goals and policies;

(3) an operational plan including a description of the management program's objectives and specific actions needed to address the issues, an estimate of expenditures necessary to implement the management actions, and a description of the sources and amounts of revenue available and needed to finance the estimated expenditures as well as recommendations for additional funding sources; and

(4) a review to administer expenditures and to evaluate the effectiveness of the plan.

Subd. 4. [FEDERAL COORDINATION.] The commissioner of natural resources shall coordinate all fish and wildlife planning efforts with the appropriate federal agencies in order to achieve optimum public benefit.

Subd. 5. [PUBLIC AND PRIVATE COORDINATION.]  
*The commissioner of natural resources shall coordinate fish and wildlife planning efforts with other public agencies and private organizations engaged in fish and wildlife resource management and research.*

Sec. 4. [84.943] [MINNESOTA CRITICAL HABITAT PRIVATE SECTOR MATCHING FUND.]

*There is hereby established a Minnesota critical habitat private sector matching fund. The fund shall be administered by the commissioner of natural resources as follows:*

(a) *The fund shall consist of contributions from private sources and appropriations by the legislature.*

(b) *Fund resources from appropriations by the legislature may be expended only to the extent that they are matched with contributions to the fund from private sources in an amount equal in value to any appropriation. The private contributions may be made in cash or in contributions of land or interests in land that are designated by the commissioner as program acquisitions. For the purposes of this section, the private contributions of land or interests in land shall be valued in accordance with their appraised value.*

(c) *The fund shall be managed to earn the highest interest compatible with prudent investment, preservation of principal, and reasonable liquidity. Absent reversion under the terms of clause (d), principal and interest shall remain in the fund until expended under the terms of this act.*

(d) *Any fund resources appropriated by the legislature and not matched within three years from the date of the appropriation shall revert to the general fund.*

(e) *The commissioner of natural resources may accept contributions and pledges to the fund. Pledges made contingent on appropriation of funds by the legislature are acceptable and shall be reported with other pledges as set forth in this section. On each December 1 preceding a new budgetary biennium until the fund size limit is reached, the commissioner shall report the amount that has been contributed and the amount that has been pledged for payment in the succeeding two calendar years in his budget request. In addition, the commissioner shall report the contributed and pledged amounts to the governor and to the chairs of the standing committees in the house of representatives and the senate dealing with finance and natural resources so that these public officials know what an appropriate matching amount of general fund appropriation is for the fund to equal the value of the private contributions. A similar state match to private contributions and pledges for successive years shall be requested in successive biennial years by the commissioner.*

*Fund resources may be expended only for the direct acquisition of land or interests in land in accordance with section 5 of this act. Acquisition includes (1) purchase of land or any interest in land by the commissioner, or (2) acceptance by the department of gifts of land or interests in land as program projects.*

**Sec. 5. [84.944] [DESIGNATION OF SITES AS PROGRAM ACQUISITIONS.]**

*The commissioner of natural resources shall utilize the fund created in section 4, in accordance with the provisions of this act, to acquire by purchase or gift lands which are critical natural habitat for the benefit of wildlife and related resources.*

*(a) In determining what critical natural habitat shall be acquired utilizing the fund, the commissioner shall consider whether the area is:*

- (1) significant habitat for wildlife and waterfowl;*
- (2) significant habitat for nongame species;*
- (3) significant habitat for native plant or animal species classified as endangered or threatened by the Minnesota natural heritage program;*
- (4) a significant example of a native ecological community which is now uncommon or diminishing; or*
- (5) significant enough to enhance efforts to protect or manage natural systems or features in an existing state-owned wildlife or natural area which meets the criteria of the program.*

*(b) All sites acquired by the commissioner in accordance with the provisions of this section shall be designated by the commissioner as outdoor recreation units pursuant to section 86A.05 as is appropriate for the specific critical habitat or features on the required site.*

**Sec. 6. [PURPOSE AND POLICY.]**

*It is the purpose of sections 6 to 10 that certain marginal farm lands should be kept out of annual crop production to protect our soil and water quality and support wildlife habitat, to help our depressed farm economy by placing conservation dollars where they would give ailing farmers relief, to enhance the natural resource values of marginal agricultural land, and to protect and develop wildlife habitat. It is hereby declared to be the policy of the state to encourage the retirement of marginal or highly erodable lands from crop production and to reestablish on those lands a cover of perennial vegetation.*

## Sec. 7. [40.41] [DEFINITIONS.]

*For the purposes of sections 7 to 10, "commissioner" means the commissioner of the department of agriculture.*

*"Marginal agricultural land" means land which is composed of class IIIe, IVe, V, VI, VII, or VIII soil as identified in the land capability classification system of the United States Department of Agriculture and the county soil survey, if completed. Examples of this land include, but are not limited to, cropland adjacent to streams, lakes and marshes, hillsides, drainage ditch rights-of-way, native and perennial grasses, sinkholes, roadsides, and river bottoms.*

## Sec. 8. [40.42] [ELIGIBLE LAND.]

*Marginal agricultural land that is eligible for the conservation reserve program must be:*

- (1) privately owned by a Minnesota resident landowner;*
- (2) land that is not currently set aside or diverted under another federal or state government program; and*
- (3) land that has been in crop production for wheat, corn, oats, barley, soy beans, grain or cane sorghum, sugar beets, forage crops, or pasture in two of the five years prior to the final enactment of this act.*

## Sec. 9. [40.43] [CONSERVATION RESERVE PROGRAM.]

*Subdivision 1. [AUTHORITY.] The commissioner may enter into contractual agreements with landowners for the conservation of marginal agricultural land. In entering agreements, the commissioner must give priority to protection of class IIIe and IVe soils in choosing marginal agricultural lands for annual payments. The agreements must be for a period of five to ten years with provision for renewal for additional five-year to ten-year periods. The commissioner may reexamine the payment rates and the condition of the established cover at the beginning of any five-year renewal period in the light of the then current land and crop values and make needed adjustments in rates and cover payments for any renewal period. Contracts authorized by this section are exempt from contractual provisions of chapter 16B. No contract may provide for payment of more than \$10,000 to any landowner in any year.*

*Subd. 2. [AGREEMENT.] In the agreement with the commissioner, a landowner must agree:*

- (1) to place in the program for the period of the agreement marginal agricultural land he or she and the commissioner des-*

ignate which is not more than 20 percent of the landowner's total acreage within the state;

(2) to seed the lands by the date specified in the agreement, which shall be as early as practicable, so as to establish and maintain a continuous cover either of a grass-legume mixture or of native grasses or planting of conifers or hardwoods for the term of the agreement at seeding rates determined by the commissioner;

(3) not to burn, fill, impair, or destroy the wildlife habitat and other natural features of the land nor to use the land for agricultural crop production purposes as determined by the commissioner;

(4) not to allow the grazing of livestock except, with the approval of the commissioner after consultation with the commissioner of natural resources, in the case of severe drought or other natural disasters;

(5) not to conduct chemical spraying or mowing except for spot weed control or emergency control of pests necessary to protect public health;

(6) not to convert other woodlots, shelterbelts, windbreaks, brushlands, native prairie, wild hay land or other marginal agricultural land which has not been in crop production and which is a part of the same farm operation to the production of wheat, corn, oats, barley, soybeans, grain or cane sorghum, sugar beets, forage crops, or pasture during the term of the agreement;

(7) to forfeit all rights to further payments and to refund to the state all payments received under the agreement upon violation of the agreement at any stage during the time the landowner has control of the land subject to the agreement, if the commissioner determines that the violation is of such a nature as to warrant termination of the agreement. The commissioner may require that the landowner make refunds or accept payment adjustments the commissioner considers appropriate if the commissioner determines that the violation by the landowner does not warrant termination of the agreement;

(8) not to adopt any practice specified by the commissioner in the agreement as a practice that would tend to defeat the purposes of the agreement; and

(9) to any additional provisions which the commissioner determines are desirable and includes in the agreement to effectuate the purposes of the program or to facilitate its administration.

*Subd. 3. [DUTY OF COMMISSIONER.] In return for the agreement of the landowner, the commissioner shall (1) immediately make a payment to the landowner to establish the cover crop required by the agreement in an amount determined by the commissioner, but not more than \$75 per acre; (2) make an annual payment to the owner for the period of the agreement at a rate determined by multiplying the most recent fair market value of the landowner's agricultural land as established by the county assessor by five percent; and (3) provide advice on land conservation through the local soil and water conservation district as the commissioner determines to be appropriate in cooperation with field personnel of the department of natural resources.*

*Subd. 4. [AGREEMENT RENEWAL] Any agreement may be renewed or extended at the end of the agreement period for an additional period of five to ten years by mutual agreement of the commissioner and the landowner, subject to any rate re-determination by the commissioner. If during the agreement period the landowner sells or otherwise divests himself or herself of the ownership or right of occupancy of the land, the new landowner must continue the agreement under the same terms or conditions, or enter into a new agreement in accordance with the provisions of this section, including the provisions for renewal and adjustment of payment rates.*

*Subd. 5. [AGREEMENT TERMINATION.] The commissioner may terminate any agreement by mutual agreement with the owner if the commissioner determines that the termination would be in the public interest, and the commissioner may agree to any modification of agreements the commissioner determines to be desirable to carry out the purposes of the program or facilitate its administration, except that no changes in payment rates are authorized during the terms of the agreement.*

**Sec. 10. [40.44] [COOPERATION AND TECHNICAL ASSISTANCE.]**

*Subdivision 1. [COOPERATION.] In implementing sections 6 to 10 the commissioner must share information and cooperate with the department of natural resources, the United States Fish and Wildlife Service, the Agricultural Stabilization and Conservation Service and Soil Conservation Service of the United States Department of Agriculture, the agricultural extension service of the University of Minnesota, county boards, and interested private organizations and individuals.*

*Subd. 2. [TECHNICAL ASSISTANCE.] The commissioner must provide needed technical assistance through the local soil and water conservation districts to landowners enrolled in the conservation reserve program. The commissioner of natural resources must provide technical advice and assistance to the commissioner on the form and content of the conservation re-*

*serve agreement, on cultural practices relating to the establishment and maintenance of permanent cover, and in monitoring the terms and conditions of the agreements. The commissioners of agriculture and natural resources shall jointly prepare an informational booklet on other state and federal programs for land acquisition, conservation, and retirement that shall be made available to each eligible landowner for the conservation reserve program under sections 6 to 10.*

Sec. 11. [40.45] [RULEMAKING.]

*The commissioner may adopt rules and is authorized to adopt emergency rules in order to carry out the purposes of sections 6 to 10.*

Sec. 12. [88.80] [ASPEN RECYCLING PROGRAM.]

*Subdivision 1. [ESTABLISHMENT.] The commissioner may:*

*(1) establish and accelerate an aspen recycling program to assure that marketable stands of aspen are available on state lands;*

*(2) designate priority areas on state lands for aspen recycling; and*

*(3) establish the pilot project under subdivision 2 in the highest priority area for aspen recycling.*

*Subd. 2. [PILOT PROJECT.] The commissioner may establish a pilot project to develop methods and practices to recycle aspen stands in the state. The commissioner may restrict bidding to loggers residing in the pilot project area designated under subdivision 1 that are financially distressed. The commissioner may establish standards and procedures for awarding logging contracts under section 86.35 relating to eligibility for employment for conservation work projects.*

*Subd. 3. [REPORT.] The commissioner shall report to the legislature by July 1, 1986, with the results of the pilot project and a plan to recycle the overmature aspen stands of the state.*

Sec. 13. Minnesota Statutes 1984, section 97.49, subdivision 3, is amended to read:

Subd. 3. A sum equal to: (1) 35 percent of the gross receipts from all special use permits and leases of lands acquired for public hunting grounds and game refuges, or (2) 50 cents per acre on purchased land actually used for public hunting grounds and game refuges, or (3) three-quarters of one percent of the appraised value of purchased land actually used for public hunt-

ing grounds and game refuges, whichever amount is the greater, shall be paid out of the (GAME AND FISH) *general* fund annually to the county in which said lands are located, to be distributed by the county treasurer among the county and the respective towns and school districts wherein such grounds and refuges lie, on the same basis as if the payments were received as taxes on such lands, payable in the current year, but this provision shall not apply to state trust fund lands or any other state lands not purchased for game refuge and public hunting ground purposes. The county's share of the proceeds shall be deposited in the county general revenue fund. For the purpose of determining the applicability of payments pursuant to clause (3) above, the appraised value of the lands acquired shall be deemed to be the purchase or acquisition price thereof during the first five years following acquisition. After the expiration of five years from the date of acquisition or, in the case of lands acquired prior to July 1, 1974, within 90 days after July 1, 1979, and thereafter at five year intervals, a current appraisal of the land shall be made by the appropriate county assessor, and shall govern payments.

Sec. 14. Minnesota Statutes 1984, section 97.55, is amended by adding a subdivision to read:

*Subd. 17. Any person who illegally buys or sells any protected wild animal when the total amount of the sale or sales exceeds \$1,000 is guilty of a felony punishable by a fine of not less than \$3,000 or more than \$10,000 or by imprisonment for not less than one year and one day and not more than 10 years or by both the fine and imprisonment.*

*Any person convicted of a second or subsequent unlawful sale or purchase of a protected wild animal within a period of one year from the date of the prior conviction shall be sentenced at the felony level described in this section.*

Sec. 15. Minnesota Statutes 1984, section 98.52, is amended by adding a subdivision to read:

*Subd. 6. When a person is convicted of unlawfully buying or selling a protected wild animal and is subject to the penalty prescribed in section 14, any license to take wild animals possessed by the person immediately becomes void and the person forfeits all rights to take any wild animals in any manner for a period of three years after the date of conviction.*

Sec. 16. Minnesota Statutes 1984, section 296.421, subdivision 4, is amended to read:

Subd. 4. [DISTRIBUTION OF UNREFUNDED TAX FOR MOTOR BOAT PURPOSES.] The amount of unrefunded tax paid on gasoline used for motor boat purposes as computed in Minnesota Statutes 1961, Section 296.421, Subdivision 5, shall be



paid into the state treasury and (33 1/3 PERCENT THEREOF SHALL BE CREDITED TO THE STATE PARK DEVELOPMENT ACCOUNT; 33 1/3 PERCENT THEREOF SHALL BE CREDITED TO THE GAME AND FISH FUND TO BE USED TO DEFRAY THE COST AND EXPENSE OF THE DIVISION OF GAME AND FISH AND THE DEPARTMENT OF NATURAL RESOURCES IN THE ACQUISITION, IMPROVEMENT, DEVELOPMENT AND MAINTENANCE OF SITES FOR PUBLIC ACCESS TO PUBLIC WATERS OF THIS STATE AND FOR LAKE IMPROVEMENT; AND THE REMAINING 33 1/3 PERCENT THEREOF SHALL BE CREDITED TO THE GENERAL FUND FOR PURPOSES OF BOAT AND WATER SAFETY) *be credited to the department of natural resources water recreation account which is hereby established for the purpose of providing additional funds for acquisition, development, maintenance, and rehabilitation of sites for public access and boating facilities on public waters; lake and river improvement; state park development; and boat and water safety.*

Sec. 17. Minnesota Statutes 1984, section 296.421, subdivision 5, is amended to read:

Subd. 5. [COMPUTATION OF UNREFUNDED TAX.] The amount of unrefunded tax shall be a sum equal to (THREE-FOURTHS OF) one *and one-half* percent of all revenues derived from the excise taxes on gasoline, except on gasoline used for aviation purposes, together with interest thereon and penalties for delinquency in payment, paid or collected pursuant to the provisions of sections 296.02 to 296.17. The amount of such tax shall be computed for each six-month period commencing January 1, 1961, and shall be paid into the state treasury on November 1 and June 1 following each six-month period.

Sec. 18. Minnesota Statutes 1984, section 290.431, is amended to read:

290.431 [NONGAME WILDLIFE CHECKOFF.]

Every individual who files an income tax return or property tax refund claim form may designate on their original return that \$1 or more shall be added to the tax or deducted from the refund that would otherwise be payable by or to that individual and paid into an account to be established for the management of nongame wildlife. The commissioner of revenue shall, on the income tax return and the property tax refund claim form, notify filers of their right to designate that a portion of their tax or refund shall be paid into the nongame wildlife management account. The sum of the amounts so designated to be paid shall be credited to the nongame wildlife management account for use by the nongame section of the division of wildlife in the department of natural resources. *All interest earned on money accrued in the nongame wildlife management account shall be credited*

to the account by the state treasurer. The commissioner of natural resources shall submit a work program for each fiscal year and semi-annual progress reports to the legislative commission on Minnesota resources in the form determined by the commission. None of the money provided in this section may be expended unless the commission has approved the work program.

The state pledges and agrees with all contributors to the nongame wildlife management account to use the funds contributed solely for the management of nongame wildlife projects and further agrees that it will not impose additional conditions or restrictions that will limit or otherwise restrict the ability of the commissioner of natural resources to use the available funds for the most efficient and effective management of nongame wildlife.

Sec. 19. [STUDY OF DRAINAGE.]

*The departments of agriculture and natural resources shall conduct a joint study of drainage to assess whether current law includes maximum citizen participation, equity of treatment, protection of legal rights, procedural consistency, evaluation and limitation of natural resource damage, proper hydrological considerations, effective governmental management, limitation of water quality degradation, and any other concerns that the departments agree on. The joint report shall include findings, conclusions, and recommendations and be submitted to the appropriate standing committees in the house and senate by February 1, 1986.*

Sec. 20. [APPROPRIATION.]

*\$850,000 is appropriated from the general fund to the commissioner of natural resources for the period ending June 30, 1987, to carry out the provisions of section 3.*

*\$3,000,000 is appropriated from the general fund to the commissioner of natural resources for the period ending June 30, 1987, to carry out the provisions in section 4.*

*\$10,000,000 is appropriated from the general fund to the commissioner of agriculture for the period ending June 30, 1987, to carry out the provisions of sections 6 to 10. No more than ten percent shall be expended for administrative expenses, including technical assistance.*

*\$2,000,000 is appropriated from the general fund to the commissioner of natural resources for the purpose of carrying out the duties assigned by section 12. The appropriation shall be available until June 30, 1987.*

Sec. 21. [REPEALER.]

*Section 12, subdivisions 2 and 3, are repealed effective July 1, 1987.*

**Sec. 22. [EFFECTIVE DATE.]**

*Sections 1 to 20 are effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to game and fish; enhancement of fish and wildlife; planning and implementation of wildlife management; conservation of marginal agricultural lands; habitat management; aspen recycling program; appropriating money; amending Minnesota Statutes 1984, sections 97.49, subdivision 3; 97.55, by adding a subdivision; 98.52, by adding a subdivision; 290.431; and 296.421, subdivisions 4 and 5; proposing coding for new law in Minnesota Statutes, chapters 40, 84, and 88."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Fjoslien from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 759, A bill for an act relating to elections; changing certain procedures and deadlines related to absentee ballots; changing the municipal election filing deadline; amending Minnesota Statutes 1984, sections 203B.17, subdivision 2; 203B.21, subdivision 3; 204B.35, subdivision 4; and 205.13, subdivision 1.

Reported the same back with the following amendments:

Page 3, line 12, after "his" insert "or her"

Page 3, line 13, after "his" insert "or her"

With the recommendation that when so amended the bill pass.

The report was adopted.

**SECOND READING OF HOUSE BILLS**

H. F. Nos. 65, 270, 316, 327 and 759 were read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Segal, Staten, Piper and Clark introduced:

H. F. No. 950, 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.

Piepho, Frederick, Kalis and Valan introduced:

H. F. No. 951, A bill for an act relating to the Minnesota historical society; authorizing local heritage preservation commissions; amending Minnesota Statutes 1984, section 471.193.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Fjoslien introduced:

H. F. No. 952, A bill for an act relating to cooperative associations; providing for the election of the board of directors of certain associations; proposing coding for new law in Minnesota Statutes, chapter 308.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

Murphy introduced:

H. F. No. 953, A bill for an act relating to local government; providing for the size of statutory city public utilities commissions; amending Minnesota Statutes 1984, section 412.341, subdivision 1.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

Carlson, D., introduced:

H. F. No. 954, A bill for an act relating to taxation; permitting the appointment of certain persons as county assessors and county assessors' assistants; amending Minnesota Statutes 1984, section 270.50.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Thiede, by request, introduced:

H. F. No. 955, A bill for an act relating to regional development commissions; providing for dissolution of a commission upon petition by cities, counties, and towns; amending Minnesota Statutes 1984, section 462.398, subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Gruenes; Jennings, D.; Battaglia; Piper and Boerboom introduced:

H. F. No. 956, A bill for an act relating to solid waste management; extending and making changes in the state program for providing capital assistance to local governments for processing facilities; authorizing bonds; appropriating bond funds; amending Minnesota Statutes 1984, sections 115A.49; 115A.52; 115A.54, by adding a subdivision; and 115A.59.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Knuth, Redalen, Valan and Shaver introduced:

H. F. No. 957, A bill for an act relating to agriculture; providing that local governments may enter agreements; providing for soil conservation; imposing a penalty; amending Minnesota Statutes 1984, sections 40.19, subdivisions 1, 2, 5, 6, 7, 8, 9, 11, 13, and by adding a subdivision; 40.20; 40.21; 40.22, subdivisions 1 and 2; 40.23; 40.25; 40.26; 40.28; proposing coding for new law in Minnesota Statutes, chapter 40; repealing Minnesota Statutes 1984, section 40.19, subdivisions 3, 4, 10, 12, 14, and 15.

The bill was read for the first time and referred to the Committee on Agriculture.

Zaffke, Poppenhagen, Frederick, Knuth and Jennings, L., introduced:

H. F. No. 958, A bill for an act relating to insurance; requiring insurance on home service contracts; regulating sales; requiring disclosures; proposing coding for new law in Minnesota Statutes, chapter 60A.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Marsh and Omann introduced:

H. F. No. 959, A bill for an act relating to negligence; clarifying immunity from liability for volunteer firefighters who render assistance at scenes of emergency; amending Minnesota Statutes 1984, section 604.05, subdivision 2.

The bill was read for the first time and referred to the Committee on Judiciary.

Backlund; Anderson, R.; Rest and Clark introduced:

H. F. No. 960, A bill for an act relating to peace officers; eligibility for benefits of certain firefighters killed in the line of duty; amending Minnesota Statutes 1984, sections 352E.01, subdivision 2; and 352E.04.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Johnson, Norton, Valan, Shaver and Kalis introduced:

H. F. No. 961, A bill for an act relating to water; providing for comprehensive local water management; requiring counties to develop and implement county water and related land resources plans; authorizing the water resources board to make comprehensive water planning grants to counties; providing additional authorities to counties; providing additional duties of the water resources board; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 110B.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Boerboom, by request, and Carlson, D., introduced :

H. F. No. 962, A bill for an act relating to agriculture; appropriating money for clean-up of pseudorabies infected swine herds.

The bill was read for the first time and referred to the Committee on Agriculture.

Knickerbocker and Schoenfeld introduced :

H. F. No. 963, A bill for an act relating to insurance; homeowners; prohibiting household or family exclusions; amending Minnesota Statutes 1984, section 65A.29, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Tunheim and Sparby introduced :

H. F. No. 964, A bill for an act relating to wild animals; directing removal and confinement of an elk herd in northwestern Minnesota.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Zaffke; Onnen; Jennings, L.; Schoenfeld and Quist introduced :

H. F. No. 965, A bill for an act relating to human services; establishing prepaid health plans; extending hospital rate limitations; adding items and services under medical assistance program competitive bidding provisions; authorizing the commissioner to select vendors for general assistance medical care; reducing ratable reductions in general assistance medical care; authorizing competitive bidding of certain general assistance medical care services; appropriating money; amending Minnesota Statutes 1984, sections 256.045, subdivisions 2 and 3; 256.969, subdivisions 1, 2, and by adding a subdivision; 256B.02, by adding a subdivision; 256B.04, subdivision 14; 256B.19, subdivision 1; 256D.03, subdivisions 4 and 6; and 256D.04; proposing coding for new law in Minnesota Statutes, chapter 256B; repealing Minnesota Statutes 1984, section 256.966, subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Vanasek; Olsen, S.; McEachern; Levi and Sviggum introduced:

H. F. No. 966, A bill for an act relating to education; extending the deadline for a teacher to gain necessary experience for middle school licensure.

The bill was read for the first time and referred to the Committee on Education.

Olson, E., and Erickson introduced:

H. F. No. 967, A bill for an act relating to natural resources; authorizing additions to and deletions from certain state parks.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Thorson; Carlson, J.; Gruenes and Piepho introduced:

H. F. No. 968, A bill for an act relating to education; permitting payroll deductions in the state university system for a certain nonprofit university foundation; proposing coding for new law in Minnesota Statutes, chapter 136.

The bill was read for the first time and referred to the Committee on Education.

Kalis, Redalen, Schoenfeld, Kvam and Dempsey introduced:

H. F. No. 969, A bill for an act relating to taxation; exempting petroleum products used in certain improvements to agricultural land for purposes of the sales tax; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Metzen and McKasy introduced:

H. F. No. 970, A bill for an act relating to the city of South St. Paul; authorizing the expenditure of certain tax increments to pay costs of a combined storm-sanitary sewer separation project.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.



Carlson, D.; Kahn; Rose; Bennett and Stanius introduced:

H. F. No. 971, A bill for an act relating to environment; requiring government action to determine and decrease the health risks attributable to exposure to or absorption of lead; providing for duties of the pollution control agency and the commissioner of health; providing a penalty; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 116; 144; and 325E.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Carlson, D., introduced:

H. F. No. 972, A bill for an act relating to administrative rules; requiring the director of the pollution control agency to amend the rule governing notice of application for a water pollution discharge permit.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Carlson, D., introduced:

H. F. No. 973, A bill for an act relating to transportation; redesignating portion of trunk highway; amending Minnesota Statutes 1984, 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. 974, A bill for an act relating to the Moose Lake-Windemere sewer district; appropriating money for certain costs.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Peterson, Schoenfeld, Becklin and Carlson, D., introduced :

H. F. No. 975, A bill for an act relating to local government; permitting the establishment of commercial service districts; providing taxing and other financial authority; proposing coding for new law as Minnesota Statutes, chapter 429A.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Heap, Brandl and Levi introduced :

H. F. No. 976, A bill for an act relating to the Minnesota historical society; appropriating money for the institute for invention and innovation.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Peterson, Kiffmeyer and Becklin introduced :

H. F. No. 977, A bill for an act relating to education; authorizing a permanent fund transfer by independent school district No. 477, Princeton.

The bill was read for the first time and referred to the Committee on Education.

Clausnitzer, Tompkins and Schreiber introduced :

H. F. No. 978, A bill for an act relating to taxation; sales and use; eliminating accelerated payment of liability; amending Minnesota Statutes 1984, section 297A.27, subdivision 1; repealing Minnesota Statutes 1984, section 297A.275.

The bill was read for the first time and referred to the Committee on Taxes.

Clausnitzer introduced :

H. F. No. 979, A bill for an act relating to outdoor recreation; renaming a state trail; amending Minnesota Statutes 1984, section 85.015, subdivision 10.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Carlson, D.; Staten; Kahn and Anderson, R., introduced:

H. F. No. 980, A bill for an act relating to labor and employment; establishing a youth conservation corps to promote employment of youths and young adults; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 84C.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Waltman, Hartle, Uphus, Frederick and Dyke introduced:

H. F. No. 981, A bill for an act relating to crimes; permitting certain criminal complaints to be sworn before notaries public; amending Minnesota Statutes 1984, section 609.535, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Metzen, Fjoslien, Cohen, Quinn and Dimler introduced:

H. F. No. 982, A bill for an act relating to veterans; providing space in the veterans service building for certain veterans organizations; amending Minnesota Statutes 1984, section 197.58.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Fjoslien; Carlson, D., and Ogren introduced:

H. F. No. 983, A bill for an act relating to advertising devices; providing for specific service signs relating to ski areas to be displayed along highways; amending Minnesota Statutes 1984, sections 160.292, subdivisions 2, 10, and by adding a subdivision; 160.293, subdivisions 1 and 3; 173.02, subdivision 6; 173.08, subdivision 1; 173.081; and 173.13, subdivision 4.

The bill was read for the first time and referred to the Committee on Transportation.

Halberg, Long and Forsythe introduced :

H. F. No. 984, A bill for an act relating to civil actions ; authorizing aggregation of the fault of multiple defendants in comparative fault actions ; amending Minnesota Statutes 1984, section 604.01, subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Blatz, Thiede, Onnen and Jacobs introduced :

H. F. No. 985, A bill for an act relating to human services ; expanding time of eligibility for aid for unborn children ; authorizing prenatal care payments ; amending Minnesota Statutes 1984, section 256.73, subdivision 5.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Zaffke ; Schoenfeld ; Quist ; Anderson, R., and Jennings, D., introduced :

H. F. No. 986, A bill for an act relating to the department of economic security ; funding specific services for sheltered workshop and work activity programs ; appropriating money.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Beard, Price, Ogren, Boo and Shaver introduced :

H. F. No. 987, A bill for an act relating to taxation ; sales and use ; allowing certain tax-exempt entities a refund for sales taxes paid pursuant to certain contracts ; amending Minnesota Statutes 1984, section 297A.25, subdivision 1 ; and 297A.35, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Becklin, Scheid, Piepho, Tjornhom and Sarna introduced :

H. F. No. 988, A bill for an act relating to consumer protection ; prohibiting certain deceptive advertising practices ; amending Minnesota Statutes 1984, sections 325F.68, by adding a subdivision ; and 325F.69, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Backlund, Halberg and Marsh introduced :

H. F. No. 989, A bill for an act relating to real property ; modifying procedures for mortgage foreclosure by action ; eliminating deficiency judgments following mortgagee's purchase of property at sheriff's sale ; amending Minnesota Statutes 1984, sections 581.09 ; and 581.10.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Dimler ; McDonald ; Carlson, D. ; Schoenfeld and Brinkman introduced :

H. F. No. 990, A bill for an act relating to agriculture ; providing for registration of crop and livestock buyers in licensing application ; establishing a registration system for buyers of farm products ; describing when farm products are purchased subject to a security interest ; restricting certain financing statements to only cover crops ; reducing the effective period of financing statements covering crops ; amending Minnesota Statutes 1984, sections 17A.04, subdivisions 2, 5, and by adding a subdivision ; 223.17, by adding a subdivision ; 336.9-307 ; 336.9-402 ; 336.9-403 ; 386.42 ; proposing coding for new law as Minnesota Statutes, chapter 223A ; repealing Minnesota Statutes 1984, section 386.43.

The bill was read for the first time and referred to the Committee on Agriculture.

Valento, Voss and Thiede introduced :

H. F. No. 991, A bill for an act relating to local government ; regulating certain municipal dissolutions and annexations ; amending Minnesota Statutes 1984, sections 412.091 ; 414.033, by adding subdivisions ; and 414.061, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Gruenes, Piepho, McEachern, Levi and Otis introduced :

H. F. No. 992, A bill for an act relating to education ; consolidating the regulation of private post-secondary schools under the higher education coordinating board ; amending Minnesota Statutes 1984, sections 136A.61 ; 136A.62, subdivision 3 ; 136A.64, by

adding a subdivision; and 136A.66; proposing coding for new law in Minnesota Statutes, chapter 136A; repealing Minnesota Statutes 1984, sections 136A.653, subdivision 1; 141.21; 141.22; 141.23; 141.25; 141.26; 141.271; 141.28; 141.29; 141.30; 141.31; 141.32; 141.35; and 141.36.

The bill was read for the first time and referred to the Committee on Education.

Gruenes, Sherman, Piepho, Price and Nelson, K., introduced:

H. F. No. 993, A bill for an act relating to the state university system; declaring its mission; proposing coding for new law in Minnesota Statutes, chapter 136.

The bill was read for the first time and referred to the Committee on Education.

Gruenes introduced:

H. F. No. 994, A bill for an act relating to drivers' licenses; requiring certain notice on uniform traffic ticket; providing penalty for failure to respond to summons and complaint on uniform traffic ticket; prohibiting issuance of warrants for failure to pay fines for parking violations; establishing system for collecting unpaid fines; allocating driver's license reinstatement fees; amending Minnesota Statutes 1984, sections 169.99, by adding a subdivision; 171.16, subdivision 3, and by adding subdivisions; 171.20, subdivision 1; and 171.29.

The bill was read for the first time and referred to the Committee on Transportation.

Sarna introduced:

H. F. No. 995, A bill for an act relating to taxation; property tax refund; modifying the definition of property taxes for subsidized housing tenants; amending Minnesota Statutes 1984, section 290A.03, subdivision 11.

The bill was read for the first time and referred to the Committee on Taxes.

McDonald, Rees, Pauly, Vanasek and Ogren introduced:

H. F. No. 996, A bill for an act relating to environment; prohibiting the burial of hazardous wastes in a manner that may contaminate potable water; amending Minnesota Statutes 1984, sections 115A.075; and 115A.20.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Carlson, L., and Rest introduced:

H. F. No. 997, A bill for an act relating to the city of Crystal; regulating the holding of public offices by council members; providing for the adoption of emergency ordinances.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Waltman; Carlson, D.; Johnson and Redalen introduced:

H. F. No. 998, A bill for an act relating to natural resources; revising the boundaries of certain state forests; creating a new state forest; amending Minnesota Statutes 1984, section 89.021, subdivisions 18, 28, 33, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Gruenes, Boerboom, Elioff, Piepho and Thorson introduced:

H. F. No. 999, A bill for an act relating to education; excluding assets from parental contributions for some state scholarship and grant applicants; requiring a study; requiring notification of financial aid changes; appropriating money.

The bill was read for the first time and referred to the Committee on Education.

Tjornhom, Tomlinson and Schreiber introduced:

H. F. No. 1000, A bill for an act relating to taxation; clarifying definitions for sales and use tax; clarifying exemptions; imposing civil and criminal penalties for underreporting or failing to report motor vehicle excise tax; repealing certain refund procedures; amending Minnesota Statutes 1984, sections 297A.01,

subdivisions 4, 11, and by adding subdivisions; 297A.041; 297A.-25, subdivision 1; 297B.10; and 297B.11; repealing Minnesota Statutes 1984, section 297A.35, subdivision 3.

The bill was read for the first time and referred to the Committee on Taxes.

Backlund; Anderson, R.; Rest and Clark introduced:

H. F. No. 1001, A bill for an act relating to courts; providing for reimbursement of residents required to testify in another state in criminal cases; amending Minnesota Statutes 1984, section 634.06.

The bill was read for the first time and referred to the Committee on Judiciary.

Stanisus, Kiffmeyer, Ozment, Piper and Sviggum introduced:

H. F. No. 1002, A bill for an act relating to health; health maintenance organizations; requiring disclosure of certain exclusions and limitations on coverage; amending Minnesota Statutes 1984, sections 62D.05, subdivision 2; 62D.07, subdivision 3; and 62D.12, subdivision 1.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Ogren, McDonald, Vanasek, Munger and Rose introduced:

H. F. No. 1003, A bill for an act relating to natural resources; maintaining the purity of state waters by restricting the location of hazardous waste disposal sites; amending Minnesota Statutes 1984, sections 115A.03, subdivision 13; 115A.075; 115A.18; 115A.20; and 115A.291.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Welle; Anderson, G.; DenOuden; Miller and Kvam introduced:

H. F. No. 1004, A bill for an act relating to independent school district No. 347, Willmar; authorizing AVTI construction projects subject to certain conditions.

The bill was read for the first time and referred to the Committee on Education.



Valento, Voss, Schafer, Solberg and Becklin introduced:

H. F. No. 1005, A bill for an act relating to water pollution; establishing a program of reimbursement to municipalities that provide or contract for waste water treatment meeting state and federal water quality standards; proposing coding for new law in Minnesota Statutes, chapter 116.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Solberg, Battaglia, Elioff and Marsh introduced:

H. F. No. 1006, A bill for an act relating to education; extending a deadline for compliance with certain UFARS standards; amending Minnesota Statutes 1984, section 121.908, subdivision 6.

The bill was read for the first time and referred to the Committee on Education.

Knickerbocker, Gutknecht, Long, Sviggum and Dempsey introduced:

H. F. No. 1007, A bill for an act relating to retirement; Minnesota state retirement system unclassified plan; including certain state university administrators and faculty; directing a transfer of funds; amending Minnesota Statutes 1984, section 352D.02, subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Boo, Munger, Rose, Valan and Carlson, D., introduced:

H. F. No. 1008, A bill for an act relating to improvement of the Duluth zoo; appropriating funds from the general fund for its improvement.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Knickerbocker, Ozment, Gutknecht, Simoneau and Dempsey introduced:

H. F. No. 1009, A bill for an act relating to retirement; state employees; extending coverage to state employees on leave of absence with an exclusive bargaining agent; amending Minnesota Statutes 1984, section 352.029.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Boerboom, Munger, Thorson, Wynia and Haukoos introduced:

H. F. No. 1010, A bill for an act relating to education; authorizing the collection and setoff of debts to the state university system; proposing coding for new law in Minnesota Statutes, chapter 136.

The bill was read for the first time and referred to the Committee on Education.

Dyke, Erickson, Piper and Frerichs introduced:

H. F. No. 1011, A bill for an act relating to education; authorizing the transfer of certain state land unneeded for community college purposes to certain cities to be used for student housing; authorizing the sale of certain community college land in Worthington; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136.

The bill was read for the first time and referred to the Committee on Education.

Valento, Wynia, Kostohryz and Rose introduced:

H. F. No. 1012, A bill for an act relating to education; providing for employment rights in certain school district supervisory and administrative positions; amending Minnesota Statutes 1984, section 125.12, subdivision 2.

The bill was read for the first time and referred to the Committee on Education.

Minne, Murphy, Begich and Elioff introduced:

H. F. No. 1013, A bill for an act relating to energy; increasing the amount of the loans for design and construction costs of district heating and qualified energy improvements available to certain counties; amending Minnesota Statutes 1984, section 116J.36, subdivision 6.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

Frerichs, Shaver, Heap and Sarna introduced:

H. F. No. 1014, A bill for an act relating to watercraft; requiring titling for certain watercraft; regulating perfection of security interests in watercraft; proposing coding for new law as Minnesota Statutes, chapter 361A.

The bill was read for the first time and referred to the Committee on Transportation.

Carlson, D.; Begich; Battaglia and Rose introduced:

H. F. No. 1015, A bill for an act relating to recreational vehicles; regulating three-wheel off-road vehicles; amending Minnesota Statutes 1984, sections 84.922, subdivisions 5 and 8, and by adding subdivisions; 84.927, subdivision 2; 84.928; 85.018; 100.273, subdivision 9; and 296.16, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 84.

The bill was read for the first time and referred to the Committee on Transportation.

Fjoslien, Piepho, Uphus, Scheid and Piper introduced:

H. F. No. 1016, A bill for an act relating to animals; prohibiting transfer of certain animals for use in research or experimentation; providing a penalty; amending Minnesota Statutes 1984, section 35.71.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Rose, Munger, Stanius, Backlund and Skoglund introduced:

H. F. No. 1017, A resolution memorializing the United States Department of Energy of Minnesota's opposition to the siting of a high-level radioactive waste disposal site in Minnesota pursuant to the Nuclear Waste Policy Act of 1982.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Quist, Brandl, Dyke, Rodosovich and Kiffmeyer introduced:

H. F. No. 1018, A bill for an act relating to human services; requiring contribution by the parent of a child for full assistance expenditures; amending Minnesota Statutes 1984, section 256.87, subdivision 1.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Elioff, Battaglia and Begich introduced:

H. F. No. 1019, A bill for an act relating to retirement; Virginia police; definition of prevailing pay; retirement and survivor benefit supplements; amending Laws 1982, chapter 574, sections 3, subdivision 9; and 5.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Rose; Piepho; Marsh; Carlson, L., and Boerboom introduced:

H. F. No. 1020, A bill for an act relating to higher education; allowing systems to spend appropriations for scholarships; proposing coding for new law in Minnesota Statutes, chapter 135A.

The bill was read for the first time and referred to the Committee on Education.

Piepho, Marsh and Gruenes introduced:

H. F. No. 1021, A bill for an act relating to taxation; exempting certain property from the property tax and certain transactions from the sales and use taxes; amending Minnesota Statutes 1984, sections 272.02, subdivision 1; and 297A.25, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Frerichs introduced:

H. F. No. 1022, A bill for an act relating to education; authorizing a one-time excess capital levy for independent school district No. 533, Dover-Eyota.

The bill was read for the first time and referred to the Committee on Education.

Vanasek, Cohen, Quinn, Halberg and Bishop introduced:

H. F. No. 1023, A bill for an act relating to probate; clarifying provisions relating to the award of costs in guardianship and conservatorship proceedings; providing for the payment of reasonable fees and expenses for certain guardians and conservators; amending Minnesota Statutes 1984, section 525.703.

The bill was read for the first time and referred to the Committee on Judiciary.

Tomlinson, Dimler, Scheid and Begich introduced:

H. F. No. 1024, A bill for an act relating to local government aid; modifying the distribution formula for cities; amending Minnesota Statutes 1984, sections 477A.011, subdivisions 3, 10, and by adding subdivisions; and 477A.013; repealing Minnesota Statutes 1984, sections 477A.011, subdivisions 4 and 5; and 477A.0131.

The bill was read for the first time and referred to the Committee on Taxes.

Miller, Boerboom, Osthoff, Bishop and Redalen introduced:

H. F. No. 1025, A bill for an act relating to public utilities; deregulating providers of coin telephone service; imposing a penalty; amending Minnesota Statutes 1984, section 237.01, subdivision 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 237.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

**Segal introduced:**

H. F. No. 1026, A bill for an act relating to environment; providing that funds in the environmental response, compensation, and compliance fund may be used to reimburse certain property owners; amending Minnesota Statutes 1984, section 115B.20, subdivision 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

**Backlund introduced:**

H. F. No. 1027, A bill for an act relating to taxation; sales and use; exempting certain outstate mailings; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

**Poppenhagen, Hartle, Metzen and Brinkman introduced:**

H. F. No. 1028, A bill for an act relating to insurance; requiring provision of certain information by insurers; regulating certain provisions of surplus lines insurance; regulating the conditions of certain insurance policies; providing for the organization of certain insurance-related associations; prohibiting certain practices; amending Minnesota Statutes 1984, sections 60A.10; 60A.131, subdivision 1; 60A.17, subdivision 1a; 60A.1701, subdivisions 5 and 10; 60A.197; 60C.08, subdivision 1; 61B.05, subdivision 1; 62A.10, by adding a subdivision; 62A.146; 62A.17, subdivision 6; 62B.05; 62D.19; 62E.10, subdivision 2; 62E.12; 62E.16; 65A.32; 65A.33; 65A.34, subdivision 1; 65A.35, subdivisions 1 and 2; 65A.37; 65A.40; 65A.41; 65B.03; 65B.63, subdivision 1; 65B.44, subdivision 1; 67A.25, subdivision 1; 72A.20, subdivision 15; 79.252, subdivision 4; and 79.62; proposing coding for new law in Minnesota Statutes, chapters 61A; 62A; and 65B; repealing Minnesota Statutes 1984, sections 60A.15, subdivision 14; and 62A.025.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Bennett, Ozment, Marsh, Krueger and Rodosovich introduced :

H. F. No. 1029, A bill for an act relating to crimes; requiring health professionals to report suspicious wounds to law enforcement authorities; amending Minnesota Statutes 1984, section 626.52.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Olsen, S.; Levi; Jennings, D.; Erickson and Kostohryz introduced :

H. F. No. 1030, A bill for an act relating to education; establishing a demonstration site program for mastery learning through individualized learning plans; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 129B.

The bill was read for the first time and referred to the Committee on Education.

Clausnitzer, Krueger, McKasy and Seaberg introduced :

H. F. No. 1031, A bill for an act relating to civil actions; providing for calculation of the damage award in personal injury actions; proposing coding for new law in Minnesota Statutes, chapter 604.

The bill was read for the first time and referred to the Committee on Judiciary.

Rees introduced :

H. F. No. 1032, A bill for an act relating to the borough of Belle Plaine; permitting Belle Plaine to use the term "borough" for all purposes; amending Minnesota Statutes 1984, sections 410.015; and 413.02, subdivision 5, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Kostohryz and Olsen, S., introduced:

H. F. No. 1033, A bill for an act relating to veterans; reestablishing the board of governors of the Big Island Veterans Camp; providing for its appointment and duties; transferring certain state land to the board; providing for the possible disposition of the land by the board; proposing coding for new law in Minnesota Statutes, chapter 197; repealing Minnesota Statutes 1984, sections 197.13; 197.15; 197.16; 197.17; 197.18; and 197.19.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Price introduced:

H. F. No. 1034, A bill for an act relating to education; providing a state aid incentive for class size reductions in kindergarten through grade 12; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124.

The bill was read for the first time and referred to the Committee on Education.

Dempsey, Ellingson and Quist introduced:

H. F. No. 1035, A bill for an act relating to frauds; fixing conditions for the legal determination of fraud in property transfers; enacting the uniform fraudulent transfer act; proposing coding for new law in Minnesota Statutes, chapter 513; repealing Minnesota Statutes 1984, sections 513.20; 513.21; 513.22; 513.23; 513.24; 513.25; 513.26; 513.27; 513.28; 513.29; 513.30; 513.31; and 513.32.

The bill was read for the first time and referred to the Committee on Judiciary.

Becklin; Anderson, R.; Pauly; Elioff and Gruenes introduced:

H. F. No. 1036, A bill for an act relating to vocational rehabilitation; providing for hi-tech capitalization and technical assistance grants to improve sheltered worker wages, productivity, and transferable skills; appropriating money; amending Minnesota Statutes 1984, section 129A.08, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.



Tjornhom and Boerboom introduced:

H. F. No. 1037, A bill for an act relating to utilities; exempting small, qualifying energy facilities from the certificate of need process; amending Minnesota Statutes 1984, section 216B.243, subdivision 8.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

Schafer and Thiede introduced:

H. F. No. 1038, A bill for an act relating to alcoholic beverages; drivers licenses; increasing the fee for the reinstatement of drivers licenses revoked for alcohol-related violations; appropriating money; amending Minnesota Statutes 1984, section 171.29, subdivision 2.

The bill was read for the first time and referred to the Committee on Transportation.

Gutknecht and Sviggum introduced:

H. F. No. 1039, A bill for an act relating to retirement; public employees retirement association; changing joint and survivor benefit provision; amending Minnesota Statutes 1984, section 353.30, subdivision 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Sviggum introduced:

H. F. No. 1040, A bill for an act relating to retirement; public employees police and fire fund; retirement with 30 years of service; actuarial reduction; amending Minnesota Statutes 1984, section 353.651, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Onnen introduced:

H. F. No. 1041, A bill for an act relating to human services; recovering the federal share of overpayments from medical vendors participating in medical assistance; proposing coding for new law in Minnesota Statutes, chapter 256.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Johnson, Hartle and Waltman introduced:

H. F. No. 1042, A bill for an act relating to taxation; sales and use; exempting certain equipment used to allow handicapped persons access to motor vehicles; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Kostohryz; Nelson, K., and Olsen, S., introduced:

H. F. No. 1043, A bill for an act relating to education; establishing a Minnesota school for the arts and resource center; establishing aid for arts education programs in school districts; providing for the comprehensive arts planning program; appropriating money; amending Minnesota Statutes 1984, sections 129B.17; 129B.20; and 129B.21; proposing coding for new law in Minnesota Statutes, chapters 124 and 129B; repealing Minnesota Statutes 1984, sections 129B.18 and 129B.19.

The bill was read for the first time and referred to the Committee on Education.

Simoneau, Dempsey, Minne, Brinkman and Voss introduced:

H. F. No. 1044, A bill for an act relating to insurance; providing for a state liquor liability insurance fund; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 340A.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

McKasy, Tomlinson, Schreiber, Kvam and Scheid introduced:

H. F. No. 1045, A bill for an act relating to taxation; making administrative and technical changes to income tax and property tax refund provisions; amending Minnesota Statutes 1984, sections 80A.09, subdivision 1; 136D.28, subdivision 4; 136D.741, subdivision 7; 136D.89, subdivision 4; 270.67, by adding a subdivision; 270.75, subdivision 4; 290.06, subdivision 3d; 290.069, subdivision 5; 290.08, subdivision 8; 290.09, subdivision 4; 290.095, subdivisions 3 and 10; 290.101, subdivision 1; 290.172; 290.18, subdivision 2; 290.42; 290.50, subdivision 2; 290.523, subdivision 2; 290.92, subdivisions 5a, 6, 19, and 28; 290.97; 290.9726, subdivision 2; 290A.03, subdivisions 3 and 11; 290A.11, subdivision 2, and by adding a subdivision; 290A.19; repealing Laws 1983, chapters 213, section 2; and 247, section 122; and Laws 1984, chapter 514, article 2, section 13.

The bill was read for the first time and referred to the Committee on Taxes.

Jacobs introduced:

H. F. No. 1046, A bill for an act relating to commerce; franchises; providing for the assignment, transfer, or sale of a franchise under certain circumstances; providing certain equitable relief; amending Minnesota Statutes 1984, section 80C.14, subdivision 2.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Knickerbocker, Valento, Voss and Jaros introduced:

H. F. No. 1047, A bill for an act relating to town powers; creating joint planning districts in unincorporated areas; providing for joint planning boards in unincorporated areas; providing for annexation of certain unincorporated property into a municipality; amending Minnesota Statutes 1984, sections 272.67, subdivision 8; 368.01, subdivisions 1, 1a, 31, and by adding a subdivision; 414.02, subdivision 2; 414.031, subdivisions 1, 4, and 5; 414.0325, subdivision 1; 414.033, subdivision 2; 462.352, by adding a subdivision; and 462.3585; repealing Minnesota Statutes 1984, section 368.015.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Frerichs, Heap, Jacobs, Tjornhom and Sarna introduced:

H. F. No. 1048, A bill for an act relating to occupations and professions; establishing a state board of hearing instrument dispensing; providing for licensure of persons engaged in the sale of hearing instruments; appropriating money; providing penalties; amending Minnesota Statutes 1984, section 214.01, subdivision 3; proposing coding for new law as Minnesota Statutes, chapter 153A.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Greenfield, Staten, Wynia and Clark introduced:

H. F. No. 1049, A bill for an act relating to human services; allowing the commissioner of human services to participate in a pilot health care program for the uninsured poor; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Zaffke, Miller, Quist, DenOuden and Wenzel introduced:

H. F. No. 1050, A bill for an act relating to taxation; sales and use; exempting sales of certain property used in the production of income; amending Minnesota Statutes 1984, sections 297A.01, subdivision 15, and by adding a subdivision; 297A.14; 297A.25, subdivision 1; repealing Minnesota Statutes 1984, sections 297A.01, subdivisions 16 and 17; 297A.02, subdivision 2; and 297A.15, subdivision 5.

The bill was read for the first time and referred to the Committee on Taxes.

Boo, Hartle and Gutknecht introduced:

H. F. No. 1051, A bill for an act relating to education; creating a legislative commission to study the Minnesota schools for the deaf and blind.

The bill was read for the first time and referred to the Committee on Education.

Rees introduced:

H. F. No. 1052, A bill for an act relating to transportation; directing the commissioner of transportation to arrange for studies of highway jurisdiction and to submit a state jurisdiction plan; appropriating money.

The bill was read for the first time and referred to the Committee on Transportation.

Rose, Munger, Brinkman, McDonald and Richter introduced:

H. F. No. 1053, A bill for an act relating to the environment; providing for the regulation of underground storage tanks; proposing coding for new law in Minnesota Statutes, chapter 116.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Tompkins, Backlund, McEachern, Clausnitzer and Quinn introduced:

H. F. No. 1054, A bill for an act relating to local government aid; modifying the distribution formula for cities; amending Minnesota Statutes 1984, sections 473.844, subdivision 5; 477A.011, subdivision 3, and by adding subdivisions; 477A.013, subdivision 2, and by adding a subdivision; repealing Minnesota Statutes 1984, sections 477A.011, subdivisions 3a, 4, 5, 6, 7, 7a, and 10; 477A.013, subdivision 3; and 477A.0131.

The bill was read for the first time and referred to the Committee on Taxes.

Gutknecht, Kiffmeyer, Wenzel and Fjoslien introduced:

H. F. No. 1055, A bill for an act relating to charitable gambling; providing for local licensing and statewide regulation; authorizing the department of revenue to collect the tax imposed; amending Minnesota Statutes 1984, sections 340.14, subdivision 2; 349.12, subdivisions 11 and 16; 349.14; 349.16; 349.17; 349.18, subdivisions 1 and 2; 349.19; 349.20; 349.21; 349.211, subdivision 3; 349.212, as amended; 349.213, subdivision 1; 349.214, subdivision 2; 349.22, subdivision 2; 349.31, subdivision 1; 609.75, subdivision 3; and 609.761; repealing Minnesota Statutes 1984, sections 349.151; 349.161; 349.162; and 349.213, subdivision 2.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

## HOUSE ADVISORIES

The following House Advisory was introduced:

Blatz introduced:

H. A. No. 8, A proposal to study assessment practices throughout the state.

The advisory was referred to the Committee on Taxes.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 604.

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. 287.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 604, A bill for an act relating to taxation; allowing deferred payments of first half property taxes and special assessments on agricultural homesteads in 1985; providing for loans of state funds to taxing districts; appropriating money.

The bill was read for the first time and referred to the Committee on Taxes.

S. F. No. 287, A bill for an act relating to the city of Hibbing; fixing the terms of mayor and city council members.

The bill was read for the first time.

Minne moved that S. F. No. 287 and H. F. No. 270, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

### CONSENT CALENDAR

H. F. No. 221, A bill for an act relating to highways; designating the George Mann Memorial Highway; amending Minnesota Statutes 1984, section 161.14, 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 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Krueger	Otis	Skoglund
Anderson, R.	Erickson	Kvam	Ozment	Solberg
Backlund	Fjoslien	Levi	Pappas	Sparby
Battaglia	Forsythe	Lieder	Pauly	Stanius
Beard	Frederick	Marsh	Peterson	Staten
Becklin	Frederickson	McDonald	Piepho	Sviggum
Begich	Frerich	McEachern	Piper	Thiede
Bennett	Greenfield	McLaughlin	Poppenhagen	Thorson
Bishop	Gruenes	McPherson	Price	Tjornhom
Blatz	Gutknecht	Metzen	Quinn	Tomlinson
Boerboom	Halberg	Miller	Redalen	Tompkins
Boo	Hartinger	Minne	Rees	Tunheim
Brinkman	Hartle	Munger	Rest	Uphus
Brown	Haukoos	Murphy	Rice	Valan
Burger	Heap	Nelson, D.	Richter	Valento
Carlson, D.	Himle	Nelson, K.	Riveness	Vanasek
Carlson, J.	Jacobs	Neuenschwander	Rodosovich	Voss
Carlson, L.	Jaros	Norton	Rose	Waltman
Clausnitzer	Jennings, L.	O'Connor	Sarna	Wenzel
Cohen	Johnson	Ogren	Schafer	Zaffke
Dempsey	Kalis	Olsen, S.	Scheid	Spk. Jennings, D.
DenOuden	Kiffmeyer	Olson, E.	Schoenfeld	
Dimler	Knickerbocker	Omann	Seaberg	
Dyke	Knuth	Onnen	Shaver	
Elioff	Kostohryz	Osthoff	Sherman	

The bill was passed and its title agreed to.

H. F. No. 335, A bill for an act relating to corrections; removing certain information from the certified record for commitment of persons convicted of a felony or gross misdemeanor; amending Minnesota Statutes 1984, 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 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Kostohryz	Otis	Sherman
Anderson, R.	Ellingson	Krueger	Ozment	Skoglund
Backlund	Erickson	Kvam	Pappas	Solberg
Battaglia	Fjoslien	Levi	Pauly	Sparby
Beard	Forsythe	Lieder	Peterson	Stanius
Becklin	Frederick	Marsh	Piepho	Staten
Begich	Frederickson	McDonald	Piper	Sviggum
Bennett	Frerichs	McEachern	Poppenhagen	Thiede
Bishop	Greenfield	McLaughlin	Price	Thorson
Blatz	Gruenes	McPherson	Quinn	Tjornhom
Boerboom	Gutknecht	Metzen	Quist	Tomlinson
Boo	Halberg	Miller	Redalen	Tompkins
Brinkman	Hartinger	Minne	Rees	Tunheim
Brown	Hartle	Munger	Rest	Uphus
Burger	Haukoos	Murphy	Rice	Valan
Carlson, D.	Heap	Nelson, D.	Richter	Valento
Carlson, J.	Himle	Nelson, K.	Riveness	Vanasek
Carlson, L.	Jacobs	Neuenschwander	Rodosovich	Voss
Clark	Jaros	Norton	Rose	Waltman
Clausnitzer	Jennings, L.	O'Connor	Sarna	Welle
Cohen	Johnson	Ogren	Schafer	Wenzel
Dempsey	Kalis	Olsen, S.	Schoenfeld	Zaffke
DenOuden	Kiffmeyer	Olson, E.	Schreiber	Spk. Jennings, D.
Dimler	Knickerbocker	Omann	Seaberg	
Dyke	Knuth	Onnen	Shaver	

The bill was passed and its title agreed to.

H. F. No. 509, A bill for an act relating to statutes; providing free distribution of Minnesota Statutes to library of largest municipality of each county; amending Minnesota Statutes 1984, section 3C.12, 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 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Clausnitzer	Hartle	McEachern	Pappas
Anderson, R.	Cohen	Haukoos	McLaughlin	Pauly
Backlund	Dempsey	Heap	McPherson	Peterson
Battaglia	DenOuden	Himle	Metzen	Piepho
Beard	Dimler	Jacobs	Miller	Piper
Becklin	Dyke	Jaros	Minne	Poppenhagen
Begich	Elioff	Jennings, L.	Munger	Price
Bennett	Ellingson	Johnson	Murphy	Quinn
Bishop	Erickson	Kalis	Nelson, D.	Quist
Blatz	Fjoslien	Kiffmeyer	Nelson, K.	Redalen
Boerboom	Forsythe	Knickerbocker	Neuenschwander	Rees
Boo	Frederick	Knuth	Norton	Rest
Brinkman	Frederickson	Kostohryz	Ogren	Rice
Brown	Frerichs	Krueger	Olsen, S.	Richter
Burger	Greenfield	Kvam	Olson, E.	Riveness
Carlson, D.	Gruenes	Levi	Omann	Rodosovich
Carlson, J.	Gutknecht	Lieder	Onnen	Rose
Carlson, L.	Halberg	Marsh	Otis	Sarna
Clark	Hartinger	McDonald	Ozment	Schafer



Schoenfeld	Solberg	Thorson	Uphus	Waltman
Schreiber	Sparby	Tjornhom	Valan	Welle
Seaberg	Stanius	Tomlinson	Valento	Wenzel
Shaver	Staten	Tompkins	Vanasek	Zaffke
Skoglund	Sviggum	Tunheim	Voss	Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 657, A bill for an act relating to dissemination of data; prohibiting public access to data identifying certain youthful victims of criminal sexual behavior; amending Minnesota Statutes 1984, section 609.3471.

The bill was read for the third 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, G.	Ellingson	Krueger	Ozment	Skoglund
Anderson, R.	Erickson	Kvam	Pappas	Solberg
Backlund	Fjoslien	Levi	Pauly	Sparby
Battaglia	Forsythe	Lieder	Peterson	Stanius
Beard	Frederick	Marsh	Piepho	Staten
Becklin	Frederickson	McDonald	Piper	Sviggum
Begich	Frerichs	McLaughlin	Poppenhagen	Thiede
Bennett	Greenfield	McPherson	Price	Thorson
Blatz	Gruenes	Metzen	Quinn	Tjornhom
Boerboom	Gutknecht	Miller	Quist	Tomlinson
Boo	Halberg	Minne	Redalen	Tompkins
Brinkman	Hartinger	Munger	Rees	Tunheim
Brown	Hartle	Murphy	Rest	Uphus
Burger	Haukoos	Nelson, D.	Rice	Valan
Carlson, D.	Heap	Nelson, K.	Richter	Valento
Carlson, J.	Himle	Neuenschwander	Riveness	Vanasek
Carlson, L.	Jacobs	Norton	Rodosovich	Voss
Clark	Jaros	O'Connor	Rose	Waltman
Clausnitzer	Jennings, L.	Ogren	Sarna	Welle
Cohen	Johnson	Olsen, S.	Schafer	Wenzel
Dempsey	Kalis	Olson, E.	Scheid	Zaffke
DenOuden	Kiffmeyer	Omann	Schoenfeld	Spk. Jennings, D.
Dimler	Knickerbocker	Onnen	Schreiber	
Dyke	Knuth	Osthoff	Seaberg	
Elioff	Kostohryz	Otis	Shaver	

The bill was passed and its title agreed to.

### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Forsythe requested immediate consideration of S. F. No. 412.

S. F. No. 412 was reported to the House.

Frerichs moved to amend S. F. No. 412, as follows:

Page 1, line 14, restore the stricken language and delete the new language

Page 1, line 14, after the period insert *"An additional aggregate principal amount of \$31,000,000 may be outstanding but the money borrowed may be used only to finance single family dwellings."*

A roll call was requested and properly seconded.

The question was taken on the Frerichs amendment and the roll was called. There were 37 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Boerboom	Frederick	Knickerbocker	Piepho	Thiede
Burger	Frerichs	McDonald	Poppenhagen	Uphus
Carlson, J.	Gutknecht	McPherson	Quist	Waltman
DenOuden	Hartinger	Miller	Redalen	Wenzel
Dimler	Heap	Omann	Rees	Zaffke
Dyke	Himle	Onnen	Richter	
Fjoslien	Johnson	Osthoff	Scheid	
Forsythc	Kiilmeyer	Ozment	Sviggum	

Those who voted in the negative were:

Anderson, G.	Dempsey	McEachern	Peterson	Sparby
Anderson, R.	Elioff	McLaughlin	Piper	Stanius
Backlund	Frederickson	Metzen	Price	Staten
Battaglia	Greenfield	Minne	Quinn	Thorson
Beard	Gruenes	Munger	Rest	Tjornhom
Becklin	Halberg	Murphy	Rice	Tomlinson
Begich	Jacobs	Nelson, D.	Riveness	Tompkins
Bennett	Jaros	Nelson, K.	Rodosovich	Tunheim
Blatz	Jennings, L.	Neuenschwander	Rose	Valan
Brinkman	Kalis	Norton	Sarna	Valento
Brown	Knuth	O'Connor	Schoenfeld	Vanasek
Carlson, D.	Kostohryz	Ogren	Schreiber	Voss
Carlson, L.	Krueger	Olsen, S.	Scaberg	Spk. Jennings, D.
Clark	Levi	Otis	Shaver	
Clausnitzer	Lieder	Pappas	Skoglund	
Cohen	Marsh	Pauly	Solberg	

The motion did not prevail and the amendment was not adopted.

S. F. No. 412, A bill for an act relating to housing; raising the limit on the total amount of Minnesota housing finance agency bonds and notes outstanding; amending Minnesota Statutes 1984, section 462A.22, 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 83 yeas and 31 nays as follows:

Those who voted in the affirmative were :

Anderson, G.	Ellingson	Marsh	Pauly	Skoglund
Anderson, R.	Forsythe	McLaughlin	Peterson	Solberg
Battaglia	Frederickson	McPherson	Piper	Sparby
Beard	Greenfield	Metzen	Price	Stanis
Becklin	Grueses	Minne	Quinn	Staten
Begich	Halberg	Munger	Redalen	Thorson
Bennett	Hartinger	Murphy	Rees	Tomlinson
Blatz	Hartle	Nelson, D.	Rest	Tompkins
Brinkman	Heap	Nelson, K.	Rice	Tunheim
Brown	Jacobs	Neuenschwander	Riveness	Uphus
Carlson, D.	Jaros	Norton	Rodosovich	Valan
Carlson, E.	Jennings, L.	O'Connor	Rose	Vanasek
Clark	Johnson	Ogren	Sarna	Voss
Clausnitzer	Kalis	Olsen, S.	Schoenfeld	Welle
Cohen	Knuth	Olsen, E.	Schreiber	Wenzel
Dyke	Kostohryz	Otis	Scaberg	
Elioff	Lieder	Pappas	Sherman	

Those who voted in the negative were :

Bishop	Fjoslien	McDonald	Piepho	Sviggum
Boerboom	Frerichs	McEachern	Poppenhagen	Thiede
Burger	Himle	Miller	Quist	Tjornhom
Carlson, J.	Kiffmeyer	Omann	Richter	Valento
Dempsey	Krueger	Onnen	Schafer	Zaffke
DenOuden	Levi	Osthoff	Scheid	Spk. Jennings, D.
Dimler				

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 Jennings, D., in the Chair for 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 recommendations of the Committee were reported to the House :

H. F. Nos. 35, 242, 266, 204, 530, 538, 602, 603, 157 and 183 were recommended to pass.

H. F. No. 273 was recommended for progress.

H. F. No. 385 was recommended for progress retaining its place on General Orders.

H. F. No. 320 which it recommended to pass with the following amendment offered by Rose :

Page 1, line 9, delete "36" and insert "30"

H. F. No. 468 which it recommended to pass with the following amendment offered by McPherson:

Page 4, lines 20 to 24, delete section 4

Page 4, line 26, delete "4" and insert "3"

Renumber the remaining section

Amend the title as follows:

Page 1, line 3, delete "adding to the"

Page 1, delete line 4

Page 1, line 5, delete "management information center;"

H. F. No. 247 which it recommended to pass with the following amendment offered by DenOuden:

Page 2, delete lines 26 and 27

H. F. No. 308 which it recommended to pass with the following amendment offered by Solberg and Dyke:

Page 1, line 19, following "may" insert "*after one public hearing,*"

H. F. No. 513 which it recommended to pass with the following amendment offered by Knuth:

Page 1, after line 13, insert:

"Section 1. Minnesota Statutes 1984, section 15.62, subdivision 2, is amended to read:

Subd. 2. A public employee who qualifies as a member of (THE) a United States (OLYMPIC) team for athletic competition on the world, Pan American, or Olympic level in a sport sanctioned by the International Olympic Committee, shall be granted a leave of absence without loss of pay or other benefits or rights for the purpose of preparing for and engaging in the competition. In no event shall the paid leave under this section exceed the period of the official (OLYMPIC) training camp and (OLYMPIC) competition combined or 90 calendar days (IN AN OLYMPIC) a year, whichever is less."

Renumber subsequent sections

Page 5, line 35, delete "7" and insert "8"

Amend the title as follows:

Page 1, line 7, after "sections" insert "15.62, subdivision 2;"

On the motion of Levi 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. 308, as amended, and the roll was called. There were 63 yeas and 50 nays as follows:

Those who voted in the affirmative were:

Backlund	Elioff	Johnson	Otis	Sherman
Battaglia	Forsythe	Knickerbocker	Ozment	Solberg
Begich	Frederick	Knuth	Pappas	Stanius
Bennett	Frederickson	Krueger	Pauly	Thiede
Blatz	Frerichs	Levi	Piepho	Thorson
Boo	Greenfield	McLaughlin	Quinn	Tjornhom
Brinkman	Gutknecht	McPherson	Rees	Tomlinson
Carlson, J.	Halberg	Metzen	Rodosovich	Uphus
Clausnitzer	Hartle	Minne	Rose	Valento
Cohen	Heap	Murphy	Scheid	Zaffke
Dempsey	Himle	Neuenschwander	Schreiber	Spk. Jennings, D.
Dimler	Jacobs	Ogren	Seaberg	
Dyke	Jaros	Olsen, S.	Shaver	

Those who voted in the negative were:

Anderson, G.	Gruenes	McEachern	Piper	Sparby
Beard	Hartinger	Miller	Price	Staten
Becklin	Haukoos	Munger	Quist	Sviggum
Boerboom	Jennings, L.	Nelson, D.	Redalen	Tompkins
Brown	Kalis	Nelson, K.	Rest	Tunheim
Carlson, L.	Kiffmeyer	Olson, E.	Riveness	Valan
Clark	Kostohryz	Omman	Sarna	Voss
DenOuden	Kvam	Onnen	Schafer	Waltman
Ellingson	Lieder	Osthoff	Schoenfeld	Welle
Fjoslien	Marsh	Peterson	Skoglund	Wenzel

The motion prevailed.

Ogren moved to amend H. F. No. 183, the first engrossment, as follows:

Page 2, line 2, reinstate "((C) NO FINANCE CHARGE)"

Page 2, reinstate lines 3 to 5

Page 2, line 3, after "imposed" insert "at a rate in excess of the rate set by the commissioner of commerce pursuant to this paragraph"

Page 2, line 5, after the period insert: "The commissioner of commerce shall determine the maximum rate for six month periods beginning on January 1 and July 1 of each year. On the first day or the immediately following business day of November and April, the commissioner shall calculate the maximum rate as four percentage points plus the daily average prime rate for the preceding four months. The calculated maximum rate shall not exceed 1-1/2 percent per month. The maximum rate will be effective for the following six month period defined above. The commissioner shall publish the maximum rate within twenty days of when it is calculated in the state register. The prime rate means the base rate on corporate loans at large United States money center commercial banks as reported in the Wall Street Journal."

The question was taken on the Ogren amendment and the roll was called. There were 40 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Murphy	Otis	Sarna
Battaglia	Greenfield	Nelson, D.	Pappas	Schoenfeld
Beard	Kelly	Norton	Peterson	Skoglund
Begich	Knuth	O'Connor	Piper	Solberg
Bishop	Krueger	Ogren	Price	Sparby
Carlson, L.	McEachern	Olsen, S.	Quinn	Staten
Clark	McLaughlin	Olson, E.	Rest	Tunheim
Elioff	Minne	Osthoff	Riveness	Voss

Those who voted in the negative were:

Backlund	Erickson	Kiffmeyer	Poppenhagen	Thorson
Becklin	Forsythe	Knickerbocker	Quist	Tjornhom
Bennett	Frederickson	Kvam	Redalen	Tomlinson
Blatz	Frerichs	Levi	Rees	Tompkins
Boerboom	Gruenes	Marsh	Richter	Uphus
Boo	Gutknecht	McDonald	Rodosovich	Valan
Brinkman	Halberg	McPherson	Rose	Valento
Burger	Hartinger	Metzen	Schafer	Vanasek
Carlson, D.	Hartle	Miller	Schreiber	Waltman
Carlson, J.	Haukoos	Nelson, K.	Seaberg	Welle
Clausnitzer	Heap	Neuenschwander	Shaver	Wenzel
Cohen	Himle	Onnen	Sherman	Zaffke
Dempsey	Jennings, L.	Ozment	Stanius	Spk. Jennings, D.
DenOuden	Johnson	Pauly	Stiggum	
Dyke	Kalis	Piepho	Thiede	

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. 183 and the roll was called. There were 79 yeas and 39 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dyke	Johnson	Omann	Stanius
Becklin	Erickson	Kalis	Onnen	Sviggum
Bennett	Forsythe	Kelly	Ozment	Thiede
Bishop	Frederick	Kiffmeyer	Pauly	Thorson
Blatz	Frederickson	Knickerbocker	Piepho	Tjornhom
Boerboom	Frerichs	Kostohryz	Quist	Tomlinson
Boo	Gruenes	Krueger	Redalen	Tompkins
Brinkman	Cutknecht	Kvam	Rees	Uphus
Burger	Halberg	Levi	Richter	Valan
Carlson, D.	Hartinger	Marsh	Rodosovich	Valento
Carlson, J.	Hartle	McDonald	Rose	Vanasek
Clausnitzer	Haukoos	McPherson	Schafer	Waltman
Cohen	Heap	Miller	Schreiber	Wenzel
Dempsey	Himle	Nelson, K.	Seaberg	Zaffke
DenOuden	Jacobs	Neuenschwander	Shaver	Spk. Jennings, D.
Dimler	Jennings, L.	Olsen, S.	Sherman	

Those who voted in the negative were:

Anderson, G.	Ellingson	Nelson, D.	Piper	Skoglund
Battaglia	Fjoslien	Norton	Poppenhagen	Solberg
Beard	Greenfield	O'Connor	Price	Sparby
Begich	Knuth	Ogren	Quinn	Staten
Brown	McEachern	Olson, E.	Rest	Tunheim
Carlson, L.	McLaughlin	Osthoff	Riveness	Voss
Clark	Minne	Pappas	Sarna	Welle
Elioff	Murphy	Peterson	Schoenfeld	

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 refuses to concur in the House amendment to:

S. F. No. 42, A bill for an act relating to taxation; sales; including replacement parts in the definition of farm machinery; amending Minnesota Statutes 1984, section 297A.01, subdivision 15.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Langseth; Johnson, D. J., and Benson.

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

Fjoslien 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. 42. 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. 42:

Fjoslien, Schreiber and Brinkman.

#### MOTIONS AND RESOLUTIONS

Carlson, J., moved that the name of McPherson be added as an author on H. F. No. 443. The motion prevailed.

Jaros moved that the names of Lieder and Brown be added as authors on H. F. No. 463. The motion prevailed.

Backlund moved that the names of Scheid, Uphus, Minne and Kiffmeyer be added as authors on H. F. No. 759. The motion prevailed.

Kiffmeyer moved that the name of Hartinger be stricken as an author on H. F. No. 805. The motion prevailed.

Blatz moved that the names of Rees and Greenfield be added as authors on H. F. No. 848. The motion prevailed.

Shaver moved that the name of Tjornhom be added as an author on H. F. No. 850. The motion prevailed.

Boo moved that the name of Clark be added as an author on H. F. No. 864. The motion prevailed.

Kalis moved that the names of Schafer and Beard be added as authors on H. F. No. 877. The motion prevailed.

Gruenes moved that the name of Pappas be added as an author on H. F. No. 911. The motion prevailed.

Clausnitzer moved that the names of Clark and Olsen, S., be added as authors on H. F. No. 912. The motion prevailed.

Heap moved that the name of Kahn be added as an author on H. F. No. 916. The motion prevailed.



Minne moved that the name of Sparby be added as an author on H. F. No. 929. The motion prevailed.

Kvam moved that H. F. No. 877 be recalled from the Committee on Judiciary and be re-referred to the Committee on Financial Institutions and Insurance.

A roll call was requested and properly seconded.

The question was taken on the Kvam motion and the roll was called. There were 60 yeas and 56 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslien	Kostohryz	Omann	Sviggunn
Anderson, R.	Frederick	Kvam	Ozment	Thiede
Battaglia	Frederickson	Lieder	Pauly	Tompkins
Begich	Gruenes	Marsh	Piepho	Tunheim
Bennett	Gutknecht	McDonald	Poppenhagen	Uphus
Boo	Hartinger	McLaughlin	Redalen	Valan
Brinkman	Hartle	McPherson	Rodosovich	Valento
Brown	Haukoos	Metzen	Schafer	Voss
Carlson, J.	Heap	Miller	Sherman	Waltman
Clausnitzer	Jacobs	Munger	Solberg	Welle
Elioff	Jennings, L.	Neuenschwander	Sparby	Wenzel
Erickson	Kalis	O'Connor	Stanius	Zaffke

Those who voted in the negative were:

Backlund	DenOuden	Levi	Peterson	Seaberg
Beard	Dimler	Minne	Piper	Shaver
Becklin	Dyke	Murphy	Price	Skoglund
Bishop	Ellingson	Nelson, D.	Quinn	Staten
Blatz	Forsythe	Norton	Rest	Thorson
Boerboom	Frerichs	Ogren	Richter	Tjornhom
Burger	Greenfield	Olsen, S.	Rivenness	Tomlinson
Carlson, D.	Halberg	Olson, E.	Rose	Vanasek
Carlson, L.	Himle	Onnen	Sarna	
Clark	Kiffmeyer	Osthoff	Scheid	
Cohen	Knuth	Otis	Schoenfeld	
Dempsey	Krueger	Pappas	Schreiber	

The motion did not prevail.

Begich moved that H. F. No. 887 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Labor-Management Relations. The motion prevailed.

Voss moved that H. F. No. 927 be recalled from the Committee on Transportation and be re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

Onnen moved that H. F. No. 260 be recalled from the Committee on Environment and Natural Resources and be re-referred to the Committee on Agriculture. The motion prevailed.

Johnson moved that H. F. No. 961 be recalled from the Committee on Environment and Natural Resources and be re-referred to the Committee on Local and Urban Affairs. The motion prevailed.

Sviggum moved that H. F. No. 782 be recalled from the Committee on Judiciary and be re-referred to the Committee on Crime and Family Law. The motion prevailed.

#### ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 1:30 p.m., Tuesday, March 19, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:30 p.m., Tuesday, March 19, 1985.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**



## STATE OF MINNESOTA

## SEVENTY-FOURTH SESSION - 1985

## TWENTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, MARCH 19, 1985

The House of Representatives convened at 1:30 p.m. and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Reverend Howard C. Gravrock, House Chaplain.

The roll was called and the following members were present:

Anderson, G.	Ellingson	Kostohryz	Osthoff	Shaver
Anderson, R.	Erickson	Krueger	Otis	Sherman
Backlund	Fjoslien	Kvam	Pappas	Skoglund
Battaglia	Forsythe	Levi	Pauly	Solberg
Becklin	Frederick	Lieder	Peterson	Sparby
Begich	Frederickson	Marsh	Piepho	Stanius
Bennett	Frerichs	McDonald	Piper	Staten
Bishop	Greenfield	McEachern	Poppenhagen	Sviggum
Blatz	Gruenes	McKasy	Price	Thiede
Boerboom	Gutknecht	McLaughlin	Quinn	Thorsen
Boo	Halberg	McPherson	Quist	Tjornhom
Brinkman	Hartinger	Metzen	Redalen	Tomlinson
Brown	Hartle	Miller	Rees	Tompkins
Burger	Haukoos	Minne	Rest	Tunheim
Carlson, D.	Heap	Munger	Rice	Uphus
Carlson, J.	Himle	Murphy	Richter	Vaian
Carlson, L.	Jacobs	Nelson, D.	Riveness	Valento
Clark	Jaros	Nelson, K.	Rodosovich	Vanasek
Clausnitzer	Jennings, L.	Neuenschwander	Rose	Voss
Cohen	Johnson	Norton	Sarna	Waltman
Dempsey	Kalis	O'Connor	Schafer	Welle
DenOuden	Kelly	Ogren	Scheid	Zaffke
Dimler	Kiffmeyer	Olsen, S.	Schoenfeld	Spk. Jennings, D.
Dyke	Knickerbocker	Olson, E.	Schreiber	
Elioff	Knuth	Onnen	Seaberg	

A quorum was present.

Beard, Brandl, Kahn, Long, Omann, Ozment, Segal, Simoneau, Vellenga, Wenzel and Wynia 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. 65, 270, 316, 327, 759, 308, 320, 247, 468 and 513 and S. F. Nos. 604 and 287 have been placed in the members' files.

S. F. No. 287 and H. F. No. 270, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Minne moved that the rules be so far suspended that S. F. No. 287 be substituted for H. F. No. 270 and that the House File be indefinitely postponed. The motion prevailed.

## REPORTS OF STANDING COMMITTEES

Redalen from the Committee on Regulated Industries and Energy to which was referred:

H. F. No. 143, A bill for an act relating to utilities; providing that gas and electric utilities may not seek compensation from landlords for delinquent bills incurred through a service agreement solely with the tenant; proposing coding for new law in Minnesota Statutes, chapter 216B.

Reported the same back with the following amendments:

Page 1, line 9, delete "[216B.70]" and insert "[325E.025]"

Page 1, line 10, delete "DEFINITION" and insert "DEFINITIONS"

Page 1, after line 22, insert:

*"Customer" means any person, firm, association, or corporation, or any agency of the federal, state, or local government being supplied with service by a utility."*

Page 1, after line 24, insert *"manufactured home park owner, as defined in section 327C.01, or manufactured home dealer, as defined in section 327B.01, nor"*

Page 1, line 25, delete *"tenant"* and insert *"customer"*

Page 2, line 1, delete *"tenant when the"* and insert *"customer or customers where all said previous customer or customers have vacated the property."*

Page 2, delete lines 2 and 3

Amend the title as follows:

Page 1, line 6, delete "216B" and insert "325E"

With the recommendation that when so amended the bill pass.

The report was adopted.

Heap from the Committee on Labor-Management Relations to which was referred:

H. F. No. 207, A bill for an act relating to public employee labor relations; regulating public employee mediation; regulating mediation and strikes concerning teachers; providing for arbitration awards in principal and assistant principal disputes; amending Minnesota Statutes 1984, sections 179A.14, subdivision 1; 179A.15; 179A.16, subdivision 7; 179A.17, subdivision 1; 179A.18, subdivisions 2 and 3; and 179A.20, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 179A.14, subdivision 1, is amended to read:

Subdivision 1. [INITIATION OF NEGOTIATION.] When employees or their representatives desire to meet and negotiate an *initial* agreement establishing terms and conditions of employment, they shall give written notice to the employer and the director. The employer has ten days from receipt of the notice to object or refuse to recognize the employees' representative or the employees as an appropriate unit. If the employer does not object within ten days, the employer must recognize the employee representative for purposes of reaching agreement on terms and conditions of employment for the represented employees. If the employer does object, the employer or employees' representative may petition the director to take jurisdiction of the matter and the director shall investigate the petition.

*When a party to a contract desires to meet and negotiate an agreement subsequent to the initial agreement, the party shall give written notice to the other party and to the director at least 60 days before the termination date of the existing contract. If a party fails to give the required 60-day notice, that party shall be subject to a fine of \$10 per day for each day such notice is late. The fine for late notice may be waived at the discretion of the director, if the director finds that the failure to give timely notice*

*did not prejudice the bureau or the other party in the fulfillment of their responsibilities and duties. The fine for late notice shall be the only penalty for late notice under this paragraph.*

Sec. 2. Minnesota Statutes 1984, section 179A.15, is amended to read:

**179A.15 [MEDIATION.]**

Once notice has been given under section 179A.14, the employer or the exclusive representative may petition the director for mediation services.

A petition by an employer shall be signed by the employer or an authorized officer or agent. A petition by an exclusive representative shall be signed by its authorized officer. All petitions shall be delivered to the director in person or sent by certified mail. The petition shall state briefly the nature of the disagreement of the parties. Upon receipt of a petition *and upon concluding that mediation would be useful*, the director shall fix a time and place for a conference with the parties to negotiate the issues not agreed upon, and shall then take the most expedient steps to bring about a settlement, including assisting in negotiating and drafting an agreement.

*If the director (MAY, AT THE REQUEST OF A PARTY TO A LABOR DISPUTE, ASSIST IN SETTLING) determines that mediation would be useful in resolving a dispute, the director may mediate the dispute even if (NO PETITION) neither party has (BEEN) filed a petition for mediation. In these cases, the director shall proceed as if a petition had been filed.*

The director shall not furnish mediation services to any employee or employee representative who is not certified as an exclusive representative.

All parties shall respond to the summons of the director for conferences and shall continue in conference until excused by the director. However, for other than *teachers and essential employees*, mediation conferences following (: (1)) the expiration date of a collective bargaining agreement (, OR (2) IN THE CASE OF TEACHERS, MEDIATION OVER A PERIOD OF 60 DAYS AFTER THE EXPIRATION DATE OF A COLLECTIVE BARGAINING AGREEMENT) shall continue only for durations agreeable to both parties.

Sec. 3. Minnesota Statutes 1984, section 179A.16, subdivision 7, is amended to read:

Subd. 7. [DECISION BY THE PANEL.] The panel's order shall be issued by a majority vote of its members. The order shall resolve the issues in dispute between the parties as submitted by

the board. *For principals and assistant principals, the panel shall be restricted to selecting between the final offers of the parties on each impasse item. For other employees, if the parties agree in writing, the panel shall be restricted to selecting between the final offers of the parties on each impasse item, or the final offer of one or the other parties in its entirety.* In considering a dispute and issuing its order, the panel shall consider the statutory rights and obligations of public employers to efficiently manage and conduct their operations within the legal limitations surrounding the financing of these operations. The panel's decision and order shall be final and binding on all parties.

The panel shall render its order within ten days from the date that all arbitration proceedings have concluded. However, the panel must issue its order by the last date the employer is required by statute, charter, ordinance, or resolution to submit its tax levy or budget or certify its taxes voted to the appropriate public officer, agency, public body or office, or by November 1, whichever date is earlier. The panel's order shall be for the period stated in the order, except that orders determining contracts for teacher units shall be effective to the end of the contract period determined by section 179A.20.

The panel shall send its decision and orders to the board, the director, the appropriate representative of the public employer, and the employees. If any issues submitted to arbitration are settled voluntarily before the arbitrator issues a decision, the arbitrator shall report the settlement to the board and the director.

The parties may at any time prior to or after issuance of an order of the arbitration panel, agree upon terms and conditions of employment regardless of the terms and conditions of employment determined by the order. The parties shall, if so agreeing, execute a written contract or memorandum of contract.

Sec. 4. Minnesota Statutes 1984, section 179A.17, subdivision 1, is amended to read:

Subdivision 1. [FOR TEACHERS.] If a new or different exclusive representative of teachers employed by a local school district is certified by the director at any time other than the period between 120 days before the termination date of a contract and the termination date of the contract, or if on July 1 of any odd-numbered year a representation proceeding involving the employer and the employer's teachers is before the director, section 179A.18, subdivision 2, clause (1), shall apply. In those cases, however, the employer and the exclusive representative of the teachers shall execute a written contract or memorandum of contract no later than 60 days after a certification by the director of a new or different exclusive representative or the resolution by the director of a representation proceeding. Either party may petition the director of mediation services for assis-



tance in reaching an agreement. If the employer and the exclusive representative of the teachers fail to execute a contract by 60 days after the certification of a new or different exclusive representative or the resolution by the director of a representation proceeding, they shall be conclusively presumed to be at an impasse after having participated in mediation (SESSIONS OVER A PERIOD OF NO LESS THAN 60 DAYS) as specified in section 179A.18, subdivision 2, clause (1) (b).

Sec. 5. Minnesota Statutes 1984, section 179A.18, subdivision 2, is amended to read:

Subd. 2. [SCHOOL DISTRICT REQUIREMENTS.] Except as otherwise provided by section 179A.17, subdivision 1, teachers employed by a local school district, other than principals and assistant principals, may strike only under the following circumstances:

(1)(a) the collective bargaining agreement between their exclusive representative and their employer has expired or, if there is no agreement, impasse under section 179A.17, subdivision 1, has occurred; and

(b) the exclusive representative and the employer have participated in mediation over a period of at least (60 DAYS,) 30 days (OF WHICH HAVE OCCURRED AFTER THE EXPIRATION DATE OF THE COLLECTIVE BARGAINING AGREEMENT, PROVIDED THAT THE MEDIATION PERIOD ESTABLISHED BY SECTION 179A.17, SUBDIVISION 1, SHALL GOVERN NEGOTIATIONS PURSUANT TO THAT SECTION). For the purposes of this subclause the mediation period commences on the day (FOLLOWING RECEIPT BY THE DIRECTOR OF A REQUEST FOR MEDIATION) that a mediator designated by the director first attends a conference with the parties to negotiate the issues not agreed upon or on December 1 of odd-numbered years, whichever occurs first; and

(c) neither party has requested interest arbitration or a request for binding interest arbitration has been rejected; or

(2) (45 DAYS AFTER IMPASSE UNDER SECTION 179A.16, SUBDIVISION 1, NEITHER PARTY HAS REQUESTED INTEREST ARBITRATION; OR)

((3)) the employer violates section 179A.13, subdivision 2, clause (9).

Sec. 6. Minnesota Statutes 1984, section 179A.18, subdivision 3, is amended to read:

Subd. 3. [NOTICE.] In addition to the other requirements of this section, no employee may strike unless written notification of intent to strike is served on the employer and the director by the exclusive representative at least ten days prior to the

commencement of the strike. For all employees other than teachers, if more than 30 days have expired after service of a notification of intent to strike, no strike may commence until ten days after service of a new written notification. For teachers, no strike may commence more than 25 days after service of notification of intent to strike unless, before the end of the 25-day period, the exclusive representative and the employer agree that the period during which a strike may commence shall be extended for an additional period not to exceed five days. Teachers are limited to one notice of intent to strike for each contract negotiation period, provided, however, that a strike notice may be renewed for an additional 20 days, the first ten of which shall be a notice period during which no strike may occur, if the following conditions have been satisfied:

(1) an original notice was provided pursuant to this section; and

(2) a tentative agreement to resolve the dispute was reached during the original strike notice period; and

(3) such tentative agreement was rejected by the employer during or after the original strike notice period.

The first day of the renewed strike notice period shall commence on the day following the expiration of the previous strike notice period or the day following the rejection of the tentative agreement, whichever is later. Notification of intent to strike under subdivisions 1, clause (1); and 2, clause (1), may not be served until the collective bargaining agreement has expired, or if there is no agreement, on or after the date impasse under section 179A.17 has occurred. (NOTIFICATION OF INTENT TO STRIKE UNDER SUBDIVISION 2, CLAUSE (2), MAY NOT BE SERVED BEFORE THE 45TH DAY FOLLOWING AN IMPASSE UNDER SECTION 179A.16, SUBDIVISION 1.)

#### Sec. 7. [EFFECTIVE DATE.]

Sections 1 to 6 are effective the day following final enactment. However, the 60-day notice requirement imposed in section 1 does not apply in 1985 if sections 1 to 6 become effective after April 25, 1985. In this event, the notice required by section 1 must be given within 30 days of the effective date of sections 1 to 6."

Amend the title as follows:

Page 1, line 6, before "amending" insert "providing penalties;"

Page 1, line 9, delete "; and 179A.20, subdivision 3"

With the recommendation that when so amended the bill pass.

The report was adopted.

Redalen from the Committee on Regulated Industries and Energy to which was referred:

H. F. No. 227, A bill for an act relating to horse racing; providing for racing days at county fairs; amending Minnesota Statutes 1984, section 240.14, subdivision 3.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Redalen from the Committee on Regulated Industries and Energy to which was referred:

H. F. No. 539, A bill for an act relating to utilities; excepting certain public utility pipelines from county and environmental quality board regulations; authorizing settlement in cases of proposed general rate increases by public utilities upon review and approval by public utilities commission; authorizing department of public service to consolidate prehearing discovery activities of attorney general regarding utility rate changes; eliminating depreciation as factor in commission determination of fair rate of return for utility; allowing certain advertising expense of utility to be considered for rate purposes; providing new standard for intervention cost reimbursement in rate proceedings; increasing cost limitation for utility to acquire use of additional operating unit before commission authorization is required; amending Minnesota Statutes 1984, sections 116I.01, subdivision 3; 216B.16, subdivisions 1a, 2, 6, 8, and 10; and 216B.50, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 116I.01, subdivision 3, is amended to read:

Subd. 3. “Pipeline” means pipe located in this state which is used to transport natural or synthetic gas at a pressure of more than 90 pounds per square inch, or to transport crude petroleum or petroleum fuels or oil or their derivatives, coal, anhydrous ammonia or any mineral slurry to a distribution center or storage facility which is located within or outside of this state, *except pipe owned or to be constructed by a public utility regulated by the public utilities commission under chapter 216B as a part of its natural gas distribution system.*

Sec. 2. Minnesota Statutes 1984, section 216B.16, subdivision 1a, is amended to read:

Subd. 1a. [SETTLEMENT BARRED.] When a public utility proposes changes in general rates that would increase general rates paid by consumers (BY MORE THAN \$500,000 ANNUALLY), the commission (SHALL NOT) *may* approve the change (UNTIL AFTER REQUIRING THE OFFICE OF ADMINISTRATIVE HEARINGS TO CONDUCT A CONTESTED CASE HEARING ON, AT A MINIMUM, THE APPROPRIATE RATE BASE, EXPENSE AND REVENUE LEVELS FOR THE TEST YEAR, AND THE RATE OF RETURN. IF THE FORMAL PARTIES TO THE CONTESTED CASE CHOOSE NOT TO CROSS-EXAMINE THE TESTIMONY PRESENTED, IT SHALL BE THE DUTY OF THE COMMISSION AND ITS STAFF TO MAKE INQUIRY OF THE WITNESSES PRESENTED TO ENSURE THAT THE TESTIMONY IS WELL REASONED AND CONSTITUTES SUBSTANTIAL EVIDENCE. AFTER A REPORT OF THE EXAMINER HAS BEEN ISSUED, THE COMMISSION MAY PROCEED TO TAKE ACTION ON THE PROPOSED RATES CONSISTENT WITH THE PROVISIONS OF THIS SECTION. THE COMMISSION SHALL NOT ACCEPT ANY STIPULATION THAT IS NOT AGREED TO BY ALL INTERVENING PARTIES) *without a contested case hearing if all intervening parties agree to a stipulated settlement of the case and the settlement is supported by substantial evidence. The commission may accept or reject the terms of the settlement in its entirety, and it may, at any time until its final order is issued in the case, require the office of administrative hearings to conduct a contested case hearing. If a settlement is submitted, the commission shall have 12 months from the initial date of filing to make a final determination of rates before the rates are deemed approved.*

Sec. 3. Minnesota Statutes 1984, section 216B.16, subdivision 2, is amended to read :

Subd. 2. [SUSPENSION OF RATES; HEARING.] Whenever there is filed with the commission a schedule modifying or resulting in a change in any rates then in force as provided in subdivision 1, the commission may suspend the operation of the schedule by filing with the schedule of rates and delivering to the affected utility a statement in writing of its reasons for the suspension at any time before the rates become effective. The suspension shall not be for a longer period than ten months beyond the initial filing date, *except in any case in which a settlement has been submitted, the commission may suspend rates for two additional months.* During the suspension the commission shall determine whether all questions of the reasonableness of the rates requested raised by persons deemed interested or by the administrative division of the department of public service can be resolved to the satisfaction of the commission. If the commission finds that all significant issues raised have not been resolved to its satisfaction, or upon petition by ten percent of the affected customers or 250 affected customers, whichever is less, it shall refer the matter to the office of administrative hearings with

instructions for a public hearing as a contested case pursuant to chapter 14, except as otherwise provided in this section. The commission may order that the issues presented by the proposed rate changes be bifurcated into two separate hearings as follows: (1) determination of the utility's revenue requirements and (2) determination of the rate design. Upon issuance of both hearing examiner reports, the issues shall again be joined for consideration and final determination by the commission. All prehearing discovery activities of state agency intervenors shall be consolidated and conducted by the department of public service. *The attorney general shall coordinate his or her discovery activities with the department.* If the commission does not make a final determination concerning a schedule of rates within ten months after the initial filing date, the schedule shall be deemed to have been approved by the commission, *except in any case in which a settlement has been submitted, the schedule shall be deemed to have been approved 12 months after the initial filing.* For the purposes of this section, "final determination" means the initial decision of the commission and not any order which may be entered by the commission in response to a petition for rehearing or other further relief. The commission may further suspend rates until it determines all those petitions.

Sec. 4. Minnesota Statutes 1984, section 216B.16, subdivision 6, is amended to read:

Subd. 6. [FACTORS TO BE CONSIDERED.] The commission, in the exercise of its powers under this chapter to determine just and reasonable rates for public utilities, shall give due consideration to the public need for adequate, efficient, and reasonable service and to the need of the public utility for revenue sufficient to enable it to meet the cost of furnishing the service, including adequate provision for depreciation of its utility property used and useful in rendering service to the public, and to earn a fair and reasonable return upon the investment in such property. In determining the rate base upon which the utility is to be allowed to earn a fair rate of return, the commission shall give due consideration to evidence of the cost of the property when first devoted to public use, to prudent acquisition cost to the public utility less appropriate depreciation on each, to construction work in progress, to offsets in the nature of capital provided by sources other than the investors, and to other expenses of a capital nature. For purposes of determining rate base, the commission shall consider the original cost of utility property included in the base and shall make no allowance for its estimated current replacement value, *except in the case of operating utility property acquired by a public utility, the prudent acquisition cost of the property may be considered by the commission.*

Sec. 5. Minnesota Statutes 1984, section 216B.16, subdivision 8, is amended to read:

Subd. 8. [ADVERTISING EXPENSES.] The commission shall disapprove the portion of any rate which makes an allowance directly or indirectly for expenses incurred by a public utility to provide a public advertisement which:

(a) Is designed to influence or has the effect of influencing public attitudes towards legislation or proposed legislation, or toward a rule, proposed rule, authorization or proposed authorization of the public utilities commission or other agency of government responsible for regulating a public utility;

(b) Is designed to justify or otherwise support or defend a rate, proposed rate, practice or proposed practice of a public utility;

(c) Is designed primarily to promote consumption of the services of the utility; or

(d) Is designed primarily to promote good will for the public utility or improve the utility's public image.

The commission may approve a rate which makes an allowance for expenses incurred by a public utility to disseminate information which:

(a) Is designed to encourage conservation of energy supplies;

(b) Is designed to promote safety; (OR)

(c) Is designed to inform and educate customers as to financial services made available to them by the public utility; or

*(d) Is designed to promote efficient use of the utility's distribution system or which furthers the utilization of energy efficient products.*

The commission shall not withhold approval of a rate because it makes an allowance for expenses incurred by the utility to disseminate information about corporate affairs to its owners.

Sec. 6. Minnesota Statutes 1984, section 216B.50, subdivision 1, is amended to read:

Subdivision 1. No public utility shall sell, acquire, lease, or rent any plant as an operating unit or system in this state for a total consideration in excess of (\$100,000) \$500,000, or merge or consolidate with another public utility operating in this state, without first being authorized so to do by the commission. Upon the filing of an application for the approval and consent of the commission thereto the commission shall investigate, with or without public hearing, and in case of a public hearing, upon

such notice as the commission may require, and if it shall find that the proposed action is consistent with the public interest it shall give its consent and approval by order in writing. In reaching its determination the commission shall take into consideration the reasonable value of the property, plant, or securities to be acquired or disposed of, or merged and consolidated. The provisions of this section shall not be construed as applicable to the purchase of units of property for replacement or to the addition to the plant of the public utility by construction.

Sec. 7. [REPEALER.]

*Minnesota Statutes 1984, section 216B.16, subdivision 10, is repealed."*

Amend the title as follows:

Page 1, line 13, delete everything after the semicolon

Page 1, line 14, delete "for" and insert "abolishing"

Page 1, line 19, after "6," insert "and" and delete ", and 10"

Page 1, line 20, before the period insert "; repealing Minnesota Statutes 1984, section 216B.16, subdivision 10"

With the recommendation that when so amended the bill pass.

The report was adopted.

Redalen from the Committee on Regulated Industries and Energy to which was referred:

H. F. No. 755, A bill for an act relating to horseracing; authorizing the commission to adopt certain drug rules; amending Minnesota Statutes 1984, section 240.24.

Reported the same back with the following amendments:

Page 1, line 17, delete "*Furosemide*" and insert "*pulmonary hemostatic agents*"

Amend the title as follows:

Page 1, line 3, delete "drug" and insert "medication"

With the recommendation that when so amended the bill pass.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 786, A bill for an act relating to state departments and agencies; transferring authority to make certain appointments to various commissioners; reducing size of alcohol and drug abuse advisory council; abolishing the cable communications board; transferring the duties of the public employment relations board to the bureau of mediation services; amending Minnesota Statutes 1984, sections 1.22; 4.31, subdivision 5; 14.02, subdivision 4; 16B.20, subdivision 2; 16B.33, subdivision 2; 16C.01, subdivision 2; 35.02, subdivision 1; 40.03, subdivision 1; 84B.11, subdivision 1; 115.74, subdivision 1; 115A.22, subdivisions 3 and 4; 116C.41, subdivision 2; 116J.404; 116L.03; 121.82, subdivision 1; 121.83; 125.183, subdivision 1; 129B.01, subdivision 1; 144A.19, subdivision 1; 147.01, subdivisions 1 and 2; 148.03; 148.181; 148.52; 148.90, subdivision 2; 150A.02, subdivision 1; 151.03; 153.02; 154.22; 156.01, subdivisions 1 and 2; 161.1419, subdivision 2; 250.05, subdivision 2; 254A.04; 270.41; 326.04; 326.17; 326.241, subdivision 1; 343.01, subdivision 3; 386.63, subdivision 1; 611.215, subdivision 1; and 626.841; amending Laws 1984, chapter 654, article 2, section 151, subdivision 2; repealing Minnesota Statutes 1984, sections 3.29, subdivisions 1 to 9 and 11; 179A.05, subdivisions 1, 2, and 3; 238.01; 238.02, subdivision 4; 238.04 to 238.06; 238.08, subdivision 2; 238.09; 238.10; 238.11, subdivision 1; 238.12, subdivision 3; and 238.13 to 238.17.

Reported the same back with the following amendments:

Page 2, line 3, delete "*natural resources*" and insert "*transportation*"

Pages 5 and 6, delete section 6

Pages 8 and 9, delete sections 11 and 12

Page 10, delete section 14

Page 12, delete section 18

Page 22, line 26, strike "three" and insert "one"

Page 22, line 27, after "*transportation*" insert "*, one shall be appointed by the commissioner of natural resources, one shall be appointed by the commissioner of energy and economic development*"

Page 24, lines 12 and 14, after "*appoint*" insert "*five*"

Page 30, line 8, reinstate the stricken "21" and delete "20"



Page 30, line 15, before "*The*" insert "*The governor and*"

Pages 30 and 31, delete sections 46 and 47

Page 31, line 8, after "9," insert "10,"

Page 31, line 8, after the first semicolon insert "16C.01;"

Page 31, line 8, delete "179A.05, subdivisions 1, 2, and 3;"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after "board" insert "and the telecommunications council"

Page 1, line 6, delete "transferring the duties of the"

Page 1, delete line 7

Page 1, line 8, delete "mediation services;"

Page 1, line 11, delete "16C.01, subdivision 2;"

Page 1, line 13, delete "115A.22, subdivisions 3 and 4;"

Page 1, line 14, delete "116J.404;"

Page 1, line 15, delete "125.183, subdivision 1;"

Page 1, line 26, delete "9 and"

Page 1, line 26, after the semicolon insert "16C.01;"

Page 1, line 26, delete "179A.05, subdivisions 1,"

Page 1, line 27, delete "2, and 3;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Heap from the Committee on Labor-Management Relations to which was referred:

S. F. No. 125, A bill for an act relating to labor; changing the definition of plumber's apprentice for the purpose of employment licensing; requiring the registration of plumber's apprentices; amending Minnesota Statutes 1984, section 326.01, subdi-

vision 9; proposing coding for new law in Minnesota Statutes, chapter 326.

Reported the same back with the following amendments:

Page 1, delete lines 25 and 26

Page 2, after line 8, insert:

*"Subd. 3. [FEES.] The department of health may assess fees to pay for the administration of the apprentice registration program."*

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Onnen from the Committee on Health and Human Services to which was referred:

S. F. No. 331, A bill for an act relating to health; permitting the county coroner to remove the pituitary gland from a body under certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 390.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 143, 207, 227, 539, 755 and 786 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 287 and 331 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Clark introduced:

H. F. No. 1056, A bill for an act relating to environment; requiring the issuance of transportation certificates prior to the shipment of high level radioactive waste; providing for the administration of a certification and inspection program; pro-

viding for the designation of transportation routes; providing for emergency preparedness to nuclear incidents; amending Minnesota Statutes 1984, sections 116C.71, by adding subdivisions; and 116C.731.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Greenfield; Carlson, L.; Schreiber; Rose and Skoglund introduced:

H. F. No. 1057, A bill for an act relating to the revenue recapture act; including the University of Minnesota in the definition of claimant agency; amending Minnesota Statutes 1984, sections 270A.02; and 270A.03, subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

Carlson, D.; Norton; Rose; Battaglia and Stanius introduced:

H. F. No. 1058, A bill for an act relating to natural resources; establishing a youth conservation corps to promote employment of youths and young adults; redefining hazardous waste; increasing the tax on cigarettes; appropriating money for various natural resource-related projects, a youth conservation corps, and lime sludge removal; amending Minnesota Statutes 1984, sections 116.06, subdivision 13; 297.02, subdivision 1; and 297.22, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 84C.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Shaver introduced:

H. F. No. 1059, A bill for an act relating to taxation; income; conforming to federal treatment of contributions to individual retirement plans and certain other pension plans; amending Minnesota Statutes 1984, section 290.01, subdivisions 20a and 20b.

The bill was read for the first time and referred to the Committee on Taxes.

Schafer introduced:

H. F. No. 1060, A bill for an act relating to liquor; repealing statutory authority for dram shop actions; amending Minnesota Statutes 1984, section 471.981, subdivision 1; repealing Minnesota Statutes 1984, sections 340.11, subdivisions 21 and 23; 340.95; 340.951; and 466.15.

The bill was read for the first time and referred to the Committee on Judiciary.

Shaver introduced:

H. F. No. 1061, A bill for an act relating to taxation; income; changing the deduction for self-employment taxes; amending Minnesota Statutes 1984, section 290.10.

The bill was read for the first time and referred to the Committee on Taxes.

Jaros, Erickson, Lieder, Shaver and Clark introduced:

H. F. No. 1062, A bill for an act relating to education; requiring attendance at school until age 18 with certain exceptions; amending Minnesota Statutes 1984, section 120.10, subdivisions 1 and 3.

The bill was read for the first time and referred to the Committee on Education.

McDonald and Sparby introduced:

H. F. No. 1063, A bill for an act relating to the operation of state government; creating an office of protocol services; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 15.

The bill was read for the first time and referred to the Committee on Governmental Operations.

O'Connor, Haukoos, Voss and Clausnitzer introduced:

H. F. No. 1064, A bill for an act relating to public employment; providing that criminal offenders applying for public employment in the fire services must be fingerprinted; amending Minnesota Statutes 1984, section 364.09.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Boerboom, Voss, Valento, Schafer and Neuenschwander introduced:

H. F. No. 1065, A bill for an act relating to local government; permitting the municipal board to require meetings to discuss disputed issues; amending Minnesota Statutes 1984, section 414.01, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Wenzel; Kalis; McDonald; Olson, E., and Quist introduced:

H. F. No. 1066, A bill for an act relating to agriculture; authorizing a label for Minnesota raised pork; providing a penalty; amending Minnesota Statutes 1984, section 31.632.

The bill was read for the first time and referred to the Committee on Agriculture.

Scheid; Jennings, D.; Osthoff; Otis and Valan introduced:

H. F. No. 1067, A bill for an act relating to agriculture; providing famine relief for African people; appropriating money.

The bill was read for the first time and referred to the Committee on Agriculture.

Clark, Bishop, Levi and Boo introduced:

H. F. No. 1068, A bill for an act relating to child care; establishing child care resource and referral programs; appropriating money; amending Minnesota Statutes 1984, section 245.83, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 245.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Shaver, Munger, Rose, Backlund and Clausnitzer introduced:

H. F. No. 1069, A bill for an act relating to natural resources; providing for peatland protection by designating scientific and natural areas, and creating and designating peatland scientific protection areas, and peatland watershed protection areas; providing for acquisition of certain peatlands from the United States Department of Interior; proposing coding for new law in Minnesota Statutes, chapter 84.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Ozment, Rees, Levi, Pappas and Pauly introduced:

H. F. No. 1070, A bill for an act relating to occupations and professions; requiring the commissioner of corrections to establish a program to prevent sexual exploitation by psychotherapists; extending the sexual exploitation task force; appropriating money; amending Laws 1984, chapter 631, section 1, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 241.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Rees and DenOuden introduced:

H. F. No. 1071, A bill for an act relating to natural resources; giving control of the gypsy moth protection program to the department of agriculture; transferring control of the shade tree disease control program from the department of agriculture to the department of natural resources.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Kvam, Richter, Krueger, Sparby and Dyke introduced:

H. F. No. 1072, A bill for an act relating to agriculture; providing for the amount and conditions of surety bonds of certain wholesale producer dealers; amending Minnesota Statutes 1984, section 27.041, subdivision 1.

The bill was read for the first time and referred to the Committee on Agriculture.

Boo, Rose, Frerichs and Wynia introduced:

H. F. No. 1073, A bill for an act relating to education; authorizing the collection and setoff of debts to the University of Minnesota; proposing coding for new law in Minnesota Statutes, chapter 137.

The bill was read for the first time and referred to the Committee on Education.

DenOuden introduced:

H. F. No. 1074, A bill for an act relating to state departments and agencies; establishing an enterprise fund for the Minnesota zoo board; amending Minnesota Statutes 1984, sections 85A.01, subdivisions 1 and 2; 85A.02, subdivisions 3, 4, 5, 12, 16, and by adding subdivisions; 85A.04, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 85A; repealing Minnesota Statutes 1984, section 85A.03.

The bill was read for the first time and referred to the Committee on Governmental Operations.

McKasy and Backlund introduced:

H. F. No. 1075, A bill for an act relating to courts; raising the jurisdictional limit on claims heard in conciliation court; amending Minnesota Statutes 1984, sections 487.30, subdivision 1; 488A.12, subdivision 3; 488A.14, subdivision 6; 488A.29, subdivision 3; and 488A.31, subdivision 6.

The bill was read for the first time and referred to the Committee on Judiciary.

Seaberg introduced:

H. F. No. 1076, A bill for an act relating to commerce; modifying the definition of credit card to include other types of instruments; prescribing criminal penalties for financial transaction card fraud; amending Minnesota Statutes 1984, sections 325G.02, subdivisions 2 and 4; 325G.03; 325G.04; 325G.041; 325G.05; 609.52, subdivisions 1 and 2; and 609.625, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 609.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Rodosovich introduced:

H. F. No. 1077, A bill for an act relating to retirement; disability benefits for newly hired Faribault firefighters; amending Laws 1947, chapter 43, by adding a section.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Nelson, D., introduced:

H. F. No. 1078, A bill for an act relating to education; establishing an educational choice program for certain students; appropriating money; amending Minnesota Statutes 1984, sections 136D.27; 136D.74, subdivision 2; and 136D.87; proposing coding for new law in Minnesota Statutes, chapter 121.

The bill was read for the first time and referred to the Committee on Education.

Murphy introduced:

H. F. No. 1079, A bill for an act relating to the city of Hermantown; providing certain zoning authority to the city.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Heap, Clausnitzer, Osthoff and Metzen introduced:

H. F. No. 1080, A bill for an act relating to economic development; adding definitions to the Minnesota energy and economic development authority law; clarifying purposes of the economic development fund; adding development power and authority; restricting the duties of the energy and economic development authority and enlarging the duties of the commissioner of energy and economic development; extending the life of the Minnesota manufacturing growth council; amending Minnesota Statutes 1984, sections 116M.03, subdivisions 10, 11, 13, and by adding subdivisions; 116M.04, subdivision 1; 116M.06, subdivisions 2, 4, and 11; 116M.07, subdivisions 1, 2, 11, 12, and by adding a subdivision; 116M.08, subdivisions 11, 13, 16, 19, 20, and by adding subdivisions; 116M.10, subdivision 5; 474.01, subdivisions 6, 7b, 8, and 11; and Laws 1984, chapter 654, article 2, section 151, subdivision 5.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

Rodosovich, Johnson, Elioff and Blatz introduced:

H. F. No. 1081, A bill for an act relating to taxation; sales and use; exempting sales of United States and Minnesota flags; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.



Valento, Levi, Becklin and Stanius introduced:

H. F. No. 1082, A bill for an act relating to water pollution control; requiring a program for surface water management and the abatement of combined sewer overflows in the metropolitan area.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Carlson, J., and Valan introduced:

H. F. No. 1083, A bill for an act relating to traffic regulations; authorizing commissioner of transportation to issue special permit for three-vehicle combination exceeding length and weight restrictions if used for transporting motor vehicles and operating only within 15 miles of the western border of Minnesota; amending Minnesota Statutes 1984, sections 169.81, subdivision 2; and 169.86, subdivision 5, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Rodosovich and Piper introduced:

H. F. No. 1084, A bill for an act relating to education; locating a state school for the arts on the campus of the Minnesota School for the Deaf and the Minnesota Braille and Sightsaving School in the city of Faribault; appropriating money.

The bill was read for the first time and referred to the Committee on Education.

Greenfield, Staten and Wynia introduced:

H. F. No. 1085, A bill for an act relating to human services; changing eligibility standards under certain conditions and for certain programs for recipients of general assistance who share a residence with a responsible relative; amending Minnesota Statutes 1984, section 256D.01, subdivision 1a.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Ogren, Waltman, McDonald, Krueger and Riveness introduced:

H. F. No. 1086, A bill for an act relating to agriculture; regulating organic foods; proposing coding for new law in Minnesota Statutes, chapter 31.

The bill was read for the first time and referred to the Committee on Agriculture.

Frederick, Thorson, Frederickson, Elioff and Battaglia introduced:

H. F. No. 1087, A bill for an act relating to marriage dissolution; allowing grandparent visitation of children of a divorced parent; amending Minnesota Statutes 1984, section 518.175, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Wenzel, Staten, Blatz, Rodosovich and Levi introduced:

H. F. No. 1088, A resolution memorializing the President and Congress of the United States to award posthumous Medals of Freedom to Andrew Goodman, Michael Schwerner, and James Chaney.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Rodosovich, Kalis, Piper, Knickerbocker and Jennings, D., introduced:

H. F. No. 1089, A bill for an act relating to retirement; allowing direct deposit of teachers retirement checks to any joint account of the recipient; amending Minnesota Statutes 1984, section 354.10.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Sherman, Boo, Wenzel, Dempsey and McEachern introduced:

H. F. No. 1090, A bill for an act relating to education; removing limitations on eligible employers under the state work-study grant program; requiring post-secondary institutions to try to provide sufficient work hours; authorizing the higher education coordinating board to adopt emergency rules; appropriating money; amending Minnesota Statutes 1984, section 136A.233.

The bill was read for the first time and referred to the Committee on Education.

Tunheim, Lieder, Valan and Olson, E., introduced:

H. F. No. 1091, A bill for an act relating to taxation; aggregate removal production; changing the time at which a penalty for failure to file is imposed; imposing a penalty; amending Minnesota Statutes 1984, section 298.75, subdivisions 4, 5, and 6.

The bill was read for the first time and referred to the Committee on Taxes.

Shaver, Clausnitzer, Tjornhom and Blatz introduced:

H. F. No. 1092, A bill for an act relating to taxation; income; retroactively conforming to federal treatment of contributions to individual retirement plans and certain other retirement plans; amending Minnesota Statutes 1984, section 290.01, subdivisions 20a and 20b.

The bill was read for the first time and referred to the Committee on Taxes.

Wenzel, McDonald, Krueger, Waltman and Richter introduced:

H. F. No. 1093, A resolution memorializing the President and Secretary of Agriculture of the United States to insist to the government of Canada on fair trade regulations on hogs, or impose quotas and strict tariffs on Canadian hog imports.

The bill was read for the first time and referred to the Committee on Agriculture.

Sparby, Knickerbocker, Segal, Beard and Minne introduced:

H. F. No. 1094, A bill for an act relating to taxation; income; excluding the interest earned on certain savings; amending Minnesota Statutes 1984, section 290.01, subdivision 20b.

The bill was read for the first time and referred to the Committee on Taxes.

Minne introduced:

H. F. No. 1095, A bill for an act relating to retirement; public employees retirement association; permitting certain former municipal court judges to receive a deferred early retirement annuity notwithstanding the law in effect on the date of their termination of public service; amending Minnesota Statutes 1984, section 353.34, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations.

McDonald, Schafer, Rees, Onnen and McEachern introduced:

H. F. No. 1096, A bill for an act relating to horse racing; requiring the assignment of quarter horse races by the commission; providing a penalty; proposing coding for new law in Minnesota Statutes, chapter 240.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

Dempsey; Anderson, G.; Carlson, D.; Halberg and Vanasek introduced:

H. F. No. 1097, A bill for an act relating to creditor's remedies; providing for an increase in the amount of farm machines and implements exemption; clarifying the garnishment limitation for the sale of farm products; amending Minnesota Statutes 1984, sections 550.37, subdivisions 5, 7, 13, and 14; 571.41, subdivisions 6 and 7; 571.495, subdivision 3; and 571.55, subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Kiffmeyer introduced:

H. F. No. 1098, A bill for an act relating to traffic regulations; peace officers; authorizing peace officers to inspect for regulated tires; amending Minnesota Statutes 1984, section 169.725.

The bill was read for the first time and referred to the Committee on Transportation.

Tomlinson; Nelson, K.; Olsen, S., and Kostohryz introduced:

H. F. No. 1099, A bill for an act relating to education; establishing a business incentive matching fund program; requiring the Minnesota academic excellence foundation to examine ways to encourage employee involvement in education; appropriating money; amending Minnesota Statutes 1984, section 121.612, subdivision 3, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Haukoos, Erickson, Dyke, Frederickson and Johnson introduced:

H. F. No. 1100, A bill for an act relating to the University of Minnesota; appropriating money to study pseudorabies.

The bill was read for the first time and referred to the Committee on Agriculture.

Voss and Price introduced:

H. F. No. 1101, A bill for an act relating to administrative procedures; clarifying provisions relating to emergency rules; amending Minnesota Statutes 1984, section 14.29, subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Kvam introduced:

H. F. No. 1102, A bill for an act relating to education; authorizing independent school district No. 465, Litchfield, to make a special levy for two years for certain special assessments.

The bill was read for the first time and referred to the Committee on Education.

Knickerbocker, Sviggum, Gutknecht, Simoneau and Dempsey introduced:

H. F. No. 1103, A bill for an act relating to retirement; state employees retirement system; contributions; benefit formula; early retirement reduction; surviving spouse benefit; amending Minnesota Statutes 1984, sections 352.04, subdivisions 2 and 3; 352.115, subdivision 3; 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.

Sviggum introduced:

H. F. No. 1104, A bill for an act relating to intoxicating liquor; authorizing the town of Cannon Falls to issue an off-sale license.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Sparby introduced:

H. F. No. 1105, A bill for an act relating to public safety; permitting churches to display christmas trees with decorative lights; amending Minnesota Statutes 1984, section 299F.011, by adding a subdivision.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Frerichs, Bennett, Haukoos, Marsh and Sarna introduced:

H. F. No. 1106, A bill for an act relating to consumer protection; regulating prepayments of certain funeral and burial goods and services; amending Minnesota Statutes 1984, section 149.11.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

## MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 33, 118, 143, 198 and 319.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 33, A bill for an act relating to crimes; providing for penalties upon conviction of certain hit and run violations; enhancing penalties upon conviction of certain hit and run violations; amending Minnesota Statutes 1984, section 169.09, subdivision 14.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

S. F. No. 118, A bill for an act relating to public employee labor relations; regulating public employee mediation; regulating mediation and strikes concerning teachers; providing for arbitration awards in principal and assistant principal disputes; providing penalties; amending Minnesota Statutes 1984, sections 179A.14, subdivision 1; 179A.15; 179A.16, subdivision 7; 179A.17, subdivision 1; 179A.18, subdivisions 2 and 3; and 179A.20, subdivision 3.

The bill was read for the first time.

Sviggum moved that S. F. No. 118 and H. F. No. 207, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 143, A bill for an act relating to real property; changing effective dates for provisions relating to validation of foreclosure sales; amending Minnesota Statutes 1984, section 582.27.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 198, A bill for an act relating to real property; eliminating the necessity of a court order before requiring registered land surveys; authorizing the use of registered land surveys for multilevel tracts; amending the provisions relating to corporate

resolutions of dissolution and to instruments executed by owners whose fee title is held in trust; amending the requirements for joint tenancy clearances; amending Minnesota Statutes 1984, sections 508.47, subdivisions 2 and 4; 508.61, subdivision 3; 508.62; 508.71, subdivision 5; 508A.47, subdivisions 2 and 4; 508A.61, subdivision 3; 508A.62; and 508A.71, subdivision 5.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 319, A bill for an act relating to the state board of investment; clarifying powers and duties; amending Minnesota Statutes 1984, sections 11A.14, subdivision 5; 11A.17, subdivision 13; and 11A.24, subdivisions 2, 3, and 4.

The bill was read for the first time and referred to the Committee on Governmental Operations.

### CONSENT CALENDAR

Levi moved that the bill on the Technical Consent Calendar for today be continued one day. The motion prevailed.

### CALENDAR

Levi moved that the bills on the Calendar for today be continued one day. The motion prevailed.

### GENERAL ORDERS

Levi moved that the bills on General Orders for today be continued one day. The motion prevailed.

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, March 21, 1985. The motion prevailed.

Levi moved that the House recess subject to the call of the Chair to meet with the Senate in Joint Convention. The motion prevailed.

### RECESS

### RECONVENED

The House reconvened and was called to order by the Speaker.

The Sergeant at Arms announced the arrival of the members of the Senate and they were escorted to the seats reserved for them at the front of the Chamber.



## JOINT CONVENTION

The Speaker of the House as President of the Joint Convention called the Joint Convention to order.

Prayer was offered by Reverend Howard C. Gravrock, House Chaplain.

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.

Erickson and Pehler moved that the following be the procedure of this Joint Convention:

The report from members of the Senate Committee on Education and the House Committee on Education, pursuant to House Concurrent Resolution No. 3, shall submit a slate of four Congressional District members on the Board of Regents of the University of Minnesota.

Nominations may be made from the floor of the Convention but the nominations shall be in the form of an amendment to the report as submitted by the members of the Senate Committee on Education and the House Committee on Education. Such amendment shall be in the form of striking a designated nominee's name and inserting the name of the proposed nominee.

The roll shall be called on the election of the four members on the Board of Regents of the University of Minnesota. The nominee for each seat receiving the highest number of votes shall be declared elected.

The motion prevailed and the report on procedure was adopted.

REPORT FROM MEMBERS OF THE SENATE COMMITTEE ON  
EDUCATION AND THE HOUSE COMMITTEE ON EDUCATION

To the Honorable David M. Jennings, Speaker of the House of Representatives, as President of the Joint Convention of the Senate and House of Representatives meeting for the purpose of electing members of the Board of Regents of the University of Minnesota:

The members of the Senate Committee on Education and the House Committee on Education make the following report:

We have selected the following named persons as a slate of nominees for membership on the Board of Regents of the University of Minnesota, each to hold his or her respective office for the term specified from the first Monday of February, 1985:

Charles H. Casey, First Congressional District, Six Years

Mary T. Schertler, Fourth Congressional District, Six Years

Wendell R. Anderson, Sixth Congressional District, Six Years

Stanley D. Sahlstrom, Seventh Congressional District, Six Years

We hereby submit the recommendation and the names of said persons in nomination for the offices and terms hereinbefore designated.

Respectfully submitted,

JAMES C. PEHLER, Chairman  
Senate Education Committee

WENDELL O. ERICKSON, Chairman  
House Education Committee

Erickson and Pehler moved that the report from the members of the Senate Committee on Education and the House Committee on Education nominating four persons for membership on the Board of Regents of the University of Minnesota be adopted.

The motion prevailed and the report was adopted.

Erickson and Pehler moved that nominations be closed. The motion prevailed.

#### ELECTION OF BOARD OF REGENTS

The Secretary called the roll on the election.

177 members voted for Charles H. Casey, First Congressional District, for a six year term, as follows:

#### SENATE ROLL CALL

Adkins	Bertram	Djessner	Hughes	Knutson
Anderson	Brataas	Dieterich	Isackson	Kroening
Belanger	Chmielewski	Frank	Johnson, D. E.	Kronebusch
Benson	Dahl	Frederick	Johnson, D. J.	Laidig
Berg	Davis	Frederickson	Jude	Langseth
Berglin	DeCramer	Freeman	Kamrath	Lantry
Bernhagen	Dicklich	Gustafson	Knaak	Lessard

Luther	Novak	Petty	Solon	Waldorf
Mehrkens	Olson	Pogemiller	Spear	Wegscheid
Merriam	Pebler	Purfeerst	Storm	Willet
Moe, D. M.	Peterson, D. C.	Ramstad	Stumpf	
Moe, R. D.	Peterson, D. L.	Reichgott	Taylor	
Nelson	Peterson, R. W.	Renneke	Vega	

## HOUSE OF REPRESENTATIVES ROLL CALL

Anderson, G.	Elioff	Kiffmeyer	Olsen, S.	Scheid
Anderson, R.	Ellingson	Knickerbocker	Olson, E.	Schoenfeld
Backlund	Erickson	Knuth	Onnen	Schreiber
Battaglia	Fjoslien	Kostohryz	Osthoff	Shaver
Becklin	Forsythe	Krueger	Otis	Sherman
Begich	Frederick	Kvam	Pappas	Skoglund
Bennett	Frederickson	Lieder	Pauly	Solberg
Blatz	Frerichs	Marsh	Peterson	Sparby
Boerboom	Greenfield	McDonald	Piepho	Stanius
Boo	Gruenes	McEachern	Piper	Staten
Brinkman	Gutknecht	McKasy	Price	Sviggum
Brown	Halberg	McLaughlin	Quinn	Thorson
Burger	Hartinger	McPherson	Quist	Tjornhom
Carlson, D.	Hartle	Metzen	Redalen	Tomlinson
Carlson, J.	Haukoos	Minne	Rees	Tompkins
Carlson, L.	Heap	Munger	Rest	Tunheim
Clark	Himle	Murphy	Rice	Uphus
Clausnitzer	Jacobs	Nelson, D.	Richter	Valan
Cohen	Jaros	Nelson, K.	Riveness	Valento
Dempsey	Jennings, L.	Neuenschwander	Rodosovich	Vanasek
DenOuden	Johnson	Norton	Rose	Voss
Dimler	Kalis	O'Connor	Sarna	Waltman
Dyke	Kelly	Ogren	Schafer	Welle

176 members voted for Mary T. Schertler, Fourth Congressional District, for a six year term, as follows:

## SENATE ROLL CALL

Adkins	Dicklich	Kamrath	Moe, R. D.	Renneke
Anderson	Diessner	Knaak	Nelson	Solon
Belanger	Dieterich	Knutson	Novak	Spear
Benson	Frank	Kroening	Olson	Storm
Berg	Frederick	Kronebusch	Pebler	Stumpf
Berglin	Frederickson	Laidig	Peterson, D. C.	Taylor
Bernhagen	Freeman	Langseth	Peterson, D. L.	Vega
Bertram	Gustafson	Lantry	Peterson, R. W.	Waldorf
Brataas	Hughes	Lessard	Petty	Wegscheid
Chmielewski	Isackson	Luther	Pogemiller	Willet
Dahl	Johnson, D. E.	Mehrken	Purfeerst	
Davis	Johnson, D. J.	Merriam	Ramstad	
DeCramer	Jude	Moe, D. M.	Reichgott	

## HOUSE OF REPRESENTATIVES ROLL CALL

Anderson, G.	Boerboom	Clark	Ellingson	Gruenes
Anderson, R.	Boo	Clausnitzer	Erickson	Gutknecht
Backlund	Brinkman	Cohen	Fjoslien	Halberg
Battaglia	Brown	Dempsey	Forsythe	Hartinger
Becklin	Burger	DenOuden	Frederick	Hartle
Begich	Carlson, D.	Dimler	Frederickson	Haukoos
Bennett	Carlson, J.	Dyke	Frerichs	Heap
Blatz	Carlson, L.	Elioff	Greenfield	Himle

Jacobs	McKasy	Onnen	Richter	Staten
Jaros	McLaughlin	Osthoff	Riveness	Sviggum
Jennings, L.	McPherson	Otis	Rodosovich	Thorson
Johnson	Metzen	Pappas	Rose	Tjornhom
Kalis	Minne	Pauly	Sarna	Tomlinson
Kelly	Munger	Peterson	Schafer	Tompkins
Kiffmeyer	Murphy	Piepho	Scheid	Tunheim
Knickerbocker	Nelson, D.	Piper	Schoenfeld	Uphus
Knuth	Nelson, K.	Price	Schreiber	Valan
Kostohryz	Neuenschwander	Quinn	Shaver	Valento
Krueger	Norton	Quist	Sherman	Vanasek
Kvam	O'Connor	Redalen	Skoglund	Voss
Lieder	Ogren	Rees	Solberg	Waltman
Marsh	Olsen, S.	Rest	Sparby	Welle
McEachern	Olson, E.	Rice	Stanius	

172 members voted for Wendell R. Anderson, Sixth Congressional District, for a six year term, as follows:

## SENATE ROLL CALL

Adkins	Dicklich	Knaak	Nelson	Solon
Anderson	Diessner	Knutson	Novak	Spear
Belanger	Dieterich	Kroening	Olson	Storm
Benson	Frank	Kronebusch	Pehler	Stumpf
Berg	Frederick	Laidig	Peterson, D. C.	Taylor
Berglin	Frederickson	Langseth	Peterson, D. L.	Vega
Bernhagen	Freeman	Lantry	Peterson, R. W.	Waldorf
Bertram	Gustafson	Lessard	Petty	Wegscheid
Brataas	Hughes	Luther	Pogemiller	Willet
Chmielewski	Isackson	Mehrkens	Purfeerst	
Dahl	Johnson, D. E.	Merriam	Ramstad	
Davis	Johnson, D. J.	Moe, D. M.	Reichgott	
DeCramer	Jude	Moe, R. D.	Renneke	

## HOUSE OF REPRESENTATIVES ROLL CALL

Anderson, G.	Ellingson	Knickerbocker	Osthoff	Sherman
Anderson, R.	Erickson	Knuth	Otis	Skoglund
Backlund	Fjoslien	Kostohryz	Pappas	Solberg
Becklin	Forsythe	Krueger	Pauly	Sparby
Begich	Frederick	Kvam	Peterson	Stanius
Bennett	Frederickson	Lieder	Piepho	Staten
Blatz	Frerichs	Marsh	Piper	Sviggum
Boerboom	Greenfield	McEachern	Price	Thorson
Boo	Gruenes	McKasy	Quinn	Tjornhom
Brinkman	Gutknecht	McLaughlin	Quist	Tomlinson
Brown	Halberg	Metzen	Redalen	Tompkins
Burger	Hartinger	Minne	Rees	Tunheim
Carlson, D.	Hartle	Munger	Rest	Uphus
Carlson, J.	Haukoos	Murphy	Rice	Valan
Carlson, L.	Heap	Nelson, D.	Richter	Valento
Clark	Himle	Nelson, K.	Riveness	Vanasek
Clausnitzer	Jacobs	Neuenschwander	Rodosovich	Voss
Cohen	Jaros	Norton	Rose	Waltman
Dempsey	Jennings, L.	O'Connor	Sarna	Welle
DenOuden	Johnson	Ogren	Scheid	
Dimler	Kalis	Olsen, S.	Schoenfeld	
Dyke	Kelly	Olson, E.	Schreiber	
Elioff	Kiffmeyer	Onnen	Shaver	

163 members voted for Stanley D. Sahlstrom, Seventh Congressional District, for a six year term, as follows:

## SENATE ROLL CALL

Adkins	Dicklich	Kamrath	Moe, R. D.	Renneke
Anderson	Diessner	Knaak	Nelson	Solon
Belanger	Dieterich	Knutson	Novak	Spear
Benson	Frank	Kroening	Olson	Storm
Berg	Frederick	Kronebusch	Pehler	Stumpf
Berglin	Frederickson	Laidig	Peterson, D. C.	Taylor
Bernhagen	Freeman	Langseth	Peterson, D. L.	Vega
Bertram	Gustafson	Lantry	Peterson, R. W.	Waldorf
Brataas	Hughes	Lessard	Petty	Wegscheid
Chmielewski	Isackson	Luther	Pogemiller	Willet
Dahl	Johnson, D. E.	Mehrkens	Purfeerst	
Davis	Johnson, D. J.	Merriam	Ramstad	
DeCramer	Jude	Moe, D. M.	Reichgott	

## HOUSE OF REPRESENTATIVES ROLL CALL

Anderson, G.	Ellingson	Knuth	Osthoff	Skoglund
Anderson, R.	Erickson	Kostohryz	Otis	Solberg
Backlund	Fjoslien	Krueger	Pappas	Sparby
Battaglia	Forsythe	Lieder	Pauly	Stanius
Becklin	Frederick	McEachern	Peterson	Staten
Begich	Frederickson	McKasy	Piper	Sviggum
Bennett	Greenfield	McLaughlin	Price	Thorson
Blatz	Gutknecht	McPherson	Quinn	Tjornhom
Boerboom	Halberg	Metzen	Redalen	Tomlinson
Boo	Hartinger	Minne	Rees	Tompkins
Brinkman	Hartle	Munger	Rest	Tunheim
Brown	Heap	Murphy	Rice	Uphus
Burger	Himle	Nelson, D.	Richter	Valan
Carlson, D.	Jacobs	Nelson, K.	Riveness	Vanasek
Carlson, L.	Jaros	Ncuenschwander	Rodosovich	Voss
Clark	Jennings, L.	Norton	Rose	Waltman
Clausnitzer	Johnson	O'Connor	Sarna	Welle
Cohen	Kalis	Ogren	Schafer	
Dimler	Kelly	Olsen, S.	Scheid	
Dyke	Kiffmeyer	Olson, E.	Schoenfeld	
Elioff	Knickerbocker	Onnen	Sherman	

8 members voted for William B. Dosland, Seventh Congressional District, for a six year term, as follows: Representatives Carlson, J.; DenOuden; Gruenes; Kvam; Marsh; Quist; Schreiber and Valento.

One member voted for Elizabeth Ebbott, Sixth Congressional District, for a six year term, as follows: Representative McPherson.

Erickson and Pehler moved that the roll be closed. The motion prevailed.

## DECLARATION OF ELECTION

Charles H. Casey, First Congressional District, six years;  
Mary T. Schertler, Fourth Congressional District, six years;  
Wendell R. Anderson, Sixth Congressional District, six years;  
Stanley D. Sahlstrom, Seventh Congressional District, six years;

having received the largest number of votes at the Joint Convention were declared by the President of the Joint Convention to be elected to the Board of Regents of the University of Minnesota for terms ending the first Monday of February, 1991.

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.

#### CERTIFICATION

March 19, 1985

To the Governor  
State of Minnesota

To the Senate  
State of Minnesota

To the House of Representatives  
State of Minnesota

This is to certify that the House of Representatives and the Senate in Joint Convention on Tuesday, March 19, 1985, have elected as members of the Board of Regents of the University of Minnesota the following members each to hold his or her respective office for the term specified from the first Monday of February, 1985:

Charles H. Casey, First Congressional District, six years

Mary T. Schertler, Fourth Congressional District, six years

Wendell R. Anderson, Sixth Congressional District, six years

Stanley D. Sahlstrom, Seventh Congressional District, six years

JEROME M. HUGHES  
President of the Senate

DAVID M. JENNINGS  
Speaker of the House  
of Representatives

## ADJOURNMENT

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, March 21, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTY-FOURTH SESSION - 1985

## TWENTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 21, 1985

The House of Representatives convened at 2:00 p.m. and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Reverend Julie Nerass, Dayton Avenue Presbyterian Church of St. Paul, St. Paul, Minnesota.

The roll was called and the following members were present:

Anderson, G.	Ellingson	Krueger	Ozment	Skoglund
Anderson, R.	Erickson	Kvam	Pappas	Solberg
Backlund	Fjoslien	Levi	Pauly	Sparby
Battaglia	Forsythe	Lieder	Peterson	Stanius
Beard	Frederick	Long	Piepho	Staten
Becklin	Frederickson	Marsh	Piper	Sviggum
Begich	Frerichs	McDonald	Poppenhagen	Thiede
Bennett	Greenfield	McEachern	Price	Thorson
Bishop	Gruenes	McLaughlin	Quinn	Tjornhom
Blatz	Gutknecht	McPherson	Quist	Tomlinson
Boo	Halberg	Metzen	Redalen	Tompkins
Brandl	Hartinger	Miller	Rees	Tunheim
Brinkman	Hartle	Minne	Rest	Uphus
Brown	Haukoos	Munger	Rice	Valan
Burger	Heap	Murphy	Richter	Valento
Carlson, D.	Himle	Nelson, D.	Riveness	Vanasek
Carlson, J.	Jacobs	Neuenschwander	Rodosovich	Vellenga
Carlson, L.	Jaros	Norton	Rose	Voss
Clark	Johnson	O'Connor	Sarna	Waltman
Clausnitzer	Kahn	Ogren	Schafer	Welle
Cohen	Kalis	Olsen, S.	Scheid	Wenzel
Dempsey	Kelly	Olson, E.	Schoenfeld	Wynia
DenOuden	Kiffmeyer	Omann	Schreiber	Zaffke
Dimler	Knickerbocker	Onnen	Seaberg	Spk. Jennings, D.
Dyke	Knuth	Osthoff	Shaver	
Elioff	Kostohryz	Otis	Sherman	

A quorum was present.

Boerboom; Jennings, L.; Nelson, K.; Segal and Simoneau were excused.

McKasy was excused until 2:10 p.m.

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. 227, 143, 539, 755, 207 and 786 and S. F. Nos. 33, 118, 143, 198 and 319 have been placed in the members' files.

S. F. No. 118 and H. F. No. 207, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Sviggum moved that the rules be so far suspended that S. F. No. 118 be substituted for H. F. No. 207 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 18, 1985

The Honorable David M. Jennings  
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 Act of the 1985 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>Session Laws Chapter No.</i>	<i>Date Approved 1985</i>	<i>Date Filed 1985</i>
412		6	March 18	March 18

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

## REPORTS OF STANDING COMMITTEES

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 94, A bill for an act relating to agriculture; changing certain soil and water conservation priorities; amending Minnesota Statutes 1984, sections 40.036, subdivision 1; and 40.038, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 40.036, subdivision 1, is amended to read:

Subdivision 1. [ALLOCATION TO DISTRICTS.] (a) Within the limits of available funds, the state board may allocate funds to districts to be used to share the cost of implementing any system or practices for erosion or sedimentation control or water quality improvement which are designed to protect and improve the state's soil and water resources. Any district board requesting funds of the state board shall submit a comprehensive plan, an annual work plan, and an application for cost-sharing funds in the form prescribed by the state board. The comprehensive and annual work plans shall be completed as provided in section 40.07, subdivision 9. After review of the district's comprehensive plan, the state board shall approve it with any necessary amendments or reject it. If the state board approves the comprehensive plan, including the most recent plan amendment, the annual work plan and the application of the district it shall determine the specific amount of funds to allocate to the district for the purpose of cost-sharing contracts. Neither the state board nor the district board shall furnish any financial aid for practices designed only for an increase in land productivity.

(b) The state board shall allocate at least 70 percent of available cost-sharing funds (FOR CONSERVATION PRACTICES) to (ADDRESS) areas with high priority erosion, sedimentation, or water quality problems. *The areas must be selected based on the (COMPREHENSIVE AND ANNUAL WORK PLANS OF THE DISTRICTS AND) statewide priorities established by the board. (AT LEAST 50 PERCENT OF AVAILABLE COST-SHARING FUNDS SHALL BE ALLOCATED FOR CONSERVATION PRACTICES TO CONTROL HIGH PRIORITY EROSION PROBLEMS IDENTIFIED IN DISTRICT ANNUAL WORK PLANS)* *The allocated funds must be used for conservation practices to address high priority problems as identified in the comprehensive and annual work plans of the districts.*

(c) The remaining cost-sharing funds may be allocated by the board (FOR ADMINISTRATIVE EXPENSES AND FOR GRANTS) to districts (FOR CONSERVATION PRACTICES AND TECHNICAL AND ADMINISTRATIVE ASSISTANCE) as follows:

(1) *for technical and administrative assistance not to exceed 20 percent of the available cost-sharing funds; and*

(2) *for conservation practices to address lower priority erosion, sedimentation, or water quality problems.*

Sec. 2. Minnesota Statutes 1984, section 40.036, subdivision 3, is amended to read:

Subd. 3. [(COST-SHARING) RULES.] The state board shall adopt rules (SPECIFYING) *prescribing:*

(1) *the procedures and criteria for allocating funds to districts for cost-sharing contracts (. THE RULES SHALL ALSO INCLUDE);*

(2) *the standards and guidelines (WHICH THE DISTRICTS SHALL INCLUDE IN ALL) for all cost-sharing contracts;*

(3) *the scope and content of comprehensive plans, plan amendments, and annual work plans which local districts must submit under section 40.07, subdivision 9, to qualify for cost-sharing funds;*

(4) *standards and methods necessary for the planning and implementation of a priority cost-sharing program, including guidelines for identifying high priority erosion, sedimentation, and water quality problems;*

(5) *the share of the cost of conservation practices to be paid from state cost-sharing money; and*

(6) *requirements for all districts to document their efforts to identify and contact land occupiers with high priority erosion problems.*

Sec. 3. [REPEALER.]

*Minnesota Statutes 1984, sections 40.036, subdivisions 4, 5, and 6; and 40.038, subdivision 1, are repealed."*

Delete the title and insert:

"A bill for an act relating to agriculture; changing certain soil and water conservation priorities; amending Minnesota Statutes

1984, sections 40.036, subdivisions 1 and 3; repealing Minnesota Statutes 1984, sections 40.036, subdivisions 4, 5, and 6; and 40.038, subdivision 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 112, A bill for an act relating to veterans; authorizing certain American Legion officers and employees to elect state employee benefit coverage at their own expense; amending Minnesota Statutes 1984, section 43A.27, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 25, after "*Legion*" and after "*wars*" insert "*and its auxiliary*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 158, A bill for an act relating to taxation; increasing the amount statutory cities and towns may levy for a public cemetery; amending Minnesota Statutes 1984, section 471.24.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Kvam from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 216, A bill for an act relating to financial institutions; credit unions; specifying certain powers; amending Minnesota Statutes 1984, section 52.04, subdivision 1; repealing Minnesota Statutes 1984, section 52.04, subdivision 2.

Reported the same back with the following amendments:

Page 6, line 3, delete everything after "*1757*"

Page 6, delete line 4

Page 6, line 5, delete everything before the period and insert "*as amended through August 1, 1985. Before exercising each power, the board must submit a plan to the commissioner of commerce detailing implementation*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kvam from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 235, A bill for an act relating to the regulation of securities; modifying fees payable on certain security registrations; amending Minnesota Statutes 1984, section 80A.28, subdivisions 1 and 3.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 238, A bill for an act relating to agriculture; changing requirements for a soil conservation tillage program; appropriating money; amending Minnesota Statutes 1984, section 40.075.

Reported the same back with the following amendments:

Page 2, line 20, delete "\$ . . . ." and insert "\$800,000"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Onnen from the Committee on Health and Human Services to which was referred:

H. F. No. 347, A bill for an act relating to human services; authorizing a state hospital to enter into shared service agreements with for profit organizations; amending Minnesota Statutes 1984, section 246.57, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 246.57, is amended to read:

**246.57 [SHARED SERVICE AGREEMENTS.]**

Subdivision 1. [AUTHORIZED.] The commissioner of human services, after consultation with the (LEGISLATIVE ADVISORY COMMITTEE) *chairman of the senate finance committee and the chairman of the house appropriations committee*, may authorize any state hospital or state-operated nursing home to enter into agreement with other governmental and (NON-PROFIT) health service organizations for participation in shared service agreements that would be of mutual benefit to the state, the health service organizations involved, and the public. (TO THE EXTENT POSSIBLE THE COMMISSIONER SHALL ANTICIPATE THE COSTS OF THESE AGREEMENTS BY INCLUSION IN THE BIENNIAL BUDGET REQUEST TO THE LEGISLATURE. IN ADDITION, FUNDING FOR SHARED SERVICE AGREEMENTS MAY BE PROVIDED FROM THE CONTINGENT APPROPRIATION FOR STATE INSTITUTIONS TO THE EXTENT THAT SUCH AGREEMENTS RESULT IN COSTS NOT COVERED BY OTHER APPROPRIATIONS.) *Consultation with the chairman of the senate finance committee and the chairman of the house appropriation committee is not required for agreements which do not exceed \$100,000 per fiscal year.* No additional employees shall be added to the legislatively approved complement for any state hospital or state nursing home as a result of entering into any shared service agreement; *however, positions funded by shared service agreements may be authorized by the commissioner of finance for the duration of shared service agreements.* The charges for the services shall be on an actual cost basis and all receipts shall be deposited in the general fund, *except that portion of the receipts equal in amount to expenditures incurred in rendering shared services are dedicated to the state hospital or nursing home that provided the service and are appropriated for that purpose.*

Subd. 2. [REPORTS.] The commissioner of human services shall report biennially to the legislature about the number of agreements approved for each hospital *and nursing home*, the types of services provided, and the amounts collected.

Subd. 3. [LIMITED AGREEMENTS.] Notwithstanding the provisions of subdivision 1, the commissioner of human services may authorize a state hospital or state nursing home to enter into agreements with other governmental, *profit*, or non-profit organizations for participation in limited shared service agreements that would be of mutual benefit to the state, the organization involved, and the public.

(THE DURATION OF LIMITED AGREEMENTS MAY NOT EXCEED THREE CALENDAR YEARS AND THE

TOTAL DOLLAR AMOUNT ATTRIBUTABLE TO A LIMITED AGREEMENT MAY NOT EXCEED \$100,000. CONSULTATION WITH THE LEGISLATIVE ADVISORY COMMITTEE IS NOT REQUIRED FOR AGREEMENTS MADE PURSUANT TO THIS SUBDIVISION. THE CHARGES FOR SERVICES MUST BE ON AN ACTUAL COST BASIS AND RECEIPTS ARE DEDICATED FOR THE OPERATIONS OF THE STATE HOSPITALS OR STATE NURSING HOMES THAT PROVIDE THE SERVICE, AND ARE APPROPRIATED FOR THAT PURPOSE.)

Sec. 2. [EFFECTIVE DATE.]

*This act is effective July 1, 1985."*

Amend the title as follows:

Page 1, line 5, delete ", subdivision 3"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 422, A bill for an act relating to the city of West Saint Paul; changing the municipal election day and extending the terms of certain elected officials.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 461, A bill for an act relating to courts; providing that Ramsey municipal court judges shall set salaries of conciliation court referees in Ramsey county; amending Minnesota Statutes 1984, section 488A.30, subdivision 1.

Reported the same back with the following amendments:

Page 2, line 10, delete "*final enactment*" and insert "*Ramsey county board approval*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 485, A bill for an act relating to the city of Lismore; authorizing it to issue bonds for municipal facilities.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Kvam from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 517, A bill for an act relating to insurance; authorizing the use of funding agreements; prescribing powers of the commissioner; proposing coding for new law in Minnesota Statutes, chapter 61A.

Reported the same back with the following amendments:

Page 2, line 12, after the period insert "*No funding agreement shall be issued in an amount less than \$1,000,000.*"

Page 2, line 24, after the period insert "*Notwithstanding the provisions of section 61A.275, subdivision 1, a separate account for funding agreement proceeds may include funds from any source authorized to purchase a funding agreement pursuant to this section.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 520, A bill for an act relating to counties; permitting the consolidation of the offices of county auditor and county treasurer under certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 382.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 521, A bill for an act relating to counties; allowing counties to dispose of interests in land without reserving mineral



rights under certain circumstances; amending Minnesota Statutes 1984, section 373.01, subdivision 1.

Reported the same back with the following amendments:

Page 2, lines 30 and 31, delete "*or misrepresentation or without a purpose lawful for the county*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 526, A bill for an act relating to local government; fixing conditions of certain energy improvement loans; amending Minnesota Statutes 1984, section 471.65.

Reported the same back with the following amendments:

Page 1, delete lines 17 and 18, and insert:

"(a) *qualified energy improvements, district heating systems, energy conservation investments or other energy improvements pursuant to chapter 116J or 116M or sections 298.292 to 298.298, or*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Onnen from the Committee on Health and Human Services to which was referred:

H. F. No. 535, A bill for an act relating to public health; prohibiting the use of lead in solder in certain instances; proposing coding for new law 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 1984, section 123.36, is amended by adding a subdivision to read:

*Subd. 4a. [WATER PIPES.] The board shall require that all schools in the district which have lead solder pipe joints shall flush their pipes and faucets to ensure that any potable water which may contain lead which exceeds the safe drinking water*

levels, as established by the state health department, be flushed out of the school's potable water system. Until the state department of health determines guidelines for frequency of flushing under this subdivision, at a minimum, each school with lead solder pipe joints shall flush its pipes carrying potable water at least once each year immediately prior to the commencement of the regular school year, or after any period in excess of two weeks during which the school building is not in use.

**Sec. 2. [326.371] [BAN ON LEAD IN PLUMBING.]**

*Lead pipe, solders, and flux containing more than 0.2 percent lead shall not be used in any plumbing installation which conveys potable water.*

**Sec. 3. [DEPARTMENT OF HEALTH GUIDELINES.]**

*By July 1, 1986, the state department of health shall determine guidelines for the necessity and frequency of flushing lead solder pipes carrying potable water under section 1.*

**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 health; restricting the use of lead in pipes, solders, and flux; requiring schools to flush certain pipes; amending Minnesota Statutes 1984, section 123.36, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 326."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 537, A bill for an act relating to Itasca county; changing the permissible expenditure on tourist, agricultural, and industrial promotion; amending Laws 1965, chapter 326, section 1, subdivision 5, as amended.

Reported the same back with the following amendments:

Page 1, after line 14, insert:

"Sec. 2. Laws 1965, chapter 326, section 1, subdivision 7, is amended to read:

Subd. 7. Any balance shall be apportioned as follows: (STATE, 10 PERCENT;) county, (30) 40 percent; town, village or city, 20 percent; and school district, 40 percent; provided, however, that in unorganized territories that portion which should have accrued to the township shall be administered by the county board of commissioners."

Page 1, line 16, delete "*Section 1 is*" and insert "*Sections 1 and 2 are*"

Renumber remaining section

Amend the title as follows:

Page 1, line 4, after the semicolon insert "changing apportionment of certain proceeds from forfeited land sales;"

Page 1, line 5, delete "subdivision" and insert "subdivisions" and before the period insert ", and 7"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Onnen from the Committee on Health and Human Services to which was referred:

H. F. No. 546, A bill for an act relating to human services; requiring a study and report on public guardianship.

Reported the same back with the following amendments:

Page 1, line 10, after "*counties,*" insert "*the legislature,*"

Page 2, line 18, delete "*November 1, 1985*" and insert "*January 1, 1986*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 572, A bill for an act relating to agriculture; appropriating money for additional apiary inspection staff and staff support.

Reported the same back with the following amendments:

Page 1, line 10, delete "\$25,800" and insert "\$45,800"

Page 1, line 10, delete "The"

Page 1, delete lines 11 to 17

Page 2, line 3, delete "three"

Page 2, line 3, delete "apiary" and insert "personnel"

Page 2, line 4, delete "inspectors"

Page 2, line 6, delete "The"

Page 2, delete lines 7 to 14

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 585, A bill for an act relating to local government; providing for exceptions to conflict of interest rules; regulating local officials; amending Minnesota Statutes 1984, section 471.88, subdivisions 5 and 8.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Onnen from the Committee on Health and Human Services to which was referred:

H. F. No. 621, A bill for an act relating to mental health; revising the language of statutes concerning persons with mental illness and mental retardation and revising the language of statutes concerning state treatment facilities; amending Minnesota Statutes 1984, sections 147.021, subdivision 1; 243.55, subdivision 3; 245.072; 245.52; 245.70, subdivision 1; 245.71; 245.821, subdivision 1; 245.825, subdivision 1; 246.01; 246.013; 246.014; 246.13; 246.23; 246.234; 246.41; 246.50; 246.51; 246.511; 246.52; 246.53; 246.54; 246.55; 246.56; 246.57; 252.025; 252.05; 252.06; 252.07; 252.09; 252.10; 252.21; 252.22; 252.23; 252.24; 252.25; 252.27; 252.275; 252.28; 252.291; 252.30; 252.31; 252.

32; 253.015; 253.10; 253.19; 253.20; 253.21; 253.25; 253.26; 256.01, subdivisions 2 and 5; 256.91; 256.93, subdivision 1; 256B.02, subdivisions 2 and 8, and by adding a subdivision; 256B.092; 256B.36; 256B.501; 256E.03, subdivision 2; 256E.06, subdivision 2a; 260.092; 260.36; 284.05; 299F.77; 447.42; 447.45; 501.27; and 517.03; proposing coding for new law in Minnesota Statutes, chapter 252.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 147.021, subdivision 1, is amended to read:

Subdivision 1. The board shall censure, shall refuse to grant a license to, shall order re-examination, or shall suspend, revoke, condition, limit, qualify or restrict the license, whether granted under this chapter or under Minnesota Statutes 1961, Sections 148.11 to 148.16, prior to May 1, 1963, of any person whom such board, after a hearing, adjudges unqualified or who the board determines after such a hearing is any one or more of the following:

(a) a person who fails to demonstrate the qualifications or satisfy the standards for a license contained in this chapter or rules of the board. The burden of proof shall be upon the applicant to demonstrate such qualifications or satisfaction of such standards.

(b) a person who makes misleading, deceptive, untrue or fraudulent representations in the practice of medicine or who employs a trick or scheme in the practice of medicine or fraud or deceit in obtaining a license to practice medicine.

(c) a person who at any time during the previous five years was convicted of a felony reasonably related to his practice of medicine or osteopathy. Conviction as used in this subdivision shall include a conviction of an offense which if committed in this state would be deemed a felony without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilt is made or returned but the adjudication of guilt is either withheld or not entered thereon.

(d) a person whose license to practice medicine has been revoked, suspended, annulled or with regard to whom disciplinary action has been taken or whose application for a license has been denied by the proper licensing authority of another state, territory or country.

In clauses (c) and (d) a copy of the judgment or proceeding under the seal of the clerk of the court or of the administrative

agency which entered the same shall be admissible into evidence without further authentication and shall constitute prima facie evidence of the contents thereof.

(e) a person who advertises in any manner, either in his own name or under the name of another person or concern, actual or pretended, in any newspaper, pamphlet, circular, or other written or printed paper or document, professional superiority to or greater skill than that possessed by another doctor of medicine or another doctor of osteopathy licensed to practice medicine under this chapter, or the positive cure of any disease.

(f) a person who violates a lawful rule promulgated by the board or violates a lawful order of the board, previously entered by the board in a disciplinary hearing.

(g) a person who engages in any unethical, deceptive or deleterious conduct or practice harmful to the public, or who demonstrates a willful or careless disregard for the health, welfare or safety of his patients, in any of which cases, proof of actual injury need not be established.

(h) a person who procures, aids, or abets in the procuring of a criminal abortion.

(i) a person who violates a statute or rule of this state or of any other state or of the United States which relates to the practice of medicine or in part regulates the practice of medicine.

(j) a person who has been adjudged mentally incompetent, mentally ill or mentally (DEFICIENT) *retarded*, or adjudged to be a (DRUG) *chemically* dependent person (, AN INEBRIATE PERSON), a person dangerous to the public, or a person who has a psychopathic personality by a court of competent jurisdiction, within or without this state. Such adjudication shall automatically suspend a license for the duration thereof unless the board orders otherwise.

(k) a person who is guilty of unprofessional conduct. Unprofessional conduct shall include any departure from or the failure to conform to the minimal standards of acceptable and prevailing medical practice in which proceeding actual injury to a patient need not be established.

(l) a person who is unable to practice medicine with reasonable skill and safety to patients by reason of illness, professional incompetence, senility, drunkenness, use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition. If the board has probable cause to believe that a physician comes within this clause, it shall direct the physician to submit to a mental or physical examination. For the purpose of this clause, every physician licensed under this

chapter shall be deemed to have given his consent to submit to a mental or physical examination when directed in writing by the board and further to have waived all objections to the admissibility of the examining physicians' testimony or examination reports on the ground that the same constitute a privileged communication. Failure of a physician to submit to such examination when directed shall constitute an admission of the allegations against him, unless the failure was due to circumstances beyond his control, in which case a default and final order may be entered without the taking of testimony or presentation of evidence. A physician affected under this clause shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of medicine with reasonable skill and safety to patients.

In any proceeding under this clause, neither the record of proceedings nor the orders entered by the board shall be used against a physician in any other proceeding.

(m) a person who willfully betrays a professional secret.

(n) a doctor of osteopathy who fails to identify his school of healing in the professional use of his name by one of the following terms: osteopathic physician and surgeon, doctor of osteopathy, or D.O.

Sec. 2. Minnesota Statutes 1984, section 243.55, subdivision 3, is amended to read:

Subd. 3. As used in this section, "state hospital" or "hospital" means any state operated facility or hospital under the authority of the commissioner of human services for (a) (MENTALLY ILL, MENTALLY DEFICIENT, OR INEBRIATE) persons *with mental illness, mental retardation, or chemical dependency*, (b) sex offenders, or (c) persons with psychopathic personalities.

Sec. 3. Minnesota Statutes 1984, section 245.072, is amended to read:

#### 245.072 [MENTAL RETARDATION DIVISION.]

A mental retardation division is created in the department of human services which shall coordinate those laws administered and enforced by the commissioner of human services relating to mental retardation and (MENTAL DEFICIENCY) *related conditions, as defined in section 252.27, subdivision 1*, which the commissioner may assign to the division. The mental retardation division shall be under the supervision of a director whose responsibility it shall be to maximize the availability of federal or private moneys for programs to assist (MENTALLY RETARDED AND MENTALLY DEFICIENT) persons *with mental retardation or related conditions*. The commissioner shall

appoint the director who shall serve in the classified service of the state civil service. The commissioner may employ additional personnel with such qualifications and in such numbers as are reasonable and are necessary to carry out the provisions of this section.

Sec. 4. Minnesota Statutes 1984, section 245.52, is amended to read:

**245.52 [COMMISSIONER OF HUMAN SERVICES AS COMPACT ADMINISTRATOR.]**

The commissioner of human services is hereby designated as "compact administrator." He shall have the powers and duties specified in the compact, and he may, in the name of the state of Minnesota, subject to the approval of the attorney general as to form and legality, enter into such agreements authorized by the compact as he deems appropriate to effecting the purpose of the compact. He shall, within the limits of the appropriations for the care of (THE MENTALLY ILL AND MENTALLY DEFICIENT AVAILABLE THEREFOR) *persons with mental illness or mental retardation*, authorize such payments as are necessary to discharge any financial obligations imposed upon this state by the compact or any agreement entered into under the compact.

If the patient has no established residence in a Minnesota county, the commissioner shall designate the county of financial responsibility for the purposes of carrying out the provisions of the Interstate Compact on Mental Health as it pertains to patients being transferred to Minnesota. The commissioner shall designate the county which is the residence of the person in Minnesota who initiates the earliest written request for the patient's transfer.

Sec. 5. Minnesota Statutes 1984, section 245.821, subdivision 1, is amended to read:

Subdivision 1. Notwithstanding any law to the contrary, no private or public facility for the treatment, housing, or counseling of more than five (MENTALLY RETARDED, PHYSICALLY DISABLED, MENTALLY ILL, CHEMICALLY OR OTHERWISE DEPENDENT) *persons with mental illness, physical disabilities, mental retardation or related conditions, as defined in section 252.27, subdivision 1, chemical dependency, or another form of dependency*, nor any correctional facility for more than five persons, shall be established without 30 days written notice to the affected municipality or other political subdivision.

Sec. 6. Minnesota Statutes 1984, section 245.825, subdivision 1, is amended to read:



Subdivision 1. [RULES GOVERNING USE OF AVERSIVE AND DEPRIVATION PROCEDURES.] The commissioner of human services shall by October, 1983 promulgate rules governing the use of aversive and deprivation procedures in all licensed facilities serving (MENTALLY RETARDED) persons *with mental retardation or related conditions, as defined in section 252.27, subdivision 1.* No provision of these rules shall encourage or require the use of aversive and deprivation procedures. The rules shall prohibit: (a) the application of certain aversive or deprivation procedures in facilities except as authorized and monitored by the designated regional review committees; and (b) the use of aversive or deprivation procedures that restrict the consumers' normal access to nutritious diet, drinking water, adequate ventilation, necessary medical care, ordinary hygiene facilities, normal sleeping conditions, and necessary clothing. The rule shall further specify that consumers may not be denied ordinary access to legal counsel and next of kin. In addition, the rule may specify other prohibited practices and the specific conditions under which permitted practices are to be carried out.

Sec. 7. Minnesota Statutes 1984, section 246.01, is amended to read:

246.01 [POWERS AND DUTIES.]

The commissioner of human services is hereby specifically constituted the guardian of both the estate and person of all (FEEBLE-MINDED PERSONS OR) persons (HAVING EPILEPSY) *with mental retardation*, the guardianship of whom has heretofore been vested in the state board of control or in the director of social welfare whether by operation of law or by an order of court without any further act or proceeding, and all the powers and duties vested in or imposed upon the state board of control or the director of social welfare, with reference to mental testing of persons (MENTALLY DEFICIENT OR PERSONS HAVING EPILEPSY) *with mental retardation*, and with reference to the institutions of the state of Minnesota except correctional facilities administered and managed by the commissioner of corrections, are hereby transferred to, vested in, and imposed upon the commissioner of human services, and in relation thereto he is hereby charged with and shall have the exclusive power of administration and management of all of the following state institutions: (THE SCHOOLS AND HOSPITALS FOR THE MENTALLY RETARDED AND PERSONS HAVING EPILEPSY,) state hospitals for (THE MENTALLY ILL, AND THE STATE HOSPITAL FOR INEBRIATES) *persons with mental retardation, mental illness, or chemical dependency.* He shall have power and authority to determine all matters relating to the unified and continuous development of all of the foregoing institutions and of such other institutions, the supervision of which may, from time to time, be vested in him. It is intended that there be vested in him all of the powers, functions, and authority heretofore vested in the state board of control

relative to such state institutions. He shall have the power and authority to accept, in behalf of the state, contributions and gifts of money and personal property for the use and benefit of the (INMATES) *residents* of the public institutions under his control, and all moneys and securities so received shall be deposited in the state treasury subject to the order of the commissioner of human services. If the gift or contribution is designated by the donor for a certain institution or purpose, the commissioner of human services shall expend or use the same as nearly as may be in accordance with the conditions of the gift or contribution, compatible with the best interests of the inmates and the state. The commissioner of human services is hereby constituted the "state agency" as defined by the social security act of the United States and the laws of this state for all purposes relating to mental health and mental hygiene.

For the purpose of carrying out his duties, the commissioner of human services shall accept from (MENTALLY DEFICIENT) wards *with mental retardation* for whom he is specifically appointed guardian a signed application for his consent to the marriage of said ward. Upon receipt of such application he shall promptly conduct such investigation as he deems proper and determine if the contemplated marriage is for the best interest of the ward and the public. A signed copy of the commissioner's determination shall be mailed to the ward and to the clerk of the district court of the county where the application for such marriage license was made.

There is hereby appropriated to such persons or institutions as are entitled to such sums as are provided for in this section, from the fund or account in the state treasury to which the money was credited, an amount sufficient to make such payment.

Sec. 8. Minnesota Statutes 1984, section 246.013, is amended to read:

246.013 [(MENTALLY ILL) PERSONS WITH MENTAL ILLNESS; CARE, TREATMENT.]

Within the limits of the appropriations for the commissioner of human services, he is directed, in the performance of the duties imposed upon him by the laws of this state, to bring to the measure prescribed by section 246.012, the care and treatment of (THE MENTALLY ILL) *persons with mental illness* as speedily as is possible, and to thereafter, subject to the paramount authority of the legislature with respect to appropriations, maintain said standards in the care and treatment of (THE MENTALLY ILL) *persons with mental illness*.

Sec. 9. Minnesota Statutes 1984, section 246.014, is amended to read:

246.014 [SERVICES.]

The measure of services established and prescribed by section 246.012, are:

(1) There shall be served in state hospitals a single standard of food for patients and employees alike, which is nutritious and palatable together with special diets as prescribed by the medical staff thereof. There shall be a chief dietitian in the department of human services and at least one dietitian at each state hospital. There shall be adequate staff and equipment for processing, preparation, distribution and serving of food.

(2) There shall be a staff of persons, professional and lay, sufficient in number, trained in the diagnosis, care and treatment of (THE MENTALLY ILL) *persons with mental illness*, physical illness, and including religious and spiritual counsel through qualified chaplains (who shall be in the unclassified service) adequate to take advantage of and put into practice modern methods of psychiatry, medicine and related field.

(3) There shall be a staff and facilities to provide occupational and recreational therapy, entertainment and other creative activities as are consistent with modern methods of treatment and well being.

(4) There shall be in each state hospital for the care and treatment of (THE MENTALLY ILL) *persons with mental illness* facilities for the segregation and treatment of patients and residents who have communicable disease.

(5) The commissioner of human services shall provide modern and adequate psychiatric social case work service.

(6) The commissioner of human services shall make every effort to improve the accommodations for patients and residents so that the same shall be comfortable and attractive with adequate furnishings, clothing, and supplies.

(7) The commissioner of human services shall establish training programs for the training of personnel and may require the participation of personnel in such programs. Within the limits of the appropriations available he may establish professional training programs in the forms of educational stipends for positions for which there is a scarcity of applicants.

(8) The standards herein established shall be adapted and applied to the diagnosis, care and treatment of (INEBRIATE PERSONS AND MENTALLY DEFICIENT) *persons with chemical dependency or mental retardation* who come within those terms as defined in the laws relating to the hospitalization and commitment of such persons, and of persons who are psychopathic personalities within the definition thereof in Minnesota Statutes 1945, Section 526.09.

(9) The commissioner of human services shall establish a program of detection, diagnosis and treatment of (MENTALLY OR NERVOUSLY ILL) persons *with mental illness* and persons described in clause (8), and within the limits of appropriations may establish clinics and staff the same with persons specially trained in psychiatry and related fields.

(10) The commissioner of employee relations may reclassify employees of the (MENTAL INSTITUTIONS) *state hospitals* from time to time, and assign classifications to such salary brackets as will adequately compensate personnel and reasonably assure a continuity of adequate staff.

(11) In addition to the chaplaincy services, provided in clause (2), the commissioner of human services shall open said (INSTITUTIONS) *state hospitals* to (MINISTERS) *members of the (GOSPEL) clergy and other spiritual leaders* to the end that religious and spiritual counsel and services are made available to the patients and residents therein, and shall cooperate with all (MINISTERS) *members of the (GOSPEL) clergy and other spiritual leaders* in making said patients and residents available for religious and spiritual counsel, and shall provide such (MINISTERS) *members of the (GOSPEL) clergy and other spiritual leaders* with meals and accommodations.

(12) Within the limits of the appropriations therefor, the commissioner of human services shall establish and provide facilities and equipment for research and study in the field of modern hospital management, the causes of mental and related illness and the treatment, diagnosis and care of (THE MENTALLY ILL) *persons with mental illness* and funds provided therefor may be used to make available services, abilities and advice of leaders in these and related fields, and may provide them with meals and accommodations and compensate them for traveling expenses and services.

Sec. 10. Minnesota Statutes 1984, section 246.13, is amended to read:

**246.13 [RECORD OF PATIENTS AND RESIDENTS; DEPARTMENT OF HUMAN SERVICES.]**

The commissioner of human services shall keep in his office, accessible only by his consent or on the order of a judge or court of record, a record showing the residence, sex, age, nativity, occupation, civil condition, and date of entrance or commitment of every person (OR PATIENT), in the (INSTITUTIONS) *state hospitals* under his exclusive control, the date of discharge and whether such discharge was final, the condition of such person when he left the (INSTITUTION) *state hospital*, and the date and cause of all deaths. The record shall state every transfer from one (INSTITUTION) *state hospital* to another, naming each. This information shall be furnished to the commissioner

of human services by each (INSTITUTION) *public and private agency*, with such other obtainable facts as he may from time to time require. The chief executive officer of each such (INSTITUTION) *state hospital*, within ten days after the commitment or entrance thereto of a (PERSON OR) *patient or resident*, shall cause a true copy of his entrance record to be forwarded to the commissioner of human services. When a *patient or resident* leaves, is discharged or transferred, or dies in any (INSTITUTION) *state hospital*, the chief executive officer, or other person in charge shall inform the commissioner of human services within ten days thereafter on forms by him furnished.

The commissioner of human services may authorize the (SUPERINTENDENT) *chief executive officer* of any state (INSTITUTION) *hospital* for (THE MENTALLY ILL, MENTALLY RETARDED OR) persons (HAVING EPILEPSY) *with mental illness or mental retardation*, to release to public or private medical personnel, hospitals, clinics, county welfare boards or other specifically designated interested persons or agencies any information regarding any *patient or resident* thereat, if, in the opinion of the commissioner, it will be for the benefit of the *patient or resident*.

Sec. 11. Minnesota Statutes 1984, section 246.23, is amended to read:

**246.23 [PERSONS ADMISSIBLE TO (INSTITUTIONS) STATE HOSPITALS.]**

No person who has not a settlement in a county, as defined in section 256D.18, shall be admitted to a *state hospital* for (THE MENTALLY ILL, THE SCHOOL FOR THE DEAF, THE MINNESOTA BRAILLE AND SIGHTSAVING SCHOOL, THE SCHOOLS AND HOSPITALS FOR THE MENTALLY RETARDED AND PERSONS HAVING EPILEPSY, OR THE OWATONNA STATE SCHOOL) *persons with mental illness, mental retardation, or chemical dependency*, except that the commissioner of human services may authorize admission thereto when the residence cannot be ascertained, or when the circumstances in his judgment make it advisable. When application is made to a judge of probate for admission to any of the (INSTITUTIONS) *state hospitals* above named for admission thereto, if he finds that the person for whom application is made has not such residence, or that his residence cannot be ascertained, he shall so report to the commissioner; and he may recommend that such person be admitted notwithstanding, giving his reasons therefor. The commissioner of human services shall thereupon investigate the question of residence and, if he finds that such person has not such residence and has a legal residence in another state or country, he may cause him to be returned thereto at the expense of this state. (WHEN THE OVERSEER OF A COUNTY POORHOUSE BELIEVES AN INMATE THEREOF NOT TO HAVE A RESIDENCE IN THE STATE, BUT TO

HAVE A RESIDENCE ELSEWHERE, HE SHALL SO NOTIFY THE COMMISSIONER OF HUMAN SERVICES WHO SHALL THEREUPON PROCEED IN THE MANNER ABOVE PROVIDED; EXCEPT THAT, IF DEEMED IMPRACTICABLE TO RETURN SUCH PERSON TO THE STATE OF HIS RESIDENCE, HE MAY SO CERTIFY AND SUCH PERSON SHALL THEREAFTER BE A CHARGE UPON THE COUNTY, TOWN OR CITY IN WHICH HE HAS LONGEST RESIDED WITHIN THE PRECEDING YEAR.)

Sec. 12. Minnesota Statutes 1984, section 246.234, is amended to read:

246.234 [RECIPROCAL EXCHANGE OF (RELIEF) PERSONS WITH MENTAL ILLNESS OR MENTAL RETARDATION.]

The commissioner of human services is hereby authorized and empowered with the approval of the governor to enter into reciprocal agreements with any other state or states, through the duly authorized authorities thereof, regarding the mutual exchange, return, and transportation of (MENTALLY ILL PERSONS, MENTALLY DEFICIENT PERSONS, OR) persons (HAVING EPILEPSY) *with mental illness or mental retardation* who are within the confines of one state but have legal residence or legal settlement for the purposes of relief in another state. Such agreements shall contain no provisions conflicting with any law of this state.

Sec. 13. Minnesota Statutes 1984, section 246.41, is amended to read:

246.41 [CONTRIBUTIONS FOR BENEFIT OF (MENTALLY DEFICIENT PERSONS AND) PERSONS (HAVING EPILEPSY) WITH MENTAL RETARDATION.]

Subdivision 1. [ACCEPTANCE.] The commissioner of human services is authorized to accept, for and in behalf of the state, contributions of money for the use and benefit of (MENTALLY DEFICIENT PERSONS AND) persons (HAVING EPILEPSY) *with mental retardation*.

Subd. 2. [SPECIAL WELFARE FUND.] Any money so received by the commissioner shall be deposited with the state treasurer in a special welfare fund, which fund is to be used by the commissioner of human services for the benefit of (MENTALLY DEFICIENT PERSONS AND) persons (HAVING EPILEPSY) *with mental retardation* within the state, including those within (INSTITUTIONS) *state hospitals*. And, without excluding other possible uses, research relating to (MENTALLY DEFICIENT PERSONS AND) persons (HAVING EPILEPSY) *with mental retardation* shall be considered an appropriate use of such funds; but such funds shall not be used for any struc-

tures or installations which by their nature would require state expenditures for their operation or maintenance without specific legislative enactment therefor.

Subd. 3. [APPROPRIATION.] There is hereby appropriated from the special welfare fund in the state treasury to such persons as are entitled thereto to carry out the provisions stated in this section.

Sec. 14. Minnesota Statutes 1984, section 246.50, is amended to read:

**246.50 [CARE OF PATIENTS AND RESIDENTS AT STATE HOSPITALS; DEFINITIONS.]**

Subdivision 1. For the purposes of sections 246.50 to 246.55, the terms set out in subdivisions 2 to 8 shall have the meanings ascribed to them.

Subd. 2. "Commissioner" means the commissioner of human services of the state of Minnesota.

Subd. 3. "State hospital" means a state (HOSPITAL) *facility* for (THE MENTALLY ILL OR MENTALLY DEFICIENT) *treating persons with mental illness, mental retardation, or chemical dependency* now existing or hereafter established.

Subd. 4. "Patient" means any person (RECEIVING CARE OR TREATMENT AT A STATE HOSPITAL WHETHER HE ENTERED SUCH HOSPITAL VOLUNTARILY OR UNDER COMMITMENT) *with mental illness or chemical dependency*.

Subd. 4a. "Resident" means any mentally retarded person *receiving care or treatment at a state hospital whether he entered such hospital voluntarily or under commitment*.

Subd. 5. "Cost of care" means the commissioner's determination of the anticipated average per capita cost of all maintenance, treatment and expense, including depreciation of buildings and equipment, interest paid on bonds issued for capital improvements to state hospitals, and indirect costs related to the operation other than that paid from the Minnesota state building fund, at all of the state hospitals (FOR THE MENTALLY ILL OR MENTALLY RETARDED OR CHEMICALLY DEPENDENT) during the current year for which billing is being made. The commissioner shall determine the anticipated average per capita cost. The commissioner may establish one all inclusive rate or separate rates for each patient or resident disability group, and may establish separate charges for each hospital. "Cost of care" for outpatient or day-care patients or residents shall be on a cost for service basis under a schedule the commissioner shall establish.

For purposes of this subdivision "resident patient" means a person who occupies a bed while housed in a hospital for observation, care, diagnosis, or treatment.

For purposes of this subdivision "outpatient" or "day-care" patient *or resident* means a person who makes use of diagnostic, therapeutic, counseling, or other service in a state hospital facility or through state hospital personnel but does not occupy a hospital bed overnight.

For the purposes of collecting from the federal government for the care of those patients eligible for medical care under the social security act "cost of care" shall be determined as set forth in the rules and regulations of the Department of Health and Human Services or its successor agency.

Subd. 6. "Relatives" means the spouse, and parents of a patient *or resident*, in that order of liability for cost of care.

Subd. 7. "Patient's *or resident's* county" means the county of the patient's *or resident's* legal settlement for poor relief purposes at the time of commitment or voluntary admission to a state hospital, or if he has no such legal settlement in this state, it means the county of commitment, except that where a patient *or resident* with no such legal settlement is committed while serving a sentence at a penal institution, it means the county from which he was sentenced.

Subd. 8. "County welfare board" means the welfare board of the patient's *or resident's* county as defined in subdivision 7 and of the county of commitment, and any other county welfare board possessing information regarding, or requested by the commissioner to investigate, the financial circumstances of a patient *or resident* or his relatives.

Sec. 15. Minnesota Statutes 1984, section 246.511, is amended to read:

246.511 [RELATIVE RESPONSIBILITY.]

In no case, shall a patient's *or resident's* relatives, pursuant to the commissioner's authority under section 246.51, be ordered to pay more than ten percent of the cost of care, unless they reside outside the state. Parents of children in state hospitals shall have their responsibility to pay determined according to section 252.27, subdivision 2. The commissioner may accept voluntary payments in excess of ten percent. The commissioner may require full payment of the full per capita cost of care in state hospitals for patients *or residents* whose parent, parents, spouse, guardian or conservator do not reside in Minnesota.

Sec. 16. Minnesota Statutes 1984, section 246.52, is amended to read:



**246.52 [PAYMENT FOR CARE; ORDER; ACTION.]**

The commissioner shall issue an order to the patient *or resident* or the guardian of his estate, if there be one, and relatives determined able to pay requiring them to pay monthly to the state of Minnesota the amounts so determined the total of which shall not exceed the full cost of care. Such order shall specifically state the commissioner's determination and shall be conclusive unless appealed from as herein provided. When a patient *or resident* or relative fails to pay the amount due hereunder the attorney general, upon request of the commissioner, may institute, or direct the appropriate county attorney to institute, civil action to recover such amount.

Sec. 17. Minnesota Statutes 1984, section 246.53, is amended to read:

**246.53 [CLAIM AGAINST ESTATE OF DECEASED PATIENT OR RESIDENT.]**

Subdivision 1. [PATIENT'S OR RESIDENT'S ESTATE.] Upon the death of a patient *or resident*, or a former patient *or resident*, the total cost of care given the patient *or resident*, less the amount actually paid toward the cost of care by the patient *or resident* and the patient's *or resident's* relatives, shall be filed by the commissioner as a claim against the estate of the patient *or resident* with the court having jurisdiction to probate the estate and all proceeds collected by the state in the case shall be divided between the state and county in proportion to the cost of care each has borne.

Subd. 2. [PREFERRED STATUS.] An estate claim in subdivision 1 shall be considered an expense of the last illness for purposes of section 524.3-805.

If the commissioner of human services determines that the property or estate of any patient *or resident* is not more than needed to care for and maintain the spouse and minor or dependent children of a deceased patient *or resident*, the commissioner has the power to compromise the claim of the state in a manner deemed just and proper.

Subd. 3. [EXCEPTION FROM STATUTE OF LIMITATIONS.] Any statute of limitations which limits the commissioner in recovering the cost of care obligation incurred by a patient *or resident* or former patient *or resident* shall not apply to any claim against an estate made hereunder to recover cost of care.

Sec. 18. Minnesota Statutes 1984, section 246.54, is amended to read:

## 246.54 [LIABILITY OF COUNTY; REIMBURSEMENT.]

The patient's *or resident's* county shall pay to the state of Minnesota a portion of the cost of care provided in a state hospital to a patient *or resident* legally settled in that county. A county's payment shall be made from the county's own sources of revenue and payments shall be paid as follows: payments to the state from the county shall equal ten percent of the per capita rate, as determined by the commissioner, for each day, or the portion thereof, that the patient *or resident* spends at a state hospital. If payments received by the state under sections 246.50 to 246.53 exceed 90 percent of the per capita rate, the county shall be responsible for paying the state only the remaining amount. The county shall not be entitled to reimbursement from the patient *or resident*, the patient's *or resident's* estate, or from the patient's *or resident's* relatives, except as provided in section 246.53. No such payments shall be made for any patient *or resident* who was last committed prior to July 1, 1947.

Sec. 19. Minnesota Statutes 1984, section 246.55, is amended to read:

## 246.55 [APPEAL FROM ORDER OF COMMISSIONER.]

Any patient *or resident* or relative aggrieved by an order of the commissioner under sections 246.50 to 246.55 may appeal from the order to the district court of the county in which he resides by serving notice of the appeal on the commissioner and filing the notice, with proof of service, in the office of the clerk of the district court of the county within 30 days from the date the order was mailed, or a later date not exceeding one year from the date of mailing as permitted by order of the court. The appeal may be brought on for hearing by the appellant or the commissioner upon ten days' written notice. It shall be tried to the court which shall hear evidence it deems necessary and by order affirm or modify the order of the commissioner. When any order or determination of the commissioner made under sections 246.50 to 246.55 is brought in question on appeal, the order or determination shall be determined *de novo*. Appeal from the order of the district court may be taken as in other civil cases.

Sec. 20. Minnesota Statutes 1984, section 246.56, is amended to read:

## 246.56 [PRE-VOCATIONAL TRAINING FOR (MENTALLY ILL OR RETARDED) PATIENTS WITH MENTAL ILLNESS OR RESIDENTS WITH MENTAL RETARDATION; ADMINISTRATION.]

Subdivision 1. The commissioner of human services is hereby authorized to establish, subject to the approval of the commissioner of (EDUCATION) *economic security*, within the state (INSTITUTIONS) *hospitals* for the (MENTALLY ILL AND

**MENTALLY RETARDED**) *patients with mental illness or residents with mental retardation*, work activity programs for the manufacture, processing and repairing of goods, wares, and merchandise for the purpose of providing therapeutic work activities for patients and residents.

Subd. 2. The work activity programs authorized herein shall be planned and designed exclusively to provide therapeutic activities for handicapped workers whose physical or mental impairment is so severe as to make productive capacity inconsequential. The activities within this program shall conform to the rules and regulations relating to work activity centers promulgated by the United States Department of Labor. To accomplish the foregoing purpose the commissioner of human services shall have the power and authority to:

(a) use the diversified labor fund established by Laws 1945, Chapter 575, Section 19, to purchase equipment and remodel facilities of the (INSTITUTIONS) *state hospitals* referred to in subdivision 1 to initiate the work activity program,

(b) formulate a system of records and accounts which shall at all times indicate the extent of purchases, sales, wages, and bidding practices and which shall be open to public inspection.

The commissioner of human services shall, subject to the approval of the commissioner of education, have the power and authority to:

(a) create a work activity center revolving fund for the purpose of receiving and expending moneys in the operation of the said programs,

(b) contract with public and private industries for the manufacture, repair, or assembling of work according to standard bidding practices,

(c) use the revenue from the operation of said programs to pay wages to patients (AND) *or* residents according to their productivity, purchase equipment and supplies and pay other expenses necessary to the operation of the said programs,

(d) establish an advisory committee consisting of representatives from the departments of health, (EDUCATION) *economic security*, and human services, labor and business groups, interested community agencies, including but not limited to the Minnesota Association of Rehabilitation Facilities, the Minnesota Association for Retarded Children, and the Minnesota Association for Mental Health, and the general public. This committee will act in an advisory capacity with respect to the scope of work activity programs, the nature of the goods to be produced and services to be performed in such programs,

(e) utilize all available vocational rehabilitation services and encourage the integration of the work activity program into existing vocational rehabilitation and community based programs, so that the work activity program will neither duplicate nor unfairly compete with existing public or private community programs.

Sec. 21. [252.021] [DEFINITION.]

*For the purposes of this chapter, the words "related condition" have the meaning given them in section 252.27, subdivision 1.*

Sec. 22. Minnesota Statutes 1984, section 252.025, is amended to read:

**252.025 [STATE HOSPITALS FOR (MENTALLY RETARDED PERSONS AND PERSONS HAVING EPILEPSY) PERSONS WITH MENTAL RETARDATION.]**

Subdivision 1. State hospitals for (MENTALLY RETARDED) persons (AND PERSONS HAVING EPILEPSY) *with mental retardation* shall be established and maintained at Faribault, Cambridge and Brainerd, and notwithstanding any provision to the contrary they shall be respectively known as the Faribault State Hospital, the Cambridge State Hospital, and the Brainerd State Hospital. Each of the foregoing state hospitals shall also be known by the name of regional center at the discretion of the commissioner of human services.

Subd. 2. They shall be under the general management and control of the commissioner of human services.

Sec. 23. Minnesota Statutes 1984, section 252.05, is amended to read:

**252.05 [ABDUCTION OR ENTICING AWAY PROHIBITED; PENALTY.]**

Every person who shall abduct, entice, or carry away from a state hospital for (MENTALLY RETARDED) persons (OR PERSONS HAVING EPILEPSY) *with mental retardation* any (INMATE) *resident* thereof, who has not been legally discharged therefrom, shall be guilty of a felony and punished by a fine of not to exceed \$3,000 or imprisonment in the Minnesota correctional facility—Stillwater or the Minnesota correctional facility—St. Cloud not to exceed three years, or both, in the discretion of the court; any and every person who shall abduct, entice, or carry away from any place other than a state hospital, a person duly committed as (FEEBLEMINDED OR) mentally (DEFICIENT) *retarded* to the guardianship of the commissioner of human services with the intention of wrongfully removing such person from the direct custody of the commissioner of human

services, such person known by him to be under the supervision of the commissioner of human services or his agents, shall be guilty of a gross misdemeanor.

Sec. 24. Minnesota Statutes 1984, section 252.06, is amended to read:

**252.06 [SHERIFF TO TRANSPORT (MENTALLY DEFICIENT) PERSONS (AND PERSONS HAVING EPILEPSY) WITH MENTAL RETARDATION.]**

It shall be the duty of the sheriff of any county, upon the request of the commissioner of human services, to take charge of and transport any (MENTALLY DEFICIENT PERSON OR ANY PERSON HAVING EPILEPSY) *persons with mental retardation* who has been committed by the probate court of any county to the care and custody of the commissioner of human services to such (INSTITUTION) *state hospital* as may be designated by the commissioner of human services and there deliver such person to the (SUPERINTENDENT) *chief executive officer* of the (INSTITUTION) *state hospital*.

Sec. 25. Minnesota Statutes 1984, section 252.07, is amended to read:

**252.07 [SHERIFF, EXPENSES.]**

In any county where the sheriff receives a salary in full compensation for official services performed for the county, he shall receive no additional compensation for services performed under the provisions of sections 252.06 to 252.08, but he shall be reimbursed by the county wherein such (MENTALLY DEFICIENT PERSON OR PERSON HAVING EPILEPSY) *person with mental retardation* was committed for the necessary expenses incurred by him in taking charge of and transporting such person to (SUCH INSTITUTION) *a state hospital* and the subsistence of himself and such person while enroute.

In any county where the sheriff does not receive a salary he shall be paid \$5 a day for the time necessarily employed in performance of the service, together with expenses incurred by him in taking charge of and transporting such person to such (INSTITUTION) *state hospital* and the subsistence of himself and such person while enroute.

When the (MENTALLY DEFICIENT) person (OR PERSON HAVING EPILEPSY) *with mental retardation* is a female, the sheriff shall appoint some suitable woman to act in his stead. Such woman shall exercise all the powers vested in the sheriff and shall be paid \$5 per day for the time necessarily employed in the performance of such service, together with expenses incurred by her in taking charge of and transporting such person to such

(INSTITUTION) *state hospital* and the subsistence of herself and such person while enroute.

Sec. 26. Minnesota Statutes 1984, section 252.09, is amended to read:

252.09 [COURSES OF INSTRUCTION FOR TEACHERS.]

The commissioner of human services may establish and maintain at the state hospital for (MENTALLY RETARDED) persons (AND PERSONS HAVING EPILEPSY) *with mental retardation* at Faribault courses of instruction for teachers and others interested in the care and training of (MENTALLY RETARDED OR DEFECTIVE CHILDREN) *persons with mental retardation* and make all necessary rules and regulations for the organization and conduct of such courses.

Sec. 27. Minnesota Statutes 1984, section 252.10, is amended to read:

252.10 [FEES AND EXPENSES.]

The commissioner of human services shall charge and collect from each person taking any such courses of instruction an amount for board and tuition not exceeding \$10 per week and the moneys so collected shall be turned into the state treasury as are other miscellaneous receipts from the (INSTITUTION) *state hospital*. The expenses incident to the conduct of such courses of instruction and for the board of those taking the same shall be paid as are the other expenses for maintaining the state hospital for (THE MENTALLY RETARDED) persons (AND PERSONS HAVING EPILEPSY) *with mental retardation*. The courses of instruction herein referred to shall, within the limitation of charges as stated, be made as near self-sustaining as possible.

Sec. 28. Minnesota Statutes 1984, section 252.21, is amended to read:

252.21 [COUNTY BOARDS MAY MAKE GRANTS FOR DEVELOPMENTAL ACHIEVEMENT CENTER SERVICES FOR (THE MENTALLY RETARDED AND CEREBRAL PALSID) *PERSONS WITH MENTAL RETARDATION OR RELATED CONDITIONS*.]

In order to assist county boards in carrying out responsibilities for the provision of daytime developmental achievement center services for eligible persons, the county board or boards are hereby authorized to make grants, within the limits of the money appropriated, to developmental achievement centers for services to (MENTALLY RETARDED AND CEREBRAL

PALSIED) persons *with mental retardation or related conditions*. In order to fulfill its responsibilities to (THE MENTALLY RETARDED AND CEREBRAL PALSIED) persons *with mental retardation or related conditions* as required by section 256E.08, subdivision 1, a county board may, beginning January 1, 1983, contract with developmental achievement centers or other providers.

Sec. 29. Minnesota Statutes 1984, section 252.22, is amended to read:

252.22 [APPLICANTS FOR ASSISTANCE; TAX LEVY.]

Any city, town, or non-profit corporation or any combination thereof, may apply to the county board for assistance in establishing and operating a developmental achievement center and program for (MENTALLY RETARDED AND CEREBRAL PALSIED) persons *with mental retardation or related conditions*. Application for such assistance shall be on forms supplied by the board. Each applicant shall annually submit to the board its plan and budget for the next fiscal year. No applicant shall be eligible for a grant hereunder unless its plan and budget have been approved by the board.

Any city, town, or county is authorized, at the discretion of its governing body, to make grants from special tax revenues or from its general revenue fund to any nonprofit organization, governmental or corporate, within or outside its jurisdiction, that has established a developmental achievement center for (THE MENTALLY RETARDED AND CEREBRAL PALSIED) persons *with mental retardation or related conditions*. Nothing contained herein shall in any way preclude the use of funds available for this purpose under any existing statute or charter provision relating to cities, towns and counties.

Sec. 30. Minnesota Statutes 1984, section 252.23, is amended to read:

252.23 [ELIGIBILITY REQUIREMENTS.]

A developmental achievement center shall satisfy all of the following requirements to be eligible for assistance under sections 252.21 to 252.26:

(1) Provide daytime activities for any or all of the following classes of persons:

(MENTALLY RETARDED AND CEREBRAL PALSIED CHILDREN) *Children with mental retardation or related conditions* who can benefit from the program of services, including those school age children who have been excused or excluded from school;

(MENTALLY RETARDED AND CEREBRAL PALSIED CHILDREN AND ADULTS) *Children and adults with mental retardation or related conditions* who are unable to attend school because of their chronological age and are unable to independently engage in ordinary community activities;

(2) Provide counseling services to parents or guardians of (MENTALLY RETARDED AND CEREBRAL PALSIED) persons *with mental retardation or related conditions* who may register at the center;

(3) Comply with all rules duly promulgated by the commissioner of human services.

Sec. 31. Minnesota Statutes 1984, section 252.24, is amended to read:

252.24 [DUTIES OF COUNTY BOARDS.]

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 *with mental retardation or related conditions* 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.

Subd. 2. [SUPERVISION OF PROJECTS; PROMULGATION OF RULES.] The commissioner of human services shall closely supervise any developmental achievement center receiving a grant under sections 252.21 to 252.26. He shall promulgate rules in the manner provided by law as necessary to carry out the purposes of sections 252.21 to 252.26, including but not limited to rules pertaining to facilities for housing developmental achievement centers, administration of centers, and eligibility requirements for admission and participation in activities of the center.

Subd. 3. [PAYMENT PROCEDURE.] The board at the beginning of each year, shall allocate available money for devel-



opmental achievement services for disbursement during the year to those centers that have been selected to receive grants and whose plans and budgets have been approved. The board shall, from time to time during the fiscal year, review the budgets, expenditures and programs of the various centers and if it determines that any amount of funds are not needed for any particular center to which they were allocated, it may, after 30 days' notice, withdraw such funds as are unencumbered and reallocate them to other centers. It may withdraw all funds from any center upon 90 days' notice whose program is not being administered in accordance with its approved plan and budget.

Subd. 4. [FEES.] The county board may, with the approval of the commissioner, establish a schedule of fees for daytime developmental achievement services as provided in section 256E.-08, subdivision 6. No (MENTALLY RETARDED OR CEREBRAL PALSIED) person *with mental retardation or related condition* shall be denied daytime developmental achievement services because of an inability to pay such a fee.

Sec. 32. Minnesota Statutes 1984, section 252.25, is amended to read:

#### 252.25 [BOARD OF DIRECTORS.]

Every city, town, or non-profit corporation, or combination thereof, establishing a developmental achievement center for (THE MENTALLY RETARDED AND CEREBRAL PALSIED) *persons with mental retardation or related conditions* shall, before it comes under the terms of sections 252.21 to 252.26, appoint a board of directors for the center program. When any city or town singly establishes such a center, such board shall be appointed by the chief executive officer of the city or the chairman of the governing board of the town. When any combination of cities, towns, or non-profit corporations, establishes such a center, the chief executive officers of the cities or non-profit corporations and the chairman of the governing bodies of the towns shall appoint the board of directors. If a non-profit corporation singly establishes such a center, its chief executive officer shall appoint the board of directors of the center. Membership on a board of directors while not mandatory, should be representative of local health, education and welfare departments, medical societies, mental health centers, associations concerned with mental retardation and (CEREBRAL PALSY) *related conditions*, civic groups and the general public. Nothing in sections 252.21 to 252.26 shall be construed to preclude the appointment of elected or appointed public officials or members of the board of directors of the sponsoring non-profit corporation to such board of directors.

Sec. 33. Minnesota Statutes 1984, section 252.27, is amended to read:

**252.27 [COST OF BOARDING CARE OUTSIDE OF HOME OR INSTITUTION.]**

Subdivision 1. Whenever any child who has mental retardation (, EPILEPSY) or a related condition, or a physical or emotional handicap is in 24 hour care outside the home including respite care, in a facility licensed by the commissioner of human services, the cost of care shall be paid by the county of financial responsibility determined pursuant to section 256E.08, subdivision 7. If the child's parents or guardians do not reside in this state, the cost shall be paid by the county in which the child is found. (FOR THE PURPOSES OF THIS SECTION AN "EMOTIONALLY HANDICAPPED CHILD" MEANS ANY CHILD HAVING) A person has a "related condition" if that person has a severe, chronic disability that is (a) attributable to cerebral palsy, epilepsy, autism, or any other condition, other than mental illness, found to be closely related to mental retardation because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with mental retardation or requires treatment or services similar to those required for persons with mental retardation; (b) is likely to continue indefinitely; and (c) results in substantial functional limitations in three or more of the following areas of major life activity: self care, understanding and use of language, learning, mobility, self-direction, or capacity for independent living. For the purposes of this section, a child has an "emotional handicap" if the child has a psychiatric or other emotional disorder which substantially impairs his mental health and (WHO) requires 24 hour treatment or supervision.

Subd. 2. Responsibility of the parents for the cost of care shall be based upon ability to pay. The state agency shall adopt rules to determine responsibility of the parents for the cost of care when:

(a) Insurance or other health care benefits pay some but not all of the cost of care; and

(b) No insurance or other health care benefits are available.

Parents who have more than one child in out-of-home care shall not be required to pay more than the amount for one child in out-of-home care. In no event shall the parents be required to pay more than five percent of their income as defined in section 290A.03, subdivision 3. There shall be no resource contribution from the parents.

Responsibility of the child for the cost of care shall be up to the maximum amount of the total income and resources attributed to the child except for the clothing and personal needs allowance as provided in section 256B.35, subdivision 1. Reimbursement by the parents and child shall be made to the county making any payments for care and treatment. The county board

may require payment of the full cost of caring for children whose parents or guardians do not reside in this state.

To the extent that a child described in subdivision 1 is eligible for benefits under chapters 62A, 62C, 62D, 62E, or 64A, the county is not liable for the cost of care. A parent or legal guardian who discontinues payment of health insurance premiums, subscriber fees or enrollment fees for a child who is otherwise eligible for those benefits is ineligible for payment of the cost of care of that child under this section.

The commissioner's determination shall be conclusive in any action to enforce payment of the cost of care. Any appeals from the commissioner's determination shall be made pursuant to section 256.045, subdivisions 2 and 3.

Subd. 3. If the parent fails to make appropriate reimbursement as required in subdivision 2, the county attorney may initiate a civil action to collect any unpaid reimbursement.

Subd. 4. In order to determine the effectiveness of the family unit in providing alternate living arrangements and providing or arranging for the training and developmental opportunities provided in a state hospital or a licensed community residential facility, the commissioner of human services may establish an experimental program to subsidize selected families who agree to carry out a planned program of home care and training for their minor dependents (WHO ARE MENTALLY RETARDED) *with mental retardation or related conditions.*

This program shall be limited to children who otherwise would require and be eligible for placement in state hospitals or licensed community residential facilities.

Grants to families shall be determined by the commissioner of human services. In determining the grants, the commissioner shall consider the cost of diagnostic assessments, homemaker services, training expenses including specialized equipment, visiting nurses' or other pertinent therapists' costs, preschool program costs, related transportation expenses, and parental relief or child care costs not to exceed \$250 per month per family.

An individual care and training plan for the child shall be established and agreed upon by the parents receiving the subsidy and the appropriate local welfare agency. Periods of parental relief, including vacations, may be included in the plan and do not require the approval of the local welfare agency. The plan shall be periodically evaluated to determine the progress of the child.

Sec. 34. Minnesota Statutes 1984, section 252.275, subdivision 1, is amended to read:

Subdivision 1. [PROGRAM.] The commissioner of human services shall establish a statewide program to assist counties in reducing the utilization of intermediate care services in state hospitals and in community residential facilities for persons (WHO ARE MENTALLY RETARDED) *with mental retardation or related conditions*. The commissioner shall make grants to county boards to establish, operate, or contract for the provision of semi-independent living services licensed by the commissioner pursuant to sections 245.781 to 245.812 and 252.28.

Sec. 35. Minnesota Statutes 1984, section 252.275, subdivision 7, is amended to read:

Subd. 7. [REPORTS.] The commissioner shall require collection of data and periodic reports necessary to demonstrate the effectiveness of semi-independent living services in helping (MENTALLY RETARDED) persons *with mental retardation or related conditions* achieve self-sufficiency and independence. The commissioner shall report to the legislature no later than January 15, 1984, on the effectiveness of the program, its effect on reducing the number of (MENTALLY RETARDED) persons *with mental retardation or related conditions* in state hospitals and in intermediate care facilities, and his recommendations regarding making this program an integral part of the social services programs administered by the counties.

Sec. 36. Minnesota Statutes 1984, section 252.28, is amended to read:

252.28 [COMMISSIONER OF HUMAN SERVICES; DUTIES.]

Subdivision 1. [DETERMINATIONS; BIENNIAL RE-DETERMINATIONS.] The commissioner of human services shall determine, and shall redetermine biennially, the need, location, size, and program of public and private residential and day care facilities and services for (MENTALLY RETARDED) children and adults *with mental retardation or related conditions*.

Subd. 2. [RULES; PROGRAM STANDARDS; LICENSES.] The commissioner of human services shall:

(1) Establish uniform rules, regulations and program standards for each type of residential and day facility or service for (MENTALLY RETARDED) persons *with mental retardation or related conditions*, including state (INSTITUTIONS) *hospitals* under control of the commissioner and serving (MENTALLY RETARDED) persons *with mental retardation or related conditions*, and excluding (MENTALLY RETARDED) persons *with mental retardation or related conditions* residing with their families.

(2) Grant licenses according to the provisions of Laws 1976, chapter 243, sections 2 to 13.

Subd. 3. [LICENSING DETERMINATIONS.] (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 human services 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 human services 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. [RULES: DECERTIFICATION OF BEDS.] The commissioner shall promulgate in rule criteria for decertification of beds in intermediate care facilities for (THE MENTALLY RETARDED) *persons with mental retardation or related conditions*, and shall encourage providers in voluntary decertification efforts. The commissioner shall not recommend to the commissioner of health the involuntary decertification of an intermediate care facility for beds for (THE MENTALLY RETARDED) *persons with mental retardation or related conditions* prior to the availability of appropriate services for those residents affected by the decertification. The commissioner of health shall decertify those intermediate care beds determined to be not needed by the commissioner of human services.

Sec. 37. Minnesota Statutes 1984, section 252.291, is amended to read:

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 human services 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 with mental retardation or related conditions* 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 with mental retarda-*

*tion or related conditions* in community facilities and state hospitals exceed 7,500 beds as of July 1, 1983, and 7,000 beds as of July 1, 1986. "Certified bed" means an intermediate care bed for (THE MENTALLY RETARDED) *persons with mental retardation or related conditions* certified by the commissioner of health for the purposes of the medical assistance program under United States Code, title 42, sections 1396 to 1396p, as amended through December 31, 1982.

Subd. 2. [EXCEPTIONS.] The commissioner of human services in coordination with the commissioner of health may approve a new intermediate care facility for (MENTALLY RETARDED) *persons with mental retardation or related conditions* 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 (b);

(b) when the facility is necessary to serve the needs of identifiable (MENTALLY RETARDED) *persons with mental retardation or related conditions* 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 June 10, 1983.

Subd. 3. [DUTIES OF COMMISSIONER OF HUMAN SERVICES.] 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 United States Code, title 42, sections 1396 to 1396p, as amended through December 31, 1982, to assure that appropriate services are provided in the least restrictive setting;

(b) 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 with mental retardation or related conditions*; and

(c) 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, as amended through December 31, 1982.

(d) develop a state plan for the delivery and funding of residential day and support services to (THE MENTALLY RETARDED) *persons with mental retardation or related conditions* in Minnesota and submit that plan to the clerk of each house of the Minnesota legislature on or before the 15th of January of each biennium beginning January 15, 1985. The biennial mental retardation plan shall include but not be limited to:

(1) county by county maximum intermediate care bed utilization quotas;

(2) plans for the development of the number and types of services alternative to intermediate care beds;

(3) procedures for the administration and management of the plan;

(4) procedures for the evaluation of the implementation of the plan; and

(5) the number, type, and location of intermediate care beds targeted for decertification.

The commissioner shall modify the plan to ensure conformance with the medical assistance home and community-based services waiver.

Subd. 4. [MONITORING.] The commissioner of human services, 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 human services shall submit to the legislature annually beginning January 15, 1984, an assessment of the impact of the moratorium by geographic areas.

Subd. 5. [RULEMAKING.] The commissioner of human services shall promulgate emergency and permanent rules pursuant to chapter 14, the Administrative Procedure Act, to implement this section.

Sec. 38. Minnesota Statutes 1984, section 252.30, is amended to read:

**252.30 [AUTHORIZATION TO MAKE GRANTS FOR COMMUNITY RESIDENTIAL FACILITIES.]**

The commissioner of human services may make grants to non-profit organizations, municipalities or local units of government to provide up to 25 percent of the cost of constructing, purchasing or remodeling small community residential facilities for (MENTALLY RETARDED AND CEREBRAL PALSIED) per-

sons *with mental retardation or related conditions* allowing such persons to live in a homelike atmosphere near their families. Operating capital grants may also be made for up to three months of reimbursable operating costs after the facility begins processing applications for admission and prior to reimbursement for services. Repayment of the operating grants shall be made to the commissioner of human services at the end of the provider's first fiscal year, or at the conclusion of the interim rate period, whichever occurs first. No aid under this section shall be granted to a facility providing for more than 16 residents in a living unit and with more than two living units. The advisory council established by section 252.31 shall recommend to the commissioner appropriate disbursement of the funds appropriated by Laws 1973, Chapter 673, Section 3. Prior to any disbursement of funds the commissioner shall review the plans and location of any proposed facility to determine whether such a facility is needed. The commissioner shall promulgate such rules and regulations for the making of grants and for the administration of section 252.30 as he deems proper. The remaining portion of the cost of constructing, purchasing, remodeling facilities, or of operating capital shall be borne by nonstate sources including federal grants, local government funds, funds from charitable sources, gifts and mortgages.

Sec. 39. Minnesota Statutes 1984, section 252.31, is amended to read:

**252.31 [ADVISORY TASK FORCE.]**

The commissioner of human services may appoint an advisory task force for (THE MENTALLY RETARDED AND PHYSICALLY HANDICAPPED) *persons with mental retardation, related conditions, or physical handicaps*. The task force shall advise the commissioner relative to those laws for which the commissioner is responsible to administer and enforce relating to mental retardation *or related conditions* and physical disabilities. The task force shall consist of persons who are providers or consumers of service for (THE MENTALLY RETARDED) *persons with mental retardation, related conditions, or (PHYSICALLY HANDICAPPED) physical handicaps*, or who are interested citizens. 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 1984, section 252.32, is amended to read:

**252.32 [FAMILY SUBSIDY PROGRAM.]**

Within the limits of appropriations, the commissioner of human services may provide subsidies to families with (MENTALLY RETARDED) children *with mental retardation or re-*



*lated conditions* in order to enable those families to continue caring for the children in their own homes. The commissioner may establish criteria for determining eligibility for a subsidy and subsidy amounts and conditions for use of subsidies.

Sec. 41. Minnesota Statutes 1984, section 253.015, is amended to read:

253.015 [LOCATION; MANAGEMENT; COMMITMENT; (SUPERINTENDENT) *CHIEF EXECUTIVE OFFICER.*]

The state hospitals located at Anoka, Fergus Falls, Hastings, Moose Lake, Rochester, St. Peter, and Willmar shall constitute the state hospitals for mentally ill, and shall be maintained under the general management of the commissioner of human services. The commissioner of human services shall determine to what state hospital (MENTALLY ILL) persons *with mental illness* shall be committed from each county and notify the probate judge thereof, and of changes made from time to time. The chief executive officer of each hospital for (THE MENTALLY ILL) *persons with mental illness* shall be known as the (SUPERINTENDENT) *chief executive officer*.

Sec. 42. Minnesota Statutes 1984, section 253.10, is amended to read:

253.10 [DEATH OR ILLNESS; NOTICE GIVEN NEXT OF KIN.]

The (SUPERINTENDENT) *chief executive officer* of any state hospital shall give to the next of kin of any (INMATE) *resident* thereof immediate notice of his death, serious illness, or special change in his condition and promptly and fully answer all letters of inquiry from relatives. Immediately after the death of a patient *or resident* therein, he shall furnish for registration, to the proper clerk or health officer, and to the probate judge of the county from which he was committed, a certificate setting forth the name of the patient *or resident*, his age, the duration of his last sickness, and the cause and date of his death. The expenses of all coroners' inquests upon persons dying in such (INSTITUTION) *hospital* shall be paid from the appropriation for its current expenses.

Sec. 43. Minnesota Statutes 1984, section 253.19, is amended to read:

253.19 [ANNUAL REPORT.]

On or before September 1 each year, the (SUPERINTENDENT) *chief executive officer* of each state hospital (OR ASYLUM FOR THE INSANE) *for persons with mental illness or mental retardation* shall report to the commissioner of human

services the number of (INSANE) *persons with mental illness* therein on July 31 preceding, giving the numbers of male and female and of the (IDIOTIC AND) *number of persons (HAVING EPILEPSY) with mental retardation* separately, and a statistical exhibit of the admissions, discharges, and deaths, with causes of death, and such other facts and information as the commissioner may require. Neglect to so report shall be a misdemeanor.

Sec. 44. Minnesota Statutes 1984, section 253.20, is amended to read:

253.20 [MINNESOTA SECURITY HOSPITAL.]

The commissioner of human services is hereby authorized and directed to erect, equip, and maintain in connection with a state hospital at St. Peter a suitable building to be known as the Minnesota Security Hospital, for the purpose of holding in custody and caring for such (INSANE PERSONS, IDIOTS, IMBECILES, AND PERSONS HAVING EPILEPSY) *persons with mental illness or mental retardation* as may be committed thereto by courts of criminal jurisdiction, or otherwise, or transferred thereto by the commissioner of human services, and for such persons as may be declared insane while confined in any penal institution, or who may be found to be mentally (INFIRM) *ill* and dangerous, and he shall supervise and manage the same as in the case of other state hospitals (OR ASYLUMS).

Sec. 45. Minnesota Statutes 1984, section 253.21, is amended to read:

253.21 [COMMITMENT; PROCEEDINGS; RESTORATION OF (SANITY) *MENTAL HEALTH*.]

When any person confined in the Minnesota correctional facility—Stillwater or the Minnesota correctional facility—St. Cloud is alleged to be (INSANE) *mentally ill*, the chief executive officer or other person in charge shall forthwith notify the commissioner of human services, who shall cause the prisoner to be examined by the probate court of the county where he is confined, as in the case of other (INSANE) *mentally ill* persons. In case he is found to be (INSANE) *mentally ill*, he shall be transferred by the order of the court to the Minnesota Security Hospital or to a state hospital for (THE INSANE) *mentally ill people* in the discretion of the court, there to be kept and maintained as in the case of other (INSANE) *mentally ill* persons. If, in the judgment of the (SUPERINTENDENT) *chief executive officer*, his (SANITY) *mental health* is restored before the period of his commitment to the penal institution has expired, he shall be removed by the commissioner, upon the certificate of the (SUPERINTENDENT) *chief executive officer*, to the institution whence he came, and there complete the period of his sentence.

Sec. 46. Minnesota Statutes 1984, section 253.25, is amended to read:

253.25 [COMMITMENT BEFORE CONVICTION.]

When any person under indictment or information and before trial thereon shall be found to be (INSANE, AN IDIOT, OR AN IMBECILE) *incompetent to proceed* and to have homicidal tendencies; or when during the trial of any person on an indictment or information such person shall be found to be (INSANE, AN IDIOT, OR AN IMBECILE) *incompetent to proceed* and to have homicidal tendencies, the court in which such indictment or information is filed shall forthwith commit such person to the Minnesota Security Hospital for safekeeping and treatment and such person shall be received and cared for thereat until he shall recover when he shall be returned to the court from which he was received there to be dealt with according to law.

Sec. 47. Minnesota Statutes 1984, section 253.26, is amended to read:

253.26 [TRANSFERS OF PATIENTS OR RESIDENTS.]

When any (PATIENT) *person* of the state (INSTITUTION FOR THE MENTALLY ILL, MENTALLY DEFECTIVE OR PERSONS HAVING EPILEPSY) *hospital for patients with mental illness or residents with mental retardation* is found by the commissioner of human services to have homicidal tendencies or to be under sentence or indictment or information he may be transferred by the commissioner to the Minnesota Security Hospital for safekeeping and treatment.

Sec. 48. Minnesota Statutes 1984, section 256.01, subdivision 2, is amended to read:

Subd. 2. [SPECIFIC POWERS.] Subject to the provisions of section 241.021, subdivision 2, the commissioner of human services shall:

(1) Administer and supervise all forms of public assistance provided for by state law and other welfare activities or services as are vested in the commissioner.

(2) Administer and supervise all child welfare activities; promote the enforcement of laws protecting handicapped, dependent, neglected and delinquent children, and children born to mothers who were not married to the children's fathers at the times of the conception nor at the births of the children; license and supervise child-caring and child-placing agencies and institutions; supervise the care of children in boarding and foster homes or in private institutions; and generally perform all functions relating to the field of child welfare now vested in the state board of control.

(3) Administer and supervise all noninstitutional service to handicapped persons, *including those who are visually impaired, hearing impaired, or physically impaired or otherwise handicapped*. The commissioner may provide and contract for the care and treatment of qualified indigent children in facilities other than those located and available at state hospitals when it is not feasible to provide the service in state hospitals.

(4) Assist and actively cooperate with other departments, agencies and institutions, local, state, and federal, by performing services in conformity with the purposes of Laws 1939, chapter 431.

(5) Act as the agent of and cooperate with the federal government in matters of mutual concern relative to and in conformity with the provisions of Laws 1939, chapter 431, including the administration of any federal funds granted to the state to aid in the performance of any functions of the commissioner as specified in Laws 1939, chapter 431, and including the promulgation of rules making uniformly available medical care benefits to all recipients of public assistance, at such times as the federal government increases its participation in assistance expenditures for medical care to recipients of public assistance, the cost thereof to be borne in the same proportion as are grants of aid to said recipients.

(6) Establish and maintain any administrative units reasonably necessary for the performance of administrative functions common to all divisions of the department.

(7) Administer and supervise any additional welfare activities and services as are vested by law in the department.

(8) The commissioner is designated as guardian of both the estate and the person of all the wards of the state of Minnesota, whether by operation of law or by an order of court, without any further act or proceeding whatever, except as to persons committed as mentally retarded (OR HAVING EPILEPSY).

(9) Act as coordinating referral and informational center on requests for service for newly arrived immigrants coming to Minnesota.

(10) The specific enumeration of powers and duties as hereinabove set forth shall in no way be construed to be a limitation upon the general transfer of powers herein contained.

(11) Establish county, regional, or statewide schedules of maximum fees and charges which may be paid by local agencies for medical, dental, surgical, hospital, nursing and nursing home care and medicine and medical supplies under all programs of medical care provided by the state and for congregate living care under the income maintenance programs.

(12) Have the authority to conduct and administer experimental projects to test methods and procedures of administering assistance and services to recipients or potential recipients of public welfare. To carry out such experimental projects, it is further provided that the commissioner of human services is authorized to waive the enforcement of existing specific statutory program requirements, regulations, and standards in one or more counties. The order establishing the waiver shall provide alternative methods and procedures of administration, shall not be in conflict with the basic purposes, coverage, or benefits provided by law, and in no event shall the duration of a project exceed two years. It is further provided that no order establishing an experimental project as authorized by the provisions of this section shall become effective until the following conditions have been met:

(a) The proposed comprehensive plan including estimated project costs and the proposed order establishing the waiver shall be filed with the secretary of the senate and chief clerk of the house of representatives at least 60 days prior to its effective date.

(b) The secretary of health, education, and welfare of the United States has agreed, for the same project, to waive state plan requirements relative to statewide uniformity.

(c) A comprehensive plan, including estimated project costs, shall be approved by the legislative advisory commission and filed with the commissioner of administration.

(13) In accordance with federal requirements establish procedures to be followed by local welfare boards in creating citizen advisory committees, including procedures for selection of committee members.

(14) Allocate federal fiscal disallowances or sanctions which are based on quality control error rates for the aid to families with dependent children, medical assistance, or food stamp program in the following manner:

(a) One-half of the total amount of the disallowance shall be borne by the county boards responsible for administering the programs and shall be shared by each county board in the same proportion as that county's expenditures for the sanctioned program are to the total of all counties' expenditures for that program. Each county shall pay its share of the disallowance to the state of Minnesota. When a county fails to pay the amount due hereunder, the commissioner may deduct the amount from reimbursement otherwise due the county, or the attorney general, upon the request of the commissioner, may institute civil action to recover the amount due.

(b) Notwithstanding the provisions of paragraph (a), if the disallowance results from knowing noncompliance by one or more counties with a specific program instruction, and that knowing noncompliance is a matter of official county board record, the commissioner may require payment or recover from the county or counties, in the manner prescribed in paragraph (a), an amount equal to the portion of the total disallowance which resulted from the noncompliance, and may distribute the balance of the disallowance according to paragraph (a).

(15) Develop and implement special projects that maximize reimbursements and result in the recovery of money to the state. For the purpose of recovering state money, the commissioner may enter into contracts with third parties. Any recoveries that result from projects or contracts entered into under this paragraph shall be deposited in the state treasury and credited to a special account until the balance in the account reaches \$400,000. When the balance in the account exceeds \$400,000, the excess shall be transferred and credited to the general fund. All money in the account is appropriated to the commissioner for the purposes of this paragraph.

Sec. 49. Minnesota Statutes 1984, section 256.01, subdivision 5, is amended to read:

Subd. 5. [GIFTS, CONTRIBUTIONS, PENSIONS AND BENEFITS; ACCEPTANCE.] The commissioner shall have the power and authority to accept in behalf of the state contributions and gifts for the use and benefit of children under the guardianship or custody of the commissioner; he may also receive and accept on behalf of such children, and on behalf of patients *and residents* at the several state (INSTITUTIONS FOR THE MENTALLY ILL, THE MENTALLY RETARDED, OR PERSONS HAVING EPILEPSY) *hospitals for persons with mental illness or mental retardation* during the period of their hospitalization and while on provisional discharge therefrom, moneys due and payable to them as old age and survivors insurance benefits, veterans benefits, pensions or other such monetary benefits. Such gifts, contributions, pensions and benefits shall be deposited in and disbursed from the social welfare fund provided for in sections 256.88 to 256.92.

Sec. 50. Minnesota Statutes 1984, section 256.91, is amended to read:

256.91 [PURPOSES.]

From that part of the social welfare fund held in the state treasury subject to disbursement as provided in section 256.90 the commissioner of human services at any time may pay out such amounts as he deems proper for the support, maintenance, or other legal benefit of any of the handicapped, dependent, neglected, and delinquent children, children born to mothers who

were not married to the children's fathers at the times of the conception nor at the births of the children, persons (FOUND TO BE MENTALLY RETARDED, CHEMICALLY DEPENDENT OR MENTALLY ILL) *with mental retardation, chemical dependency, or mental illness*, or other wards or persons entitled thereto, not exceeding in the aggregate to or for any person the principal amount previously received for the benefit of the person, together with the increase in it from an equitable apportionment of interest realized from the social welfare fund.

When any such person dies or is finally discharged from the guardianship, care, custody, and control of the commissioner of human services, the amount then remaining subject to use for the benefit of the person shall be paid as soon as may be from the social welfare fund to the persons thereto entitled by law.

Sec. 51. Minnesota Statutes 1984, section 256.93, subdivision 1, is amended to read:

Subdivision 1. [LIMITATIONS.] In any case where the guardianship of the person of any *mentally retarded*, handicapped, dependent, neglected or delinquent child, or a child born to a mother who was not married to the child's father when the child was conceived nor when the child was born, has been committed to the commissioner of human services, and in any case where the guardianship or conservatorship of the person of any (MENTALLY RETARDED PERSON OR PERSON HAVING EPILEPSY) *person with mental retardation* has been committed to the commissioner of human services, the probate court having jurisdiction of the estate may on such notice as the court may direct, authorize the commissioner to take possession of the personal property in the estate, liquidate it, and hold the proceeds in trust for the ward, to be invested, expended and accounted for as provided by sections 256.88 to 256.92.

Sec. 52. Minnesota Statutes 1984, section 256B.02, subdivision 2, is amended to read:

Subd. 2. "Excluded time" means any period of time an applicant spends in a hospital, sanatorium, nursing home, boarding home, shelter, halfway house, foster home, semi-independent living domicile, residential facility offering care, board and lodging facility offering 24-hour care or supervision of (MENTALLY ILL, MENTALLY RETARDED, OR PHYSICALLY DISABLED PERSONS, OR OTHER INSTITUTION) *persons with mental illness, mental retardation, related conditions, or physical disabilities; or other treatment facility* for the hospitalization or care of human beings, as defined in sections 144.50, 144A.01, or 245.782, subdivision 6.

Sec. 53. Minnesota Statutes 1984, section 256B.02, subdivision 8, is amended to read:

Subd. 8. [MEDICAL ASSISTANCE; MEDICAL CARE.] "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 this cost:

(1) Inpatient hospital services. A second medical opinion is required prior to reimbursement for elective surgeries. The commissioner shall publish in the State Register a proposed list of elective surgeries that require a second medical opinion prior to reimbursement. The list is not subject to the requirements of sections 14.01 to 14.70. The commissioner's decision whether a second medical opinion is required, made in accordance with rules governing that decision, is not subject to administrative appeal;

(2) Skilled nursing home services and services of intermediate care facilities, including training and habilitation services, as defined in section 256B.50, subdivision 1, for (MENTALLY RETARDED INDIVIDUALS) *persons with mental retardation or related conditions who are residing in intermediate care facilities* for (THE MENTALLY RETARDED) *persons with mental retardation or related conditions*;

(3) Physicians' services;

(4) Outpatient hospital or nonprofit community health clinic services 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. Hospital outpatient departments are subject to the same limitations and reimbursements as other enrolled vendors for all services, except initial triage, emergency services, and services not provided or immediately available in clinics, physicians' offices, or by other enrolled providers. "Emergency services" means those medical services required for the immediate diagnosis and treatment of medical conditions that, if not immediately diagnosed and treated, could lead to serious physical or mental disability or death or are necessary to alleviate severe pain. Neither the hospital, its employees, nor any physician or dentist, shall be liable in any action arising out of a determination not to render emergency services or care if reasonable care is exercised in determining the condition of the person, or in determining the appropriateness of the facilities, or the qualifications and availability of personnel to render these services consistent with this section;

(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;

(6) Home health care services;



- (7) Private duty nursing services;
- (8) Physical therapy and related services;
- (9) Dental services, excluding cast metal restorations;
- (10) Laboratory and xray services;
- (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 human services, 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 human services, 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. Prior authorization may be required by the commissioner, with the consent of the drug formulary committee, before certain formulary drugs are eligible for payment. The formulary shall not include: drugs or products 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; or any other 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 for the treatment of certain specified chronic diseases, conditions or disorders, and this determination shall not be subject to the requirements of chapter 14, the Administrative Procedure Act; nutritional products, except for those products needed for treatment of phenylketonuria, hyperlysinemia, maple syrup urine disease, a combined allergy to human milk, cow milk, and soy formula, or any other childhood or adult diseases, conditions, or disorders identified by the commissioner as requiring a similarly necessary nutritional product; anorectics; and drugs for which medical value has not been established. Separate payment shall not be made for nutritional products for residents of long-term care facilities; payment for dietary requirements is

a component of the per diem rate paid to these facilities. Payment to drug vendors shall not be modified before the formulary is established except that the commissioner shall not permit payment for any drugs which may not by law be included in the formulary, and his determination shall not be subject to chapter 14, the Administrative Procedure Act. The commissioner shall publish 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;

(12) Diagnostic, screening, and preventive services;

(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;

(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;

(15) Transportation costs incurred solely for obtaining emergency medical care or transportation costs incurred by non-ambulatory persons in obtaining emergency or nonemergency 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 nonambulatory;

(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 nonemergency medical care;

(17) Personal care attendant services provided by an individual, not a relative, who is qualified to provide the services, where the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a registered nurse. Payments to personal care attendants shall be adjusted annually to reflect changes in the cost of living or of providing services by the average annual adjustment granted to vendors such as nursing homes and home health agencies; and

(18) Any other medical or remedial care licensed and recognized under state law unless otherwise prohibited by law.

Sec. 54. Minnesota Statutes 1984, section 256B.02, is amended by adding a subdivision to read:

*Subd. 11. "Related condition" means that condition defined in section 252.27, subdivision 1.*

Sec. 55. Minnesota Statutes 1984, section 256B.092, is amended to read:

**256B.092 [CASE MANAGEMENT OF (MENTALLY RETARDED) PERSONS WITH MENTAL RETARDATION OR RELATED CONDITIONS.]**

**Subdivision 1. [COUNTY OF FINANCIAL RESPONSIBILITY; DUTIES.]** Before any services shall be rendered to (MENTALLY RETARDED) persons *with mental retardation or related conditions who are in need of social service and medical assistance*, the county of financial responsibility shall conduct a diagnostic evaluation in order to determine whether the person is or may be mentally retarded *or has or may have a related condition*. If a client is diagnosed as mentally retarded or as having a related condition, that county must conduct a needs assessment, develop an individual service plan, 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. Medical assistance 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 *with mental retardation or related conditions who have been 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 *with mental retardation or related conditions*.

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 United States Code, title 42, sections 1396 to 1396p, as amended through December 31, 1982, 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 *with mental retardation or related conditions*. The commissioner may seek amendments to the waivers or apply for additional waivers under United States Code, title 42, sections 1396 to 1396p, as amended through December 31, 1982, to contain costs. The commissioner shall ensure that payment for the cost of providing home and community-based alternative services under the fed-

eral 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 emergency and permanent 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 and community-based services of persons who are entitled to the level of care provided by an intermediate care facility for (MENTALLY RETARDED) persons *with mental retardation or related conditions* or for whom there is a reasonable indication that they might need the services in the near future. The screening team shall make an evaluation of need within 15 working days of the request for service and within five working days of an emergency admission of an individual to an intermediate care facility for (MENTALLY RETARDED) persons *with mental retardation or related conditions*. 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, as amended through December 31, 1982, 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 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 using a uniform screening tool specified by the commissioner;
- (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 agency regarding placement and payment for: (1) social service or public assis-

tance support to maintain a client in the client's own home or other place of residence; (2) training and habilitation service, vocational rehabilitation, and employment training activities; (3) community residential placement; (4) state hospital placement; or (5) a home and community-based alternative to community residential placement or state hospital placement;

(g) make recommendations to a 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.

Subd. 9. [REIMBURSEMENT.] Payment shall not be provided to a service provider for any recipient placed in an intermediate care facility for (THE MENTALLY RETARDED) *persons with mental retardation or related conditions* prior to the recipient being screened by the screening team. The commissioner shall not deny reimbursement for: (a) an individual admitted to an intermediate care facility for (MENTALLY RETARDED) *persons with mental retardation or related conditions* who is assessed to need long-term supportive services, if long-term supportive services other than intermediate care are not available in that community; (b) any individual admitted to an intermediate care facility for (THE MENTALLY RETARDED) *persons with mental retardation or related conditions* under emergency circumstances; (c) any eligible individual placed in the intermediate care facility for (THE MENTALLY RETARDED) *persons with mental retardation or related conditions* pending an appeal of the screening team's decision; or (d) any medical assistance recipient when, after full discussion of all appropriate alternatives including those that are expected to be less costly than intermediate care for (MENTALLY RETARDED) *persons with mental retardation or related conditions*, the individual or the individual's legal representative insists on intermediate care placement. The screening team shall provide documentation that the most cost effective alternatives available were offered to this individual or the individual's legal representative.

Sec. 56. Minnesota Statutes 1984, section 256B.36, is amended to read:

256B.36 [PERSONAL ALLOWANCE (, HANDICAPPED OR MENTALLY RETARDED) FOR CERTAIN RECIPIENTS OF MEDICAL ASSISTANCE.]

In addition to the personal allowance established in section 256B.35, any (HANDICAPPED OR MENTALLY RETARDED) recipient of medical assistance *with a handicap, mental retardation, or a related condition*, confined in a skilled nursing home or intermediate care facility shall also be per-

mitted a special personal allowance drawn solely from earnings from any productive employment under an individual plan of rehabilitation. This special personal allowance shall not exceed (1) the limits set therefor by the commissioner, or (2) the amount of disregarded income the individual would have retained had he or she been a recipient of aid to the disabled benefits in December, 1973, whichever amount is lower.

Sec. 57. Minnesota Statutes 1984, section 256B.501, is amended to read:

**256B.501 [RATES FOR COMMUNITY-BASED SERVICES FOR (THE MENTALLY RETARDED) PERSONS WITH MENTAL RETARDATION OR RELATED CONDITIONS.]**

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meaning given them.

(a) "Commissioner" means the commissioner of human services.

(b) "Facility" means a facility licensed as a mental retardation residential facility under section 252.28, licensed as a supervised living facility under chapter 144, and certified as an intermediate care facility for (THE MENTALLY RETARDED) *persons with mental retardation or related conditions.*

(c) "Waivered service" means home or community-based service authorized under United States Code, title 42, section 1396n(c), as amended through December 31, 1982, 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.

(d) "Training and habilitation services" are those health and social services needed to ensure optimal functioning of persons (WHO ARE MENTALLY RETARDED OR HAVE) *with mental retardation or related conditions.* Training and habilitation services shall be provided to a client away from the residence unless medically contraindicated by an organization which does not have a direct or indirect financial interest in the organization which provides the person's residential services. This requirement shall not apply to any developmental achievement center which has applied for licensure prior to April 15, 1983.

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) *persons with mental retardation or related conditions* which qualify as vendors of medical assistance, waivered ser-

vices, 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) PERSONS WITH MENTAL RETARDATION OR RELATED CONDITIONS.]** The commissioner shall establish, by rule, procedures for determining rates for care of residents of intermediate care facilities for (THE MENTALLY RETARDED) *persons with mental retardation or related conditions*. 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 facilities. In developing the procedures, the commissioner shall include:

- (a) cost containment measures that assure efficient and prudent management of capital assets and operating cost increases which do not exceed increases in other sections of the economy;
- (b) limits on the amounts of reimbursement for property, general and administration, and new facilities;
- (c) requirements to ensure that the accounting practices of the facilities conform to generally accepted accounting principles; and
- (d) incentives to reward accumulation of equity.

In establishing rules and procedures for setting rates for care of residents in intermediate care facilities for (MENTALLY RETARDED) *persons with mental retardation or related conditions*, 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. Rates paid to supervised living facilities for rate years beginning during the fiscal biennium ending June 30, 1985, shall not exceed the final rate allowed the facility for the previous rate year by more than five percent.

**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 reimbursement under medical assistance 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 *with mental retardation or related conditions* shall be established and paid in accordance with this subdivision effective January 1, 1984.

(b) Prior to August 1, 1983, the county board shall submit to the commissioner its contractual per diem rate and its maximum per client annual payment limitations, if any, 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 medical assistance reimbursement rate established for that developmental achievement center for 1983. If the county rate is based on average daily attendance which is less than 93 percent of the developmental achievement center's average enrollment for the period from July 1, 1983, to December 31, 1983, the commissioner shall adjust that rate based on 93 percent average daily attendance.

(c) The base per diem reimbursement rate established for 1983 may be increased by the commissioner in 1984 in an amount up to the projected percentage change in the average value of the consumer price index (all urban) for 1984 over 1983. In subsequent years, the increase in the per diem rate shall not exceed the projected percentage change in the average annual value of the consumer price index (all urban) for the same time period.

(d) The county board in which an intermediate care facility for (MENTALLY RETARDED) persons *with mental retardation or related conditions* is located shall contract annually with that facility and with the appropriate developmental achievement center or training and habilitation service provider 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 county payment rate or the medical assistance reimbursement rate, as appropriate; the training and habilitation services to be provided; and the performance standards for program provision and evaluation. 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 under medical assistance up to 210 days of training and habilitation services at developmental achievement centers for those centers which provided less than or equal to 210 days of training and habilitation services in calendar year 1982. For developmental achievement centers providing more than 210 days of services in 1982, the commissioner shall not reimburse under medical assistance in excess of the number of days provided by those programs in 1982.

(f) Medical assistance payments for training and habilitation services shall be made directly to the training and habilitation provider after submission of invoices to the medical assistance program following procedures established by the medical assistance program.

(g) Nothing in this subdivision shall prohibit county boards from contracting for rates for services not reimbursed under medical assistance.

Subd. 6. [NEW DEVELOPMENTAL ACHIEVEMENT PROGRAMS; RATES.] The commissioner, upon the recommendation of the local county board, shall determine the medical assistance reimbursement 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 medical assistance payment of 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 for those 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 medical assistance reimbursement 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 *with mental retardation or related conditions*. 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 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 1 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. [RULES.] To implement this section, the commissioner shall promulgate emergency and permanent rules in accordance with chapter 14. To implement subdivision 3, the commissioner shall promulgate emergency rules and permanent rules in accordance with sections 14.01 to 14.38. Notwithstanding the provisions of section 14.35, the emergency rule promulgated to implement subdivision 3 shall be effective for up to 720 days.

Sec. 58. Minnesota Statutes 1984, 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 pregnant adolescents, adolescent parents under the age of 18, and their children;

(b) Persons who are under the guardianship of the commissioner of human services as dependent and neglected wards;

(c) Adults who are in need of protection and vulnerable as defined in section 626.557;

(d) Persons age 60 and over who are experiencing difficulty living independently and are unable to provide for their own needs;

(e) Emotionally disturbed children and adolescents, chronically and acutely mentally ill persons who are unable to provide for their own needs or to independently engage in ordinary community activities;

(f) (MENTALLY RETARDED PERSONS) *Persons with mental retardation* as defined in section 252A.02, subdivision 2, or with related conditions as defined in section 252.27, subdivision 1, 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;

(h) Parents whose income is at or below 70 percent of the state median income and who are in need of child care services in order to secure or retain employment or to obtain the training or education necessary to secure employment; and

(i) 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. 59. Minnesota Statutes 1984, section 256E.06, subdivision 2a, is amended to read:

Subd. 2a. [STATE TRANSFER OF FUNDS.] Notwithstanding subdivisions 1 and 2, for the purpose of funding training and habilitation services provided to residents of intermediate care facilities for (MENTALLY RETARDED) persons *with mental retardation or related conditions as defined in section 252.27, subdivision 1*, as required under federal regulation, the commissioner is authorized to transfer on a quarterly basis to the medical assistance state account from each county's Community Social Services Act allocation an amount equal to the state share of medical assistance reimbursement for such services provided to clients for whom the county is financially responsible. Upon federal approval and state implementation of the state medical assistance plan, county boards will not be responsible for the funding of training and habilitation services as a social service to residents of intermediate care facilities for (THE MENTALLY RETARDED) *persons with mental retardation or related conditions*. County board responsibility for training and habilitation services shall be assumed under section 256B.20. County boards continue to be responsible for funding developmental achievement center services not covered under the medical assistance program established by United States Code, title 42, sections 1396 to 1396p, as amended through December 31, 1982, and shall develop contractual agreements for these services under the authority of this chapter.

Sec. 60. Minnesota Statutes 1984, section 260.092, is amended to read:

260.092 [EXPERT ASSISTANCE.]

In any county the court may provide for the physical and mental diagnosis of cases of minors who are believed to be physically (OR MENTALLY DISEASED OR DEFECTIVE) *handicapped, mentally ill, or mentally retarded*, and for such purpose

may appoint professionally qualified persons, whose compensation shall be fixed by the judge with the approval of the county board.

Sec. 61. Minnesota Statutes 1984, section 260.36, is amended to read:

**260.36 [SPECIAL PROVISIONS IN CERTAIN CASES.]**

When the commissioner of human services shall find that a child transferred to his guardianship after parental rights to the child are terminated or that a child committed to his guardianship as a dependent or neglected child is handicapped physically or whose mentality has not been satisfactorily determined or who is affected by habits, ailments, or handicaps that produce erratic and unstable conduct, and is not suitable or desirable for placement in a home for permanent care or adoption, the commissioner of human services shall make special provision for his care and treatment designed to fit him, if possible, for such placement or to become self-supporting. The facilities of the commissioner of human services and all state (INSTITUTIONS) *treatment facilities*, the Minnesota general hospital, and the child guidance clinic of its psychopathic department, as well as the facilities available through reputable clinics, private child-caring agencies, and foster boarding homes, accredited as provided by law, may be used as the particular needs of the child may demand. When it appears that the child is suitable for permanent placement or adoption, the commissioner of human services shall cause him to be placed as provided in section 260.35. If the commissioner of human services is satisfied that the child is (FEEBLE-MINDED) *mentally retarded* he may bring him before the probate court of the county where he is found or the county of his legal settlement for examination and commitment as provided by law.

Sec. 62. Minnesota Statutes 1984, section 284.05, is amended to read:

**284.05 [WHEN DEFENDANT A MINOR, WARD, OR (INSANE) MENTALLY ILL.]**

If any defendant in any action mentioned in sections 284.01 to 284.04 was the owner of record of any of the lands involved in any such action during the period of three years next after the sale thereof for nonpayment of taxes, and was a minor, (AN INSANE PERSON, AN IDIOT) *a person with mental illness or mental retardation*, or person in captivity or in any country with which the United States was at war, and the period of redemption from such sale by such person has not expired, the court shall dismiss such action as to such person.

Sec. 63. Minnesota Statutes 1984, section 299F.77, is amended to read:

299F.77 [ISSUANCE OF A LICENSE OR PERMIT TO CERTAIN PERSONS PROHIBITED.]

The following persons shall not be entitled to receive an explosives license or permit:

(a) Any person who within the past five years has been convicted of a felony or gross misdemeanor involving moral turpitude, is on parole or probation therefor, or is currently under indictment for any such crime;

(b) Any (MENTALLY ILL PERSON OR ANY MENTALLY DEFICIENT) person *with mental illness or mental retardation* as defined in section 253A.02 who has been confined or committed in Minnesota or elsewhere for (A) mental (DISORDER OR DEFECT) *illness or mental retardation* to any hospital, mental institution or sanitarium, or who has been certified by a medical doctor as being mentally ill or mentally (DEFICIENT) *retarded*, unless he possesses a certificate of a medical doctor or psychiatrist licensed to practice in this state, or other satisfactory proof, that he (IS) no longer (SUFFERING FROM) *has* this disability;

(c) Any person who is or has been hospitalized or committed for treatment for the habitual use of a narcotic drug, as defined in section 152.01, subdivision 10 or a controlled substance, as defined in section 152.01, subdivision 4, or who has been certified by a medical doctor as being addicted to narcotic drugs or depressant or stimulant drugs, unless he possesses a certificate of a medical doctor or psychiatrist licensed to practice in this state, or other satisfactory proof, that he (IS) no longer (SUFFERING FROM) *has* this disability;

(d) Any person who by reason of the habitual and excessive use of intoxicating liquors is incapable of managing himself or his affairs and who has been confined or committed to any hospital, (MENTAL INSTITUTION) or (SANITARIUM) *treatment facility* in this state or elsewhere as an "(INEBRIATE) *chemically dependent person*" as defined in section (253A.02) *253B.02*, or who has been certified by a medical doctor as being addicted to alcohol, unless he possesses a certificate of a medical doctor or psychiatrist licensed to practice in this state, or other satisfactory proof, that he (IS) no longer (SUFFERING FROM) *has* this disability;

(e) Any person under the age of 18 years.

Sec. 64. Minnesota Statutes 1984, section 447.42, is amended to read:

447.42 [ESTABLISHMENT AND OPERATION OF COMMUNITY RESIDENTIAL FACILITIES FOR (RETARDED

**AND CEREBRAL PALSIED) PERSONS WITH MENTAL RETARDATION OR RELATED CONDITIONS.]**

Subdivision 1. Notwithstanding any provision of Minnesota Statutes to the contrary, any city, county, town, or any non-profit corporation approved by the commissioner of human services, or any combination thereof may establish and operate a community residential facility for (MENTALLY RETARDED AND CEREBRAL PALSIED) persons *with mental retardation or related conditions, as defined in section 252.27, subdivision 1.*

Subd. 2. Community residential facilities established under this section may be administered by a nonprofit corporation, by the political subdivision establishing same or by a community mental health-mental retardation board organized under sections 245.66 and 245.67.

Subd. 3. The premises and facilities for any community residential facility may be acquired by purchase, lease or gift and may be established and operated in connection with existing public and private facilities and institutions.

Subd. 4. Any political subdivision, as described in subdivision 1, may use unexpended funds, accept gifts, grants and subsidies from any lawful source, or make application for federal funds and may use such moneys or grant or loan such moneys to any nonprofit corporation approved by the commissioner of human services for the establishment and operation of a community residential facility.

Subd. 5. Any community residential facility established and operated pursuant to this section shall meet all applicable licensure standards established by the commissioners of health and human services.

Sec. 65. Minnesota Statutes 1984, section 447.45, is amended to read:

**447.45 [HOSPITALS AND NURSING HOMES, FACILITIES FOR (MENTALLY RETARDED) PERSONS WITH MENTAL RETARDATION OR RELATED CONDITIONS; FINANCING AND LEASING.]**

Subdivision 1. Any county, city, or hospital district, except cities of the first class and counties in which are located any cities of the first class, is authorized, in addition to and not in substitution for any other power granted to it by law, to issue revenue bonds by resolution or resolutions of its governing body to finance the acquisition and betterment of hospital, nursing home and related medical facilities, or any of them, including but without limitation the payment of interest during construction and for a reasonable period thereafter and the establishment

of reserves for bond payment and for working capital, and, in connection with the acquisition of any existing hospital or nursing home facilities, to retire outstanding indebtedness incurred to finance the construction of the existing facilities.

Subd. 2. Any county or city, including cities of the first class and counties in which are located any cities of the first class, is authorized to exercise with respect to facilities, including health care facilities, for the care, treatment and training of (THE MENTALLY RETARDED AND PERSONS WITH CEREBRAL PALSY) *persons with mental retardation or related conditions, as defined in section 252.27, subdivision 1*, all of the powers conferred by sections 447.45 to 447.50 with the same force and effect as if these facilities were hospital or nursing home facilities within the meaning of sections 447.45 to 447.50.

Sec. 66. Minnesota Statutes 1984, section 501.27, is amended to read:

501.27 [(INCOMPETENTS) *LEGAL INCOMPETENCE; NOTICE; SERVICE; GUARDIAN AD LITEM.*]

In case any person, whose name is set out in such petition, is a minor, (LUNATIC) *mentally ill*, (IDIOT) *mentally retarded*, (OR PERSON OF UNSOUND MIND, OR AN HABITUAL DRUNKARD) *chemically dependent*, or (SPENDTHRIFT) *a person who has difficulty managing money*, such notice of hearing shall be served upon the duly appointed guardian, conservator, committee, or other legal representative, of such person, if any. If there be none, then the court in which such proceedings are pending shall appoint a guardian ad litem to such person and may compel the person so appointed to act. In such case, service of such notice of hearing shall be had by service on such guardian ad litem.

Sec. 67. Minnesota Statutes 1984, section 517.03, is amended to read:

517.03 [PROHIBITED MARRIAGES.]

The following marriages are prohibited:

(a) A marriage entered into before the dissolution of an earlier marriage of one of the parties becomes final, as provided in section 518.145 or by the law of the jurisdiction where the dissolution was granted;

(b) A marriage between an ancestor and a descendant, or between a brother and a sister, whether the relationship is by the half or the whole blood or by adoption;



(c) A marriage between an uncle and a niece, between an aunt and a nephew, or between first cousins, whether the relationship is by the half or the whole blood, except as to marriages permitted by the established customs of aboriginal cultures;

provided, however, that mentally (DEFICIENT) *retarded* persons committed to the guardianship of the commissioner of human services and mentally (DEFICIENT) *retarded* persons committed to the conservatorship of the commissioner of human services in which the terms of the conservatorship limit the right to marry, may marry on receipt of written consent of the commissioner. The commissioner shall grant consent unless it appears from his investigation that the marriage is not in the best interest of the ward or conservatee and the public. The clerk of the district court in the county where the application for a license is made by the ward or conservatee shall not issue the license unless he has received a signed copy of the consent of the commissioner of human services."

Delete the title and insert:

"A bill for an act relating to mental health; revising the language of statutes concerning persons with mental illness and mental retardation and revising the language of statutes concerning state treatment facilities; amending Minnesota Statutes 1984, sections 147.021, subdivision 1; 243.55, subdivision 3; 245.072; 245.52; 245.821, subdivision 1; 245.825, subdivision 1; 246.01; 246.013; 246.014; 246.13; 246.23; 246.234; 246.41; 246.50; 246.511; 246.52; 246.53; 246.54; 246.55; 246.56; 252.025; 252.05; 252.06; 252.07; 252.09; 252.10; 252.21; 252.22; 252.23; 252.24; 252.25; 252.27; 252.275, subdivisions 1 and 7; 252.28; 252.291; 252.30; 252.31; 252.32; 253.015; 253.10; 253.19; 253.20; 253.21; 253.25; 253.26; 256.01, subdivisions 2 and 5; 256.91; 256.93, subdivision 1; 256B.02, subdivisions 2 and 8, and by adding a subdivision; 256B.092; 256B.36; 256B.501; 256E.03, subdivision 2; 256E.06, subdivision 2a; 260.092; 260.36; 284.05; 299F.77; 447.42; 447.45; 501.27; and 517.03; proposing coding for new law in Minnesota Statutes, chapter 252."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 656, A bill for an act relating to county humane societies; allowing for an increase in the appropriation a county may make for a county humane society in any year; amending Minnesota Statutes 1984, section 343.11.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 343.11, is amended to read:

**343.11 [ACQUISITION OF PROPERTY, APPROPRIATIONS.]**

Every county society for the prevention of cruelty to animals may acquire, by purchase, gift, grant, or devise, and hold, use, or convey, real estate and personal property, and lease, mortgage, sell, or use the same in any manner conducive to its interest, to the same extent as natural persons. The county board of any county, or the council of any city, in which such societies exist, may, in its discretion, appropriate for the maintenance and support of such societies in the transaction of the work for which they are organized, any sums of money not otherwise appropriated, (NOT EXCEEDING \$4,800 IN ANY ONE YEAR) not to exceed in any one year the sum of \$4,800 or the sum of 50 cents per capita based upon the county's or city's population as of the most recent federal census, whichever is greater; provided, that no part of the appropriation shall be expended for the payment of the salary of any officer of the society.

**Sec. 2. [OTTER TAIL COUNTY; DOG AND CAT CONTROL.]**

*The Otter Tail county board may adopt an ordinance to provide for the control of dogs and cats within the county. It may contain provisions relating to the following.*

*(a) The county may declare certain activities of a dog or cat off the property of its owner or the person who has it in possession to be a nuisance.*

*(b) The county may establish a procedure to quarantine and control dogs or cats involved in bite cases including a procedure for the humane destruction of a dog or cat which has a history of biting more than one person. An administrative hearing allowing due process to the owner or person in possession of the dog or cat must occur before the destruction.*

*(c) The sheriff, department of public health, or the Otter Tail county humane society may impound a dog or cat that creates a nuisance and provide for its humane destruction if it is not reclaimed after five days' notice to its owner or the person who has it in possession.*

*(d) The county may provide misdemeanor penalties for a person who permits a dog or cat to create a nuisance.*

(e) *The county may provide that the owner or person in possession of a dog or cat shall be responsible for all the costs of confinement, including costs for veterinary services and rabies immunization, as a result of an impoundment that occurs under the ordinance.*

Sec. 3. [EFFECTIVE DATE.]

*Section 1 of this act is effective the day after final enactment.*

*Section 2 of this act is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of Otter Tail county."*

Delete the title and insert:

"A bill for an act relating to local government; allowing for an increase in the appropriation a county may make for a county humane society in any year; authorizing the Otter Tail county board to adopt an ordinance for the control of dogs and cats; amending Minnesota Statutes 1984, section 343.11."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 675, A bill for an act relating to state government; requiring the adoption of rules governing the 700 hours program; requiring the preparation of agency affirmative action plans; providing for incentives; appropriating money; amending Minnesota Statutes 1984, sections 43A.04, subdivision 3; 43A.10, subdivision 8; and 43A.19, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 43A; repealing Minnesota Statutes 1984, section 43A.19, subdivision 2.

Reported the same back with the following amendments:

Page 3, line 32, delete "director" and insert "commissioner"

Page 4, line 7, delete "state director of equal employment opportunity" and insert "commissioner"

Page 4, line 10, delete "director" and insert "commissioner"

Page 5, line 15, delete "annual" and insert "interim"

Page 5, line 33, delete "and" and insert ", trainee, or"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 762, A bill for an act relating to state government; providing for the status of seasonal employees of the department of revenue; amending Minnesota Statutes 1984, sections 43A.08, subdivision 1; and 43A.081, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 43A.08, subdivision 1, is amended to read:

Subdivision 1. [UNCLASSIFIED POSITIONS.] Unclassified positions are held by employees who are:

(a) Chosen by election or appointed to fill an elective office;

(b) Heads of agencies required by law to be appointed by the governor or other elective officers, and the executive or administrative heads of departments, bureaus, divisions and institutions specifically established by law in the unclassified service;

(c) Deputy and assistant agency heads, and one confidential secretary in the agencies listed in subdivision 1a;

(d) The confidential secretary to each of the elective officers of this state and, for the secretary of state, state auditor, and state treasurer, an additional deputy, clerk, or employee;

(e) Intermittent help employed by the commissioner of public safety to assist in the issuance of vehicle licenses;

(f) Employees in the offices of the governor and of the lieutenant governor, and one confidential employee for the governor in the office of the adjutant general;

(g) Employees of the legislature and of legislative committees or commissions; provided that employees of the legislative audit commission, except for the legislative auditor, the

deputy legislative auditors, and their confidential secretaries, shall be employees in the classified service;

(h) Presidents, vice presidents, deans, other managers and professionals in academic and academic support programs, administrative or service faculty, teachers, research assistants and student employees eligible under terms of the federal economic opportunity act work study program in the state universities and community colleges. This paragraph shall not be construed to include the custodial, clerical or maintenance employees, or any professional or managerial employee performing duties in connection with the business administration of these institutions (.);

(i) Officers and enlisted persons in the national guard;

(j) Attorneys, legal assistants, examiners, and three confidential employees appointed by the attorney general or employed with his authorization;

(k) Judges and all employees of the judicial branch, referees, receivers, jurors, and notaries public, except referees and adjusters employed by the department of labor and industry;

(l) Members of the state patrol; provided that selection and appointment of state patrol troopers shall be made in accordance with applicable laws governing the classified service;

(m) (SEASONAL HELP EMPLOYED BY THE DEPARTMENT OF REVENUE;)

((N)) Chaplains employed by the state;

((O)) (n) Examination monitors and intermittent training instructors employed by the departments of employee relations and commerce;

((P)) (o) Student workers; and

((Q)) (p) Employees unclassified pursuant to other statutory authority.

Sec. 2. Minnesota Statutes 1984, section 43A.15, is amended by adding a subdivision to read:

*Subd. 13. [REVENUE SEASONAL EMPLOYEES.] The commissioner may authorize the administration of a qualifying selection process for the filling of seasonal positions in the department of revenue used in the processing of returns and providing information during the tax season. The commissioner of revenue may consider any candidate found qualified through this process for probationary appointment.*

Sec. 3. Minnesota Statutes 1984, section 352.01, subdivision 2B, is amended to read:

Subd. 2B. [EXCLUDED EMPLOYEES.] The following persons are excluded from the meaning of state employee:

- (1) elective state officers;
- (2) students employed by the University of Minnesota, the state universities, and community colleges unless approved for coverage by the board of regents, the state university board or the state board for community colleges, as the case may be;
- (3) employees who are eligible to membership in the state teachers retirement association except employees of the department of education who have elected or may elect to be covered by the Minnesota state retirement system instead of the teachers retirement association;
- (4) employees of the University of Minnesota who are excluded from coverage by action of the board of regents;
- (5) officers and enlisted men in the national guard and the naval militia and such as are assigned to permanent peacetime duty who pursuant to federal law are or are required to be members of a federal retirement system;
- (6) election officers;
- (7) persons engaged in public work for the state but employed by contractors when the performance of the contract is authorized by the legislature or other competent authority;
- (8) officers and employees of the senate and house of representatives or a legislative committee or commission who are temporarily employed;
- (9) all courts and court employees, referees, receivers, jurors, and notaries public, except employees of the appellate courts and referees and adjusters employed by the department of labor and industry;
- (10) patient and inmate help in state charitable, penal and correctional institutions including the Minnesota veterans home;
- (11) persons employed for professional services where the service is incidental to regular professional duties and whose compensation is paid on a per diem basis;
- (12) employees of the Sibley House Association;

(13) employees of the Grand Army of the Republic and employees of the ladies of the G.A.R.;

(14) operators and drivers employed pursuant to section 16.07, subdivision 4;

(15) the members of any state board or commission who serve the state intermittently and are paid on a per diem basis; the secretary, secretary-treasurer, and treasurer of those boards if their compensation is \$500 or less per year, or, if they are legally prohibited from serving more than two consecutive terms and their total service therefor is required by law to be less than ten years; and the board of managers of the state agricultural society and its treasurer unless he is also its full time secretary;

(16) state troopers;

(17) temporary employees of the Minnesota state fair employed on or after July 1 for a period not to extend beyond October 15 of the same year; and persons employed at any time or times by the state fair administration for special events held on the fairgrounds;

(18) emergency employees in the classified service except emergency employees who within the same pay period become provisional or probationary employees on other than a temporary basis, shall be deemed "state employees" retroactively to the beginning of the pay period;

(19) persons described in section 352B.01, subdivision 2, clauses (b) and (c) formerly defined as state police officers;

(20) all temporary employees in the classified service, all temporary employees in the unclassified service appointed for a definite period of not more than six months and employed less than six months in any one year period and all seasonal help in the (UNCLASSIFIED) *classified* service employed by the department of revenue;

(21) trainees paid under budget classification number 41, and other trainee employees, except those listed in subdivision 2A, clause (10);

(22) persons whose compensation is paid on a fee basis;

(23) state employees who in any year have credit for 12 months service as teachers in the public schools of the state and as teachers are members of the teachers retirement association or a retirement system in St. Paul, Minneapolis, or Duluth;

(24) employees of the adjutant general employed on an unlimited intermittent or temporary basis in the classified and un-

classified service for the support of army and air national guard training facilities;

(25) chaplains and nuns who have taken a vow of poverty as members of a religious order;

(26) labor service employees employed as a laborer I on an hourly basis;

(27) examination monitors employed by departments, agencies, commissions, and boards for the purpose of conducting examinations required by law;

(28) members of appeal tribunals, exclusive of the chairman to which reference is made in section 268.10, subdivision 4;

(29) persons appointed to serve as members of fact finding commissions, adjustment panels, arbitrators, or labor referees under the provisions of chapter 179;

(30) temporary employees employed for limited periods of time under any state or federal program for the purpose of training or rehabilitation including persons employed for limited periods of time from areas of economic distress except skilled and supervisory personnel and persons having civil service status covered by the system;

(31) full time students employed by the Minnesota historical society who are employed intermittently during part of the year and full time during the summer months;

(32) temporary employees, appointed for not more than six months, of the metropolitan council and of any of its statutory boards, the members of which board are appointed by the metropolitan council;

(33) persons employed in positions designated by the department of employee relations as student workers;

(34) any person who is 65 years of age or older when appointed and who does not have allowable service credit for previous employment, unless the employee gives notice to the director within 60 days following his appointment that he desires coverage;

(35) tradesmen employed by the metropolitan waste control commission with trade union pension plan coverage pursuant to a collective bargaining agreement first employed after June 1, 1977; and

(36) persons employed in subsidized on-the-job training, work experience or public service employment as enrollees under



the federal comprehensive employment and training act from and after March 30, 1978, unless the person has as of the later of March 30, 1978 or the date of employment sufficient service credit in the retirement system to meet the minimum vesting requirements for a deferred annuity, or the employer agrees in writing on forms prescribed by the director to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal comprehensive employment and training act, or the person agrees in writing on forms prescribed by the director to make the required employer contribution in addition to the required employee contribution.

**Sec. 4. [TRANSITION FOR CURRENT EMPLOYEES.]**

*The commissioner of revenue shall appoint to the classified service, without a probationary period, seasonal employees of the department of revenue who have worked a total of at least six months for the department since January 1, 1982. The commissioner shall appoint to the classified service, with a probationary period, people who are seasonal employees of the department of revenue on April 15, 1985, who have not worked a total of six months for the department since January 1, 1982.*

**Sec. 5. [EFFECTIVE DATE.]**

*This act is effective the day following its final enactment."*

Amend the title as follows:

Page 1, line 5, delete "and 43A.081" and insert "43A.15" and after "subdivision" insert "; and 352.01, subdivision 2B"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 848, A bill for an act relating to children and families; providing judicial procedures to protect the welfare of alleged child abuse victims; requiring juvenile and criminal courts to give docket priority to child abuse cases; providing certain protections for parents in juvenile court proceedings; clarifying the scope and effect of juvenile court orders; changing the crimes of "intrafamilial sexual abuse" to "criminal sexual abuse" and limiting the discretion of courts to stay sentences for these crimes; requiring that investigative interviews with child abuse victims be tape-recorded; amending Minnesota

Statutes 1984, sections 260.011, subdivision 2; 260.133, subdivision 2; 260.135, subdivision 1; 260.155, by adding a subdivision; 260.156; 260.172, subdivision 4, and by adding a subdivision; 260.191, subdivision 1, and by adding subdivisions; 260.301; 595.02, subdivision 3; 609.364 to 609.3644; and 630.36; proposing coding for new law in Minnesota Statutes, chapter 626.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, 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 provide judicial procedures which protect the welfare of the child*; 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.

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.

The laws relating to juvenile courts shall be liberally construed to carry out these purposes.

Sec. 2. Minnesota Statutes 1984, section 260.133, subdivision 2, is amended to read:

Subd. 2. [TEMPORARY ORDER.] If it appears from the notarized petition or by sworn affidavit that there are reasonable grounds to believe the child is in immediate and present danger of domestic child abuse, the court may grant an ex parte temporary order for protection, pending a full hearing. The court may grant relief as it deems proper, including an order:

(1) restraining any party from committing acts of domestic child abuse; or

(2) excluding the alleged abusing party from the dwelling which the family or household members share or from the residence of the child.

However, no order excluding the alleged abusing party from the dwelling may be issued unless the court finds that:

(1) the order is in the best interests of the child or children remaining in the dwelling; *and*

(2) a remaining adult family or household member is able to care adequately for the child or children in the absence of the excluded party (; AND)

(3) THE LOCAL WELFARE AGENCY HAS DEVELOPED A PLAN TO PROVIDE APPROPRIATE SOCIAL SERVICES TO THE REMAINING FAMILY OR HOUSEHOLD MEMBERS).

*Before the temporary order is issued, the local welfare agency shall advise the court and the other parties who are present of the social services that it will provide to the family or household members during the effective period of the order.*

An ex parte temporary order for protection shall be effective for a fixed period not to exceed 14 days. Within five days of the issuance of the temporary order, the petitioner shall file a dependency and neglect petition with the court pursuant to section 260.131, and the court shall give docket priority to the petition.

The court may renew the temporary order for protection one time for a fixed period not to exceed 14 days if a dependency and neglect petition has been filed with the court and if the court determines, upon informal review of the case file, that the renewal is appropriate.

Sec. 3. Minnesota Statutes 1984, section 260.135, subdivision 1, is amended to read:

Subdivision 1. After a petition has been filed and unless the parties hereinafter named voluntarily appear, the court shall set a time for a hearing and shall issue a summons requiring the person who has custody or control of the child to appear with the child before the court at a time and place stated. The summons shall have a copy of the petition attached, and shall advise the parties of the right to counsel and of the consequences of failure to obey the summons. *The court shall give docket priority to any delinquency or dependency and neglect petition that contains allegations of child abuse. As used in this subdivision, "child abuse" has the meaning given it in section 21, subdivision 2.*

Sec. 4. Minnesota Statutes 1984, section 260.155, is amended by adding a subdivision to read:

*Subd. 4a. [EXAMINATION OF CHILD.] In any dependency and neglect proceeding or any proceeding for termination of parental rights, the court may, on its own motion or the motion of any party, take the testimony of a child witness in an informal setting outside of the courtroom when it is in the child's best interests to do so. Counsel for any party to the proceeding may submit questions to the court before the child's testimony is taken, and may submit additional questions to the court for the witness after questioning has been completed. The court may excuse the presence of the child's parent, guardian, or custodian from the room where the child is questioned in accordance with subdivision 5.*

Sec. 5. Minnesota Statutes 1984, section 260.156, is amended to read:

**260.156 [CERTAIN OUT-OF-COURT STATEMENTS ADMISSIBLE.]**

An out-of-court statement made by a child under the age of (TEN) 13 years alleging, explaining, denying, or describing any act of sexual contact or penetration performed with or on the child or any act of physical abuse by another, not otherwise admissible by statute or rule of evidence, is admissible in evidence in any dependency or neglect proceeding or any proceeding for termination of parental rights if:

(a) *The statement was recorded on audio or videotape, unless good cause is shown for the absence of a recording; and*

(b) *The court finds that the time, content, and circumstances of the statement and the reliability of the person to whom the statement is made provide sufficient indicia of reliability; and*

((B)) (c) *The proponent of the statement notifies other parties of his intention to offer the statement and the particulars of the statement sufficiently in advance of the proceeding at which he intends to offer the statement into evidence, to provide the parties with a fair opportunity to meet the statement.*

Sec. 6. Minnesota Statutes 1984, section 260.171, subdivision 4, is amended to read:

Subd. 4. *If the person who has taken the child into custody determines that the child should be placed in a secure detention facility or a shelter care facility, he shall advise the child and as soon as is possible, the child's parent, guardian, or custodian:*

(a) of the reasons why the child has been taken into custody and why he is being placed in a secure detention facility or a shelter care facility; and

(b) of the location of the secure detention facility or shelter care facility. If there is reason to believe that disclosure of the location of the shelter care facility would place the child's health and welfare in immediate endangerment, disclosure of the location of the shelter care facility shall not be made; and

(c) that the child's parent, guardian, or custodian and attorney or guardian ad litem may make an initial visit to the secure detention facility or shelter care facility at any time. Subsequent visits by a parent, guardian, or custodian may be made on a reasonable basis during visiting hours and by the child's attorney or guardian ad litem at reasonable hours; and

(d) that the child may telephone his parents and an attorney or guardian ad litem from the secure detention facility or shelter care facility immediately after being admitted to the facility and thereafter on a reasonable basis to be determined by the director of the facility; and

(e) that the child may not be detained for acts as defined in section 260.015, subdivision 5 at a secure detention facility or shelter care facility longer than 36 hours, excluding Saturdays, Sundays and holidays, unless a petition has been filed within that time and the court orders the child's continued detention, pursuant to section 260.172; and

(f) that the child may not be detained pursuant to section 260.165, subdivision 1, clause (a) or (c)(2), at a shelter care facility longer than 72 hours, excluding Saturdays, Sundays and holidays, unless a petition has been filed within that time and the court orders the child's continued detention, pursuant to section 260.172; and

(g) of the date, time, and place of the detention hearing; and

(h) that the child and the child's parent, guardian, or custodian have the right to be present and to be represented by counsel at the detention hearing, and that if they cannot afford counsel, counsel will be appointed at public expense for the child, if it is a delinquency matter, or for any party, if it is a dependency and neglect or termination of parental rights matter.

Sec. 7. Minnesota Statutes 1984, section 260.172, is amended by adding a subdivision to read:

*Subd. 2a. [PARENTAL VISITATION.] If a child has been taken into custody under section 260.135, subdivision 5, or 260.-*

165, subdivision 1, clause (c)(2), and the court determines that the child should continue in detention, the court shall include in its order reasonable rules for supervised or unsupervised parental visitation of the child in the shelter care facility unless it finds that visitation would endanger the child's physical or emotional well-being.

Sec. 8. Minnesota Statutes 1984, section 260.172, is amended by adding a subdivision to read:

*Subd. 2b. [MENTAL HEALTH TREATMENT.] A child who is held in detention because he or she is alleged to be a victim of child abuse as defined in section 21, subdivision 2, may not be given mental health counseling or therapy regarding the child abuse unless counseling or therapy is agreed to by the child's parent, guardian, or custodian, or is ordered by the court under section 260.191, subdivision 1.*

Sec. 9. Minnesota Statutes 1984, section 260.172, subdivision 4, is amended to read:

*Subd. 4. If a child held in detention under a court order issued under subdivision 2 has not been released prior to expiration of the order, the court or referee shall informally review the child's case file to determine, under the standards provided by subdivision 1, whether detention should be continued. If detention is continued thereafter, informal reviews such as these shall be held within every eight days, excluding Saturdays, Sundays and holidays, of the child's detention.*

A hearing, rather than an informal review of the child's case file, shall be held at the request of any one of the parties notified pursuant to subdivision 3, if that party notifies the court that he wishes to present to the court new evidence concerning whether the child should be continued in detention.

*In addition, if a child was taken into detention under section 260.185, subdivision 5, or 260.165, subdivision 1, clause (c)(2), and is held in detention under a court order issued under subdivision 2, the court shall schedule and hold an adjudicatory hearing on the petition within 30 days of the detention hearing upon the request of any party to the proceeding unless good cause is shown by a party to the proceeding why the hearing should not be held within that time period.*

Sec. 10. Minnesota Statutes 1984, section 260.191, subdivision 1, is amended to read:

*Subdivision 1. [DISPOSITIONS.] If the court finds that the child is neglected, dependent, or neglected and in foster care, it shall enter an order making any of the following dispositions of the case:*

(a) Place the child under the protective supervision of the county welfare board or child placing agency in his own home under conditions prescribed by the court (DIRECTED TO THE CORRECTION OF THE NEGLECT OR DEPENDENCY OF THE CHILD) *to ensure the proper care and treatment of the child;*

(b) *Subject to the supervision of the court, transfer legal custody to one of the following:*

(1) a child placing agency; (OR)

(2) the county welfare board; or

(3) *a reputable person of good moral character. No person may receive custody of two or more unrelated children unless he or she is licensed as a residential facility pursuant to sections 245.781 to 245.812;*

(c) If the child is in need of special treatment and care for his physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails to provide this treatment or care, the court may order it provided. *If the court's order for mental health treatment and care is based on a diagnosis made by a treatment professional, the person who made the diagnosis may not be the person who provides the treatment and care to the child, unless good cause is shown why the diagnosing professional must be used.*

Sec. 11. Minnesota Statutes 1984, section 260.191, is amended by adding a subdivision to read:

*Subd. 1d. [PARENTAL VISITATION.] If the court orders that the child be placed outside of the child's home or present residence, it shall set reasonable rules for supervised or unsupervised parental visitation that contribute to the objectives of the court order and the maintenance of the familial relationship. No parent may be denied visitation unless the court finds at the disposition hearing that the visitation would act to prevent the achievement of the order's objectives or that it would endanger the child's physical or emotional well-being.*

Sec. 12. Minnesota Statutes 1984, section 260.191, is amended by adding a subdivision to read:

*Subd. 2a. [EFFECT OF ORDER.] Any person who provides services to a child under a disposition order, or who is subject to the conditions of a disposition order, is bound by the order and shall be served with a copy of it personally or by first class mail.*

Sec. 13. Minnesota Statutes 1984, section 260.301, is amended to read:

## 260.301 [CONTEMPT.]

Any person (KNOWINGLY INTERFERING WITH AN ORDER OF THE JUVENILE COURT IS IN CONTEMPT OF COURT) *who is subject to a juvenile court order or process may be punished for contempt by the juvenile court pursuant to chapter 588.*

Sec. 14. Minnesota Statutes 1984, section 595.02, subdivision 3, is amended to read:

Subd. 3. [CERTAIN OUT-OF-COURT STATEMENTS ADMISSIBLE.] An out-of-court statement made by a child under the age of (TEN) 13 years alleging, explaining, denying, or describing any act of sexual contact or penetration performed with or on the child *or any act of physical abuse by another, not otherwise admissible by statute or rule of evidence, is admissible in evidence if:*

(a) *the statement was recorded on audio or videotape, unless good cause is shown for the absence of a recording; and*

(b) *the court or person authorized to receive evidence finds, in a hearing conducted outside of the presence of the jury, that the time, content, and circumstances of the statement and the reliability of the person to whom the statement is made provide sufficient indicia of reliability; and*

((B)) (c) *the child either:*

(i) *testifies at the proceedings; or*

(ii) *is unavailable as a witness and there is corroborative evidence of the act; and*

((C)) (d) *the proponent of the statement notifies the adverse party of his intention to offer the statement and the particulars of the statement sufficiently in advance of the proceeding at which he intends to offer the statement into evidence to provide the adverse party with a fair opportunity to prepare to meet the statement.*

Sec. 15. Minnesota Statutes 1984, section 609.364, is amended to read:

609.364 [(INTRAFAMILIAL) CRIMINAL SEXUAL ABUSE; DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 595.02 and 609.364 to 609.3644, the terms in this section have the meanings given them.



Subd. 2. [ACTOR.] "Actor" means (AN ADULT) a person accused of (INTRAFAMILIAL) *criminal* sexual abuse.

Subd. 3. [CHILD.] "Child" means a person under age 16.

Subd. 4. [COERCION.] "Coercion" means a threat to unlawfully inflict bodily harm upon, or hold in confinement, the person threatened or another.

Subd. 5. [COMPLAINANT.] "Complainant" means a child or minor alleging to have been subjected to (INTRAFAMILIAL) *criminal* sexual abuse, but need not be the person who signs the complaint.

Subd. 6. [CONSENT.] "Consent" means a voluntary uncoerced manifestation of a present agreement to perform a particular sexual act.

Subd. 7. [FORCE.] "Force" means the infliction, attempted infliction, or threatened infliction by the actor of bodily harm or commission or threat of any other crime by the actor against the complainant or another, which causes the complainant to reasonably believe that the actor has the present ability to execute the threat.

Subd. 8. [INTIMATE PARTS.] "Intimate parts" includes the primary genital area, groin, inner thigh, buttocks, or breast of a human being.

Subd. 9. [(FAMILIAL) SIGNIFICANT RELATIONSHIP.] "(FAMILIAL) *Significant* relationship" means a situation in which the actor is:

- (a) The complainant's parent, stepparent, or guardian;
- (b) Any of the following persons related to the complainant by blood, marriage, or adoption: brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent, great-grandparent, great-uncle, great-aunt; or
- (c) An adult who jointly resides intermittently or regularly in the same dwelling as the complainant and who is not the complainant's spouse.

Subd. 10. [(INTRAFAMILIAL) CRIMINAL SEXUAL ABUSE.] "(INTRAFAMILIAL) *Criminal* sexual abuse" means sexual contact or sexual penetration, or both, of a child or minor when the actor has a (FAMILIAL) *significant* relationship to the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

Subd. 11. [MINOR.] "Minor" means a person under age 18 but age 16 or over.

Subd. 12. [PERSONAL INJURY.] "Personal injury" means bodily harm as defined in section 609.02, subdivision 7, or severe mental anguish, or pregnancy.

Subd. 13. [SEXUAL CONTACT.] "Sexual contact" includes any of the following acts, if the acts can reasonably be construed as being for the purpose of satisfying the actor's sexual or aggressive impulses:

(a) The intentional touching by the actor of the complainant's intimate parts;

(b) The touching by the complainant of the actor's, the complainant's, or another's intimate parts;

(c) The touching by another of the complainant's intimate parts; or

(d) In any of the cases listed above, touching of the clothing covering the immediate area of the intimate parts.

Subd. 14. [SEXUAL PENETRATION.] "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion however slight into the genital or anal openings of the complainant's body of any part of the actor's body or any object used by the actor for this purpose. Emission of semen is not necessary.

Sec. 16. Minnesota Statutes 1984, section 609.3641, is amended to read:

Subdivision 1. [CRIME DEFINED.] A person is guilty of (INTRAFAMILIAL) *criminal* sexual abuse in the first degree if:

(1) He has a (FAMILIAL) *significant* relationship to and engages in sexual penetration with a child; or

(2) He has a (FAMILIAL) *significant* relationship to and engages in sexual penetration with a child and:

(a) the actor or an accomplice used force or coercion to accomplish the penetration;

(b) the actor or an accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it could be a dangerous weapon and used or threatened to use the dangerous weapon;

(c) circumstances existed at the time of the act to cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the complainant suffered personal injury; or

(e) the (INTRAFAMILIAL) *criminal* sexual abuse involved multiple acts committed over an extended period of time.

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 \$35,000, 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) a stay is in the best interest of the complainant or the family unit;

(b) a professional assessment indicates that the offender has been accepted by and can respond to a community-based treatment program; and

(c) the victim or victims will receive appropriate counseling and other services.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

(1) a minimum time of incarceration in a local jail or workhouse; and

(2) a requirement that the offender complete a community-based treatment program.

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 \$35,000, or both.

Sec. 17. Minnesota Statutes 1984, section 609.3642, is amended to read:

Subdivision 1. [CRIME DEFINED.] A person is guilty of (INTRAFAMILIAL) *criminal* sexual abuse in the second degree if:

(1) He has a (FAMILIAL) *significant* relationship to and engages in sexual contact with a child; or

(2) He has a (FAMILIAL) *significant* relationship to and engages in sexual contact with a child and:

(a) the actor or an accomplice used force or coercion to accomplish the contact;

(b) the actor or an accomplice was 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 used or threatened to use the dangerous weapon;

(c) circumstances existed at the time of the act to cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the complainant suffered personal injury; or

(e) the (INTRAFAMILIAL) *criminal* sexual abuse involved multiple acts committed over an extended period of time.

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 \$30,000, 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) a stay is in the best interest of the complainant or the family unit;

(b) a professional assessment indicates that the offender has been accepted by and can respond to a community-based treatment program; and

(c) the victim or victims will receive appropriate counseling and other services.

*If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:*

(1) a minimum time of incarceration in a local jail or workhouse; and

(2) a requirement that the offender complete a community-based treatment program.

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 \$30,000, or both.

Sec. 18. Minnesota Statutes 1984, section 609.3643, is amended to read:

Subdivision 1. [CRIME DEFINED.] A person is guilty of (INTRAFAMILIAL) *criminal* sexual abuse in the third degree if:

(1) He has a (FAMILIAL) *significant* relationship to and engages in sexual penetration with a minor; or

(2) He has a (FAMILIAL) *significant* relationship to and engages in sexual penetration with a minor and:

(a) the actor or an accomplice used force or coercion to accomplish the penetration;

(b) the actor or accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it could be a dangerous weapon and used or threatened to use the dangerous weapon;

(c) circumstances existed at the time of the act to cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the complainant suffered personal injury; or

(e) the (INTRAFAMILIAL) *criminal* sexual abuse involved multiple acts committed over an extended period of time.

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 \$20,000, 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) a stay is in the best interests of the complainant or the family unit;

(b) a professional assessment indicates that the offender has been accepted by and can respond to a community-based treatment program; and

(c) the victim or victims will receive appropriate counseling and other services.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

(1) a minimum time of incarceration in a local jail or workhouse; and

(2) a requirement that the offender complete a community-based treatment program.

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 \$20,000, or both.

Sec. 19. Minnesota Statutes 1984, section 609.3644, is amended to read:

Subdivision 1. [CRIME DEFINED.] A person is guilty of (INTRAFAMILIAL) *criminal* sexual abuse in the fourth degree if:

(1) He has a (FAMILIAL) *significant* relationship to and engages in sexual contact with a minor; or

(2) He has a (FAMILIAL) *significant* relationship to and engages in sexual contact with a minor and:

(a) the actor or an accomplice used force or coercion to accomplish the contact;

(b) the actor or accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it could be a dangerous weapon and used or threatened to use the dangerous weapon;

(c) circumstances existed at the time of the act to cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the complainant suffered personal injury; or

(e) the (INTRAFAMILIAL) *criminal* sexual abuse involved multiple acts committed over an extended period of time.

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 \$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) a stay is in the best interest of the complainant or the family unit;

(b) a professional assessment indicates that the offender has been accepted by and can respond to a community-based treatment program; and

(c) the victim or victims will receive appropriate counseling and other services.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

(1) a minimum time of incarceration in a local jail or workhouse; and

(2) *a requirement that the offender complete a community-based treatment program.*

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 \$10,000, or both.

Sec. 20. [626.559] [RECORDING OF INTERVIEWS WITH CHILD ABUSE VICTIMS.]

*Subdivision 1. [DEFINITIONS.] As used in this section:*

(a) *"child abuse" means physical or sexual abuse as defined in section 626.556, subdivision 2; and*

(b) *"interview" means a statement of a victim which is intended to be used by the state at trial under either section 260.156 or 595.02.*

*Subd. 2. [RECORDING; WHEN REQUIRED.] Whenever an interview is conducted with an alleged victim of child abuse by a law enforcement agency or any person designated by the state, the interview must be recorded on audio or videotape. The tape recording shall be maintained by the prosecuting attorney or law enforcement agency while the investigation is active as defined in section 13.82, subdivision 5. The tape recording is classified as confidential data pursuant to section 13.82, subdivision 5.*

Sec. 21. Minnesota Statutes 1984, section 630.36, is amended to read:

630.36 [ISSUES, HOW DISPOSED OF.]

*Subdivision 1. [ORDER.] The issues on the calendar shall be disposed of in the following order, unless, upon the application of either party, for good cause, the court directs an indictment or complaint to be tried out of its order:*

(1) *Indictments or complaints for felony, where the defendant is in custody;*

(2) *Indictments or complaints for misdemeanor, where the defendant is in custody;*

(3) *Indictments or complaints alleging child abuse, as defined in subdivision 2, where the defendant is on bail;*

((3)) (4) *Indictments or complaints for felony, where the defendant is on bail; and*

**((4)) (5)** Indictments or complaints for misdemeanor, where the defendant is on bail.

After his plea, the defendant shall be entitled to at least four days to prepare for his trial, if he requires it.

*Subd. 2. [CHILD ABUSE DEFINED.] As used in subdivision 1, "child abuse" means any act which involves a minor victim and which constitutes a violation of section 609.221, 609.222, 609.223, 609.2231, 609.255, 609.321, 609.322, 609.323, 609.324, 609.342, 609.343, 609.344, 609.345, 609.364, 609.3641, 609.3642, 609.3643, 609.3644, 609.377, 609.378, or 617.246, or section 609.224 if the minor victim is a family or household member of the defendant.*

**Sec. 22. [631.046] [AUTHORIZING PRESENCE OF SUPPORTIVE PERSON FOR CERTAIN PROSECUTION WITNESSES.]**

*(a) Notwithstanding any other law to the contrary, in any case involving a violation of sections 609.342, 609.343, 609.344, 609.345, 609.3641, 609.3642, 609.3643, or 609.3644, a prosecution witness who is not more than 16 years old is entitled to the attendance of a parent, guardian, or sibling of his or her own choosing, whether or not a witness, for support during the child's testimony at the omnibus hearing or the trial.*

*(b) If the support person is also a prosecution witness, the prosecution shall, on noticed motion, present evidence that the person's attendance is both desired by the child for support and will be helpful to the child. The court shall grant the motion unless information presented by the defendant or noticed by the court establishes that the support person's attendance during the child's testimony would pose a substantial risk of influencing or affecting the content of that testimony. The testimony of the support person shall be presented before the testimony of the child."*

Amend the title as follows:

Page 1, line 16, after "260.156;" insert "260.171, subdivision 4.;"

Page 1, line 17, delete "a subdivision" and insert "subdivisions"

Page 1, line 20, delete "chapter" and insert "chapters"

Page 1, line 20, before the period insert "and 631"

With the recommendation that when so amended the bill pass.

The report was adopted.



Halberg from the Committee on Judiciary to which was referred:

H. F. No. 876, A bill for an act relating to environment; creating a hazardous substance injury compensation fund; establishing a board to administer compensation; limiting compensable losses; prescribing claims procedures; allowing partial subrogation rights; providing for partial recoupment of expenditures from hazardous waste generators; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [115B.25] [DEFINITIONS.]

*The terms used in sections 2 to 14 have the definitions given them in section 115B.02 except that the term “fund” means the hazardous substance injury compensation fund established in section 2.*

Sec. 2. [115B.26] [HAZARDOUS SUBSTANCE INJURY COMPENSATION FUND.]

*A hazardous substance injury compensation fund is established as an account in the state treasury. The state treasurer shall credit to the trust fund account all amounts received by direct appropriation from the general fund as well as amounts received pursuant to sections 12 and 14. The state treasurer shall invest trust fund money pursuant to section 11A.25. Earnings, such as interest, dividends, and any other earnings arising from trust fund assets, must be credited to the trust fund.*

Sec. 3. [115B.27] [HAZARDOUS SUBSTANCE INJURY COMPENSATION BOARD.]

*Subdivision 1. [ESTABLISHMENT OF BOARD.] The hazardous substance injury compensation board is established within the department of health. The board will consist of three members who will serve part time and who will be appointed by the governor subject to the advice and consent of the senate. At least one member shall be a physician knowledgeable in toxicology; at least one member shall be a member of the bar of this state; and the final member shall be a health professional knowledgeable in the area of hazardous substance injuries. Filling of vacancies on the board and removal of members are governed by section 15.0575.*

*Subd. 2. [MEMBERSHIP TERMS.] The initial members shall be appointed to terms as follows:*

- (1) *the first member appointed for six years;*
- (2) *the second member appointed for four years; and*
- (3) *the third member appointed for two years.*

*At the end of each member's term, the successor shall be appointed for six years and each successor thereafter shall be appointed for six years.*

*Subd. 3. [COMPENSATION AND EXPENSES.] The board shall adopt a rule governing compensation of its members which must not exceed 80 percent of reasonable consultation fees charged by professionals with similar education and experience as board members. Expenses may be paid as for state employees.*

**Sec. 4. [115B.28] [POWERS AND DUTIES OF THE BOARD.]**

*Subdivision 1. [DUTIES.] In addition to performing duties specified elsewhere in sections 1 to 14 or in other law, the board shall:*

- (1) *provide all claimants with an opportunity for a hearing pursuant to section 10;*
- (2) *establish and maintain a principal office within the health department and other necessary temporary offices and appoint employees and agents as necessary and fix their duties;*
- (3) *promulgate rules as soon as practicable after the final member is appointed to include rules governing the method of practice and procedure before the board, the form and procedure for applications for compensation, and discovery proceedings, provided that the rules governing contested case proceedings shall apply to any such proceeding held pursuant to section 10, subdivision 4;*
- (4) *publicize the availability of compensation and application procedures on a statewide basis with special emphasis on geographical areas surrounding sites identified by the pollution control agency as having releases prior to July 1, 1983;*
- (5) *collect data in consultation with the pollution control agency, the University of Minnesota medical and public health schools, and the medical community regarding injuries relating to exposure to hazardous substances; and*
- (6) *prepare and transmit to the governor and the legislature a biennial report to include data collected pursuant to clause (5), data from actual cases determined by the board including but not*

*limited to number of cases, actual compensation received by each claimant, types of cases, and types of injuries compensated as they relate to types of hazardous substances as well as length of exposure, and board recommendations for legislative changes, further study, or any other recommendation aimed at improving the system of compensation.*

*Subd. 2. [POWERS.] In addition to exercising any powers specified elsewhere in sections 1 to 14 or in other law, the board on its own initiative or on request by a claimant may take the following actions, provided that the rules governing contested case proceedings shall apply to any such proceeding held pursuant to section 10, subdivision 4:*

*(1) issue subpoenas for the appearance of witnesses and the production of books, records, studies, and other documents;*

*(2) administer oaths and affirmations and require affidavits and depositions within and without this state;*

*(3) take notice of judicially cognizable facts and general, technical, and scientific facts within the members' specialized knowledge;*

*(4) order a mental or physical examination of the claimant or an autopsy of a deceased person whose death is the basis of the claim, provided that notice is given to the person to be examined and that the claimant receives a copy of any resulting report;*

*(5) request from any source data to enable the board to perform its duties as specified in sections 1 to 14;*

*(6) grant emergency reparations pending the final determination of a claim if it is one with respect to which an award will probably be made and severe hardship will result to the claimant if immediate payment is not made; and*

*(7) reconsider any grant, amount of grant, or denial of compensation.*

#### **Sec. 5. [115B.29] [LIMITATION OF CLAIMS.]**

*Subdivision 1. [WHO MAY FILE CLAIM.] A person may file a claim with the commissioner pursuant to this section for compensation for death, injury, or disease caused by a release, in Minnesota, of a hazardous substance if:*

*(1) the person responsible for the release of the hazardous substance is unknown or cannot with reasonable diligence be determined;*

(2) the loss is not compensable because the hazardous substance was placed or came to be located in or on the facility before July 1, 1983, or the judgment could not be satisfied in whole or in part against the person determined to be liable for the release of a hazardous substance; or

(3) the facility from which the hazardous substance was released is owned or operated by the United States or any state or local government.

Subd. 2. [COMPENSABLE INJURIES.] Claims for compensation are limited to compensable losses suffered by the claimant as the result of any medically verifiable chronic or progressive disease, illness, or disability, resulting from exposure to a hazardous substance, such as cancer, organic nervous system disorders, or physical deformities, including malfunctions in reproduction, in humans or their offspring, or death. A chronic or progressive disease is a disease that does not typically manifest itself in humans within one year after initial exposure to the particular hazardous substance under the circumstances in question. If the board, after experience, determines that the above criterion is inappropriate or inequitable, it may recommend that the legislature amend it.

Subd. 3. [NONCOMPENSABLE INJURIES.] The following injuries are not compensable from this fund:

(1) an acute disease or condition that typically manifests itself within one year after initial exposure;

(2) personal injuries whether acute or chronic and progressive arising out of exposure sustained in the workplace or as a result of use of consumer products;

(3) any injury arising out of a release which occurred or is occurring within the geographical boundaries of any state other than Minnesota;

(4) damage to property;

(5) any injury about which the claimant knew or should have known more than six years prior to the date of initial application for compensation; except that any person whose cause of action accrued prior to July 1, 1981, may file a claim by July 1, 1987; and

(6) any other injury or loss not compensable under subdivision 1.

#### Sec. 6. [115B.30] [CHOICE OF FORUM.]

A person who files or has filed a claim with the fund for a compensable injury is precluded from bringing an action in

*court for the same compensable injury. A person who brings or has brought an action in court for a compensable injury is precluded from filing a claim with the fund for the same compensable injury unless the person obtains a judgment from the court which cannot be satisfied in whole or in part against the person or persons determined to be liable.*

**Sec. 7. [115B.31] [CLAIM FOR COMPENSATION.]**

*Subdivision 1. [FORM.] A claim for compensation from the fund must be filed with the board on a claim form provided by the board. When a claim does not include all of the information required by subdivision 2 and applicable board rules, board staff shall notify a claimant of the absence of required information within 14 days of the filing of the claim. All required information must be received by the board not later than 30 days after the claimant received notice of its absence or the claim will be inactivated and may not be resubmitted for at least one year following the date of inactivation. The board may decide to refuse to inactivate a claim under this subdivision if it finds serious extenuating circumstance.*

*Subd. 2. [REQUIRED INFORMATION.] A claimant must provide as part of the claim:*

*(1) a sworn verification by the claimant of the facts set forth in the claim to the best of the claimant's knowledge;*

*(2) evidence that the claimant is a person who may file a claim within the meaning of section 5, subdivision 1;*

*(3) evidence of the claimant's exposure to a named hazardous substance because of a release;*

*(4) evidence that the claimant's exposure to the substance in the amount and duration experienced by the claimant could reasonably have been caused or significantly contributed to by the release;*

*(5) evidence that the exposure experienced by the claimant causes or significantly contributes to death or to personal injury or disease of the type suffered by the claimant;*

*(6) evidence of the death, personal injury or disease, and the resulting expenses incurred by the claimant, including but not limited to certification of the injury or loss and expenses for the injury or loss made by hospitals, physicians, or other qualified certificates including a claimant's federal income tax return;*

*(7) evidence of other economic losses resulting from the death, personal injury, or disease; and*

(8) *information regarding any collateral sources of compensation.*

*Evidence required by clause (5) is unnecessary only in a case pertaining to the same hazardous substance released at the same site, the same level and duration of exposure, and the same injury or disease that were the subjects of an earlier case. In such a case, the claimant may cite or otherwise bring to the board's attention its own determination in the earlier case in place of the information required by clause (5) and the board may use the earlier case as dispositive of the case before it. In any other case where the facts are similar but not the same the board may not rely on an earlier determination as dispositive of the specific claim before it.*

**Sec. 8. [115B.32] [STANDARD FOR DETERMINATION OF PERSONAL INJURY CLAIM.]**

*The board shall grant compensation to a claimant who shows that it is more likely than not that:*

(1) *the claimant was exposed to a hazardous substance because of a release;*

(2) *the exposure to the substance in the amount and duration experienced by the claimant could reasonably have been caused or significantly contributed to by the release;*

(3) *the claimant suffers or has suffered a compensable injury that has caused compensable loss; and*

(4) *the compensable injury suffered by the claimant was caused or significantly contributed to by exposure to the hazardous substance in an amount and duration experienced by the claimant.*

**Sec. 9. [115B.33] [COMPENSABLE LOSSES.]**

(1) *One hundred percent of uninsured out-of-pocket medical expenses for up to five years from the onset of treatment;*

(2) *eighty percent of uninsured actual lost wages or business income in lieu of wages, caused by injury to the claimant, not to exceed \$20,000 per year for five years;*

(3) *funeral expenses in the case of death within five years of the onset of illness.*

**Sec. 10. [115B.34] [DETERMINATION OF CLAIMS.]**

*Subdivision 1. [ASSIGNMENT OF CLAIMS.] The chairman of the board shall assign each claim that has been accepted*

for filing to himself or herself or to another member of the board.

Subd. 2. [PRELIMINARY DECISION.] *The board member to whom the claim is assigned shall review all materials filed in support of the claim and may cause an investigation to be conducted into the validity of the claim. The board member may make a preliminary decision on the basis of the papers filed in support of the claim and the report of any investigation of it. The decision must be in writing and include the reasons for the decision.*

Subd. 3. [CIRCULATION OF PRELIMINARY DECISION.] *Copies of the preliminary decision made under subdivision 2 must be circulated to the other two board members as soon as practicable. On receipt of the preliminary decision, the other two members have 20 days to challenge it by written notice to the member who made the decision. If neither member challenges the preliminary decision, copies must be sent to the claimant and to every person who may be potentially responsible under section 14 for the claimant's losses which are covered by the fund. The claimant or any potentially responsible person may challenge the decision by written notice to the board within 30 days of receipt of the decision. If no notice is received within the required time, the preliminary decision becomes a final decision of the board.*

Subd. 4. [CHALLENGES.] *If a board member, the claimant, or any potentially responsible person challenges a preliminary decision made pursuant to subdivision 2, the board shall initiate a contested case proceeding with respect to the claim and it shall determine the claim in accordance with the contested case procedures of the administrative procedure act. Notice of the proceeding shall be given to every potentially responsible person.*

Sec. 11. [115B.35] [POWER TO DISBURSE MONEY FROM THE FUND.]

*The board has the power to authorize disbursement from the fund by the secretary of the treasury for:*

- (1) *paying claims granted by the board; and*
- (2) *reasonable administrative costs.*

Sec. 12. [115B.36] [AMOUNT AND FORM OF PAYMENT.]

*The board shall compute the total amount of actual losses suffered by a successful claimant. From this amount, the board*

*shall subtract the total amount of any compensation for these losses received by the claimant from other sources including, but not limited to, all forms of insurance and social security. If the amount of net uncompensated loss is less than \$250,000, the claimant shall receive the full amount of the net uncompensated loss in compensation from the fund. If the net uncompensated loss is greater than \$250,000, the claimant shall receive \$250,000.*

*Compensation from the fund may be awarded in a lump sum or in installments in the discretion of the board. The amount of any emergency award must be deducted from the final award, prorated over time if the final award is made in installments. Compensation from the fund is exempt from execution or attachment except by persons who have supplied services, products, or accommodations to the claimant directly related to the claimant's death, injury, or disease. The board may order that all or part of the compensation award be paid directly to these suppliers.*

Sec. 13. [115B.37] [ATTORNEY FEES.]

*The board shall adopt a rule similar to worker's compensation claims pursuant to section 176.081 designed to limit the fee charged by any attorney for representing a claimant before the board.*

Sec. 14. [115B.38] [SUBROGATION.]

*The state shall be subrogated to all the claimant's rights under chapter 115B or common law to recover for losses covered by the fund from other sources including responsible persons as defined in section 115B.03.*

Sec. 15. [APPROPRIATION.]

*\$1,000,000 is appropriated to the hazardous substance injury compensation trust fund from the general fund for the purpose of administering sections 1 to 14."*

Delete the title and insert:

**"A bill for an act relating to hazardous waste; establishing a hazardous substance compensation trust account; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115B."**

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.



Erickson from the Committee on Education to which was referred:

House Resolution No. 10, A house resolution recognizing the outstanding Automotive Technician program achievement at Hutchinson Area Vocational-Technical Institute.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

Erickson from the Committee on Education to which was referred:

House Resolution No. 15, A house resolution congratulating the Mahtomedi High School Zephyrs for winning first place in the Class A Minnesota State Gymnastics Championship.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

Erickson from the Committee on Education to which was referred:

House Concurrent Resolution No. 5, A house concurrent resolution commending Larry Ross upon his retirement after 31 years as hockey coach at International Falls High School.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 94, 112, 158, 216, 235, 422, 461, 485, 517, 520, 521, 526, 535, 537, 585, 621, 656 and 848 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. No. 118 was read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced :

Blatz and Ozment introduced :

H. F. No. 1107, A bill for an act relating to children; requiring a new job classification in child protection; requiring continuing education; providing for a multidisciplinary education program; proposing coding for new law in Minnesota Statutes, chapter 626.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Bennett and Knickerbocker introduced :

H. F. No. 1108, A bill for an act relating to insurance; accident and health; requiring an assessment of the social and financial impacts of legislative proposals that would mandate certain coverages; requiring reports to the appropriate standing committees of the legislature; proposing coding for new law in Minnesota Statutes, chapter 62A.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Frerichs and Bennett introduced :

H. F. No. 1109, A bill for an act relating to state government; concerning the state procurement of goods and services from small businesses; removing geographical distribution requirements and preference program limitations; amending Minnesota Statutes 1984, section 16B.19, subdivision 5; 16B.21, subdivision 1; and 16B.22.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Piepho introduced :

H. F. No. 1110, A bill for an act relating to drivers licenses; requiring that drivers license of person be revoked who flees in motor vehicle from peace officer; amending Minnesota Statutes 1984, section 171.17.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Harteringer, Clark, McDonald, Kiffmeyer and Rodosovich introduced:

H. F. No. 1111, 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 coding for new law in Minnesota Statutes, chapters 43A and 148.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Dempsey and O'Connor introduced:

H. F. No. 1112, A bill for an act relating to dispute resolution; establishing guidelines for community dispute resolution programs; proposing coding for new law in Minnesota Statutes, chapter 494.

The bill was read for the first time and referred to the Committee on Judiciary.

Pappas and Neuenschwander introduced:

H. F. No. 1113, A bill for an act relating to state lands; authorizing conveyance by commissioner of transportation of certain state lands for historical preservation purposes; amending Minnesota Statutes 1984, section 161.44, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Blatz, Rodosovich, Knickerbocker, Knuth and Pauly introduced:

H. F. No. 1114, A bill for an act relating to public safety; subjecting rules relating to drunk driving to certain provisions of the administrative procedure act; repealing rules; amending Minnesota Statutes 1984, sections 14.02, subdivision 4; and 169.128.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Kelly introduced:

H. F. No. 1115, A bill for an act relating to crimes; authorizing the commissioner of revenue to request a prosecuting authority of a county to assist in criminal tax investigations; proposing coding for new law in Minnesota Statutes, chapter 270.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Schreiber, Brandl, Valento, Scheid and Dempsey introduced:

H. F. No. 1116, A bill for an act relating to tax increment financing; transferring duties to the state auditor; imposing financial reporting and accounting requirements; repealing the authority to provide interest reduction programs; amending Minnesota Statutes 1984, sections 273.74, subdivisions 2, 5, and by adding a subdivision; and 298.2211, subdivision 1; repealing Minnesota Statutes 1984, section 462.445, subdivisions 10, 11, 11a, 12, and 13.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Carlson, J., introduced:

H. F. No. 1117, A bill for an act relating to gifts to minors; permitting securities to be registered in the name of a broker or financial institution; amending Minnesota Statutes 1984, sections 527.02, subdivision 1; and 527.04, subdivision 7.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Nelson, K., introduced:

H. F. No. 1118, A bill for an act relating to motor vehicles; expanding definition of "motorized bicycle" to include motor scooters; amending Minnesota Statutes 1984, sections 168.011, subdivision 27; 169.01, subdivision 4a; and 171.01, subdivision 20.

The bill was read for the first time and referred to the Committee on Transportation.

Dimler introduced:

H. F. No. 1119, A bill for an act relating to taxation; providing for installment payments of deferred special assessments plus interest upon sale of green acres property; amending Minnesota Statutes 1984, section 273.111, subdivision 11.

The bill was read for the first time and referred to the Committee on Taxes.

Seaberg, Heap, Piepho, Riveness and Carlson, L., introduced:

H. F. No. 1120, A bill for an act relating to occupations and professions; requiring registration of interior designers; amending Minnesota Statutes 1984, section 326.02, subdivision 1, and by adding a subdivision; 326.03, by adding a subdivision; 326.04; 326.05; 326.06; 326.07; 326.08, subdivision 2; 326.09; 326.10, subdivisions 1, 2, 2a, and by adding a subdivision; 326.11, subdivision 1; 326.12; 326.13; and 326.14.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Carlson, L., and Rest introduced:

H. F. No. 1121, A bill for an act relating to veterans; making certain veterans eligible for the state civil service veterans preference; repealing Minnesota Statutes 1984, section 43A.11, subdivision 2.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Murphy introduced:

H. F. No. 1122, A bill for an act relating to the city of Hermantown; permitting the city to fix the size of its public utilities commission.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

Valento, Kostohryz and McKasy introduced:

H. F. No. 1123, A bill for an act relating to local government; providing for the arbitration of water price disputes between the city of St. Paul and the cities of Maplewood and Mendota Heights.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Schreiber and Olsen, S., introduced:

H. F. No. 1124, A bill for an act relating to education; providing a method for establishing the basic maintenance mill rate; amending Minnesota Statutes 1984, sections 124A.02, subdivision 7; and 124A.03, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Carlson, D., introduced:

H. F. No. 1125, A bill for an act relating to motor vehicles; prescribing fee for paying vehicle registration tax in installments; amending Minnesota Statutes 1984, section 168.31, subdivision 4.

The bill was read for the first time and referred to the Committee on Transportation.

Carlson, D., introduced:

H. F. No. 1126, A bill for an act relating to motor vehicles; providing for biennial registration of tax-exempt motor vehicles; prescribing fees; amending Minnesota Statutes 1984, sections 168.012, subdivision 1, and by adding a subdivision; and 168.29; repealing Minnesota Statutes 1984, section 168.105, subdivision 4.

The bill was read for the first time and referred to the Committee on Transportation.

Carlson, D., introduced:

H. F. No. 1127, A bill for an act relating to drivers licenses; prescribing fees; amending Minnesota Statutes 1984, sections 171.05, subdivision 1; 171.13, subdivision 5; and 171.20, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Carlson, D., introduced:

H. F. No. 1128, A bill for an act relating to public safety; motor vehicles; clarifying penalties for failure to provide security for basic reparation benefits; defining terms; requiring certification procedure to obtain tax-exempt passenger vehicle license plates for unmarked vehicle of law enforcement agency; reducing 2,000-pound weight limitation to three-fourths ton for motor vehicles in certain situations; exempting certain returned motor vehicle registration documents from filing fee; prescribing dissemination of traffic accident information to news media; regulating format of certain license plates; increasing weight of vehicles which may be operated with class "C" driver's license; prescribing filing period for clerk of district court to forward drivers license applications and fees to department of public safety; requiring revocation of driver's license upon conviction of crime of fleeing from peace officer; expanding definition of misdemeanor for purpose of driver's license revocation; authorizing prima facie evidentiary status for certified department driver records; authorizing commissioner of public safety to promulgate school bus driver qualification rules; authorizing access to certain private vehicle tax information under certain conditions; prescribing fees; amending Minnesota Statutes 1984, sections 65B.67, subdivision 4; 168.011, subdivisions 4, 28, and 29; 168.012, subdivision 1; 168.021, subdivision 1; 168.27, subdivision 11; 168.33, subdivision 7; 169.09, subdivision 13; 169.79; 171.02, subdivision 2; 171.06, subdivision 4; 171.17; 171.21; 171.321, subdivision 2; and 297B.12.

The bill was read for the first time and referred to the Committee on Transportation.

McPherson, Dempsey and McKasy introduced:

H. F. No. 1129, A bill for an act relating to real estate; providing for service in forcible entry and unlawful detainer actions; amending Minnesota Statutes 1984, section 566.06.

The bill was read for the first time and referred to the Committee on Judiciary.

Sviggum and Heap introduced:

H. F. No. 1130, A bill for an act relating to workers' compensation; providing for miscellaneous changes; amending Minnesota Statutes 1984, sections 176.021, subdivision 3b; 176.101, subdivision 3e; 176.102, subdivisions 3 and 8; 176.103, subdivision 3; 176.136, by adding a subdivision; 176.138; 176.191, subdivision 3; 176.511, subdivisions 1 and 2; and 176.66, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 176; repealing Minnesota Statutes 1984, sections 79.22, subdivision 2; 176.081, subdivision 4; and 176.134.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Kelly, Blatz, Bishop, Seaberg and Cohen introduced:

H. F. No. 1131, A bill for an act relating to victims of crime; establishing a crime victim and witness advisory board and a crime victim ombudsman; providing the board with extensive duties to assist victims and witnesses; providing the ombudsman with authority to investigate complaints with regard to treatment of victims; proposing coding for new law in Minnesota Statutes, chapter 611A.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Kelly and Tomlinson introduced:

H. F. No. 1132, A bill for an act relating to the legislature; reducing the number of members of the senate and house of representatives; amending Minnesota Statutes 1984, sections 2.021, and 2.031, subdivision 1; and repealing Minnesota Statutes 1984, section 2.031, subdivision 2.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Pauly; Redalen; Ogren; Anderson, G., and Quist introduced:

H. F. No. 1133, A bill for an act relating to taxation; providing an income tax credit for gifts to certain post-secondary educational institutions in Minnesota; amending Minnesota Statutes 1984, sections 290.06, by adding a subdivision; and 290.089, subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.



Gruenes introduced:

H. F. No. 1134, A bill for an act relating to health; requiring a biennial report concerning health care markets; appropriating money; amending Minnesota Statutes 1984, sections 144.695; 144.70; and 144.703, subdivision 1; repealing Minnesota Statutes 1984, sections 62D.25; 62D.26; 62D.28; 62D.29; and 62E.17.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Stanius, Knickerbocker and Brinkman introduced:

H. F. No. 1135, A bill for an act relating to health; authorizing the commissioner of commerce to adopt rules related to financial affairs of health maintenance organizations; requiring certificates of authority to be jointly issued by the commissioners of health and insurance; providing for joint supervision of health maintenance organizations; amending Minnesota Statutes 1984, sections 62D.03, as amended; 62D.04; 62D.05, by adding a subdivision; 62D.08; 62D.14; 62D.15, subdivision 1, and by adding a subdivision; 62D.16; 62D.17; 62D.20; and 62D.21.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Vanasek, Jacobs, Tunheim, Sviggum and Redalen introduced:

H. F. No. 1136, A bill for an act relating to regulated industries; authorizing certain organizations to conduct lawful gambling; authorizing local units of government to regulate this activity; amending Minnesota Statutes 1984, sections 340.14, subdivision 2; 349.13; 349.14; 349.31, subdivision 1; 609.75, subdivision 3; and 609.761; proposing coding for new law in Minnesota Statutes, chapter 349; repealing Minnesota Statutes 1984, sections 349.11; 349.12, subdivisions 13, 14, 15, 16, and 17; 349.151 to 349.211; 349.212, as amended; and 349.213 to 349.22.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Solberg and Backlund introduced:

H. F. No. 1137, A bill for an act relating to education; allowing school districts to place handicapped pupils under certain circumstances; amending Minnesota Statutes 1984, section 120.17, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Rees, Vanasek and McDonald introduced:

H. F. No. 1138, A bill for an act relating to environment; providing for regulation of hazardous waste storage facilities; prohibiting the acquisition of certain lands by eminent domain; authorizing the metropolitan council to abrogate the development moratorium on sites and buffer areas for waste facilities; amending Minnesota Statutes 1984, sections 115A.03, subdivision 1; 115A.06, subdivisions 4 and 5a; 115A.075; 115A.08, subdivisions 4, 5, 5b, and 6; 115A.11, subdivisions 1a, 1b, and 3; 115A.12, subdivision 1; 115A.158, subdivision 1; 115A.159; 115A.162; 115A.17; 115A.18; 115A.19; 115A.20; 115A.201; 115A.21, subdivisions 1 and 2; 115A.22, subdivisions 1 and 5; 115A.24, subdivisions 1, 3, and 4; 115A.241; 115A.26; 115A.27, subdivision 2; 115A.28, subdivision 1; 115A.291; 115A.301, subdivisions 1, 2, 3, 5, and 7; 115A.36; 473.516, subdivision 1; 473.153, subdivision 3; 473.806, subdivision 1; 473.811, subdivisions 1 and 5b; proposing coding for new law in Minnesota Statutes, chapter 115A; repealing Minnesota Statutes 1984, section 473.833, subdivision 5.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Stanius, Neuenschwander, Valento, Vanasek and Bennett introduced:

H. F. No. 1139, A bill for an act relating to natural resources; granting conservation officers the authority of peace officers; specifying areas of jurisdiction; amending Minnesota Statutes 1984, sections 84.028, subdivision 3; and 97.50, subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Minne, Osthoff and Scheid introduced:

H. F. No. 1140, A bill for an act relating to elections; requiring school district elections to comply with the Minnesota election laws; amending Minnesota Statutes 1984, sections 123.11; and 123.32, subdivision 1; repealing Minnesota Statutes 1984, sections 123.32, subdivisions 2, 3, 4, 5, 6, 8, 8a, 24, and 25; and 200.015.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Ogren introduced:

H. F. No. 1141, A bill for an act relating to local government; authorizing the city of Carlton to issue general obligation bonds to finance the acquisition and betterment of a new fire hall; permitting participation by other local government units.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Jennings, D., introduced:

H. F. No. 1142, A bill for an act relating to education; authorizing independent school district No. 458, Truman, to make a permanent fund transfer.

The bill was read for the first time and referred to the Committee on Education.

Thiede, by request, introduced:

H. F. No. 1143, A bill for an act relating to local government; clarifying the authority of counties to employ accountants; amending Minnesota Statutes 1984, section 6.55.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Clark introduced:

H. F. No. 1144, A bill for an act relating to health; authorizing the commissioner of health to inspect certain business premises; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Bennett, Seaberg, Jacobs and Heap introduced:

H. F. No. 1145, A bill for an act relating to liquor; recodifying statutory provisions relating to intoxicating liquor and nonintoxicating malt liquor; amending Minnesota Statutes 1984, sections 260.015, subdivision 22; 299A.02; 473F.02, subdivision 17; and

624.701; proposing coding for new law in Minnesota Statutes, chapter 171; proposing coding for new law as Minnesota Statutes, chapters 297C and 340A; repealing Minnesota Statutes 1984, sections 340.001 to 340.988.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Pauly, Blatz and Tompkins introduced:

H. F. No. 1146, A bill for an act relating to occupations and professions; regulating the licensing of salons for estheticians; amending Minnesota Statutes 1984, section 155A.08, subdivision 2.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Knickerbocker; Rose; Carlson, D.; Valan and Voss introduced:

H. F. No. 1147, A bill for an act relating to parks, open space and recreation; authorizing the issuance of state bonds and expenditure of the proceeds to acquire and better regional recreational open space lands by the metropolitan council and metropolitan area local governmental units; authorizing expenditures for acquisition and betterment of state parks, recreation areas, trails, forests, fishing management lands, wildlife management areas, scientific and natural areas, wild, scenic, and recreational rivers, canoe and boating routes, and public water access; appropriating money.

The bill was read for the first time and referred to the Committee on Budget.

Ozment, Greenfield, Marsh, Stanius and Clausnitzer introduced:

H. F. No. 1148, A bill for an act relating to health; requiring the department of health to regulate persons who treat victims of child abuse; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Ozment, Greenfield, Clausnitzer, Stanius and Vellenga introduced:

H. F. No. 1149, A bill for an act relating to children; requiring those who treat child abuse to register with the department of health; requiring persons who treat victims of child abuse to maintain malpractice insurance; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Jennings, L., introduced:

H. F. No. 1150, A bill for an act relating to state lands; providing for the sale of certain tax-forfeited land in Chisago county.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Miller, Clausnitzer, Gutknecht and Sviggum introduced:

H. F. No. 1151, A bill for an act relating to occupations and professions; requiring registration with the commissioner of commerce for those who lay out, install, or maintain alarm and communication systems; providing requirements for registration; imposing certain duties upon the commissioner of commerce; providing a penalty; exempting registrants from regulation by other agencies or political subdivisions of the state; providing for the continuance of business for those presently engaged in laying out, installing, or maintaining alarm and communications systems; proposing coding for new law in Minnesota Statutes, chapter 326.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Sherman and Johnson introduced:

H. F. No. 1152, A bill for an act relating to Winona county; authorizing the sale of certain property.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Backlund, Erickson, McEachern, Levi and Kostohryz introduced:

H. F. No. 1153, A bill for an act relating to education; authorizing a second chance educational program for certain children and pupils; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 126.

The bill was read for the first time and referred to the Committee on Education.

McDonald, Wenzel and Fjoslien introduced:

H. F. No. 1154, A bill for an act relating to game and fish; rescinding authority to purchase the walleye quotas of Lake of the Woods and Rainy Lake commercial fishermen; amending Minnesota Statutes 1984, section 97.86, subdivision 1; repealing Minnesota Statutes 1984, section 102.26, subdivisions 3a, 3b, 3c, and 3d.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Johnson introduced:

H. F. No. 1155, A bill for an act relating to transportation; establishing conflict of interest requirements for court-appointed commissioners in condemnation; providing for relocation and disposal of historically significant buildings or structures; denying certain contracts to persons convicted of contract crimes; creating new, state-surveying coordinate system; amending Minnesota Statutes 1984, sections 117.075; 161.20, subdivision 2; 505.18; 505.19; 505.20; 505.22; 505.23; and 505.24; proposing coding for new law in Minnesota Statutes, chapters 161 and 505.

The bill was read for the first time and referred to the Committee on Transportation.

Rose and Carlson, D., introduced:

H. F. No. 1156, A bill for an act proposing an amendment to the Minnesota Constitution, article XI, adding a section; dedicating a portion of the state sales tax revenue to the game and fish fund.

The bill was read for the first time and referred to the Committee on Taxes.

Himle, Neuenschwander, Marsh, Blatz and Brinkman introduced:

H. F. No. 1157, A bill for an act relating to taxation; reducing sales and use tax rate applied to use of coin-operated amusement devices; amending Minnesota Statutes 1984, sections 297A.02, by adding a subdivision; and 297A.14.

The bill was read for the first time and referred to the Committee on Taxes.

Piepho, by request, introduced:

H. F. No. 1158, A bill for an act relating to education; authorizing state universities to make and enforce parking rules on their property; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136.

The bill was read for the first time and referred to the Committee on Education.

Brinkman and Welle introduced:

H. F. No. 1159, A bill for an act relating to taxation; adopting federal taxable income for individual income tax purposes; reducing the tax rate; amending Minnesota Statutes 1984, sections 41.55; 290.01, subdivisions 19, 20, 20a, 20b, and 20d; 290.012, subdivision 2; 290.06, subdivisions 2c, 2d, 3f, and 11; 290.068, subdivisions 1, 3, and 4; 290.069, subdivisions 4b, 5, 6, and 7; 290.08, subdivision 1; 290.09, subdivisions 1, 2, and 29; 290.091; 290.095, subdivisions 7, 9, and 11; 290.10; 290.101, subdivision 1; 290.12, subdivisions 1 and 2; 290.14; 290.16, subdivision 1a; 290.23, subdivisions 3 and 5; 290.311, subdivision 1; 290.37, subdivisions 1 and 3; 290.38; 290.39, subdivisions 1a and 2; 290.46; 290.49, subdivision 10; 290.92, subdivisions 2a, 5, and 21; 290.93, subdivision 10; 290.9726, subdivision 1; 290.974; and 290A.03, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 290; repealing Minnesota Statutes 1984, sections 41.58, subdivision 3; 41.59, subdivisions 2 and 3; 290.01, subdivisions 20c, 20f, and 26; 290.06, subdivisions 3e, 14, 16, 17, 18, and 19; 290.069, subdivisions 4 and 4a; 290.077, subdivision 4; 290.08, subdivisions 23 and 24; 290.088; 290.089; 290.17, subdivision 1a; 290.18, subdivision 2; 290.41, subdivision 5; and 290.9726, subdivision 5.

The bill was read for the first time and referred to the Committee on Taxes.

Schafer introduced:

H. F. No. 1160, A bill for an act relating to education; establishing aid and levy for programs for handicapped adults under community education; appropriating money; amending Minnesota Statutes 1984, sections 121.88; 124.195, subdivision 9; 124.271, by adding a subdivision; and 275.125, subdivision 8; repealing Minnesota Statutes 1984, section 129B.03.

The bill was read for the first time and referred to the Committee on Education.

McKasy, Heap, Halberg, Jacobs and Ellingson introduced:

H. F. No. 1161, A bill for an act relating to corporations; providing for access by shareholders to certain corporate records; protecting the privacy of individuals; clarifying legislative intent; amending Minnesota Statutes 1984, section 302A.461, subdivision 5, and by adding subdivisions; repealing Minnesota Statutes 1984, section 302A.461, subdivision 4.

The bill was read for the first time and referred to the Committee on Judiciary.

Thorson, Solberg and Backlund introduced:

H. F. No. 1162, A bill for an act relating to health; providing that the county coroner may conduct certain autopsies under certain circumstances; amending Minnesota Statutes 1984, section 390.11, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Thorson, Clausnitzer, O'Connor and Marsh introduced:

H. F. No. 1163, A bill for an act relating to crimes; defining the crime of using police radios while committing a criminal act; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

The bill was read for the first time and referred to the Committee on Crime and Family Law.



Dempsey and Ellingson introduced :

H. F. No. 1164, A bill for an act relating to human rights; providing for the confidentiality of the investigatory data of the department of human rights; providing for the legal effect of a subpoena issued by the commissioner of human rights; amending Minnesota Statutes 1984, sections 363.01, by adding subdivisions; 363.05, subdivision 2; and 363.06, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 363.

The bill was read for the first time and referred to the Committee on Judiciary.

Knickerbocker introduced :

H. F. No. 1165, A bill for an act relating to retirement; Minneapolis teachers maximum service credit accrual; amendment of articles.

The bill was read for the first time and referred to the Committee on Governmental Operations.

### 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, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested :

H. F. No. 34, A bill for an act relating to liquor; use of Minnesota grown grapes by farm wineries; amending Minnesota Statutes 1984, section 340.435.

PATRICK E. FLAHAVEN, Secretary of the Senate

### CONCURRENCE AND REPASSAGE

Redalen moved that the House concur in the Senate amendments to H. F. No. 34 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 34, A bill for an an act relating to liquor; allowing an exemption from requirement for use of Minnesota grown grapes

by farm wineries; amending Minnesota Statutes 1984, section 340.435, 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 101 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslien	Levi	Pauly	Sparby
Backlund	Forsythe	Lieder	Peterson	Stanius
Beard	Frederick	Marsh	Piper	Staten
Becklin	Frederickson	McDonald	Price	Sviggum
Bennett	Frerichs	McEachern	Quinn	Thiede
Blatz	Greenfield	McPherson	Quist	Thorson
Boo	Gruenes	Metzen	Redalen	Tjornhom
Brandl	Gutknecht	Miller	Rees	Tomlinson
Brinkman	Halberg	Minne	Rest	Tunheim
Brown	Haukoos	Munger	Rice	Uphus
Burger	Heap	Murphy	Riveness	Vaalan
Carlson, D.	Himle	Nelson, D.	Rodosovich	Vanasek
Carlson, J.	Jacobs	Norton	Rose	Vellenga
Carlson, L.	Jaros	O'Connor	Sarna	Voss
Clausnitzer	Johnson	Ogren	Schafer	Waltman
Cohen	Kalis	Olsen, S.	Schreiber	Wenzel
Dempsey	Kelly	Olson, E.	Scaberg	Spk. Jennings, D.
Dimler	Kiffmeyer	Omman	Shaver	
Elioff	Knickerbocker	Onnen	Sherman	
Ellingson	Knuth	Otis	Skoglund	
Erickson	Kostohryz	Ozment	Solberg	

Those who voted in the negative were:

DenOudea      Hartinger

The bill was repassed, as amended by the Senate, and its title agreed to.

#### CONSENT CALENDAR

H. F. No. 316, A bill for an act relating to the military; providing for the appointment of an additional assistant adjutant general for the army national guard; amending Minnesota Statutes 1984, section 190.08, 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 104 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Becklin	Brandl	Burger	Carlson, L.
Backlund	Bennett	Brinkman	Carlson, D.	Clausnitzer
Beard	Blatz	Brown	Carlson, J.	Cohen

Dempsey	Himle	Munger	Quinn	Sviggum
DenOuden	Jacobs	Murphy	Redalen	Thorson
Dyke	Jaros	Nelson, D.	Rees	Tjornhom
Elioff	Kalis	Norton	Rest	Tomlinson
Erickson	Kelly	O'Connor	Rice	Tompkins
Fjoslien	Kiffmeyer	Ogren	Richter	Tunheim
Forsythe	Knuth	Olsen, S.	Riveness	Uphus
Frederick	Kostohryz	Olson, E.	Rodosovich	Valan
Frederickson	Kvam	Omann	Rose	Valento
Frerichs	Levi	Onnen	Sarna	Vanasek
Greenfield	Lieder	Otis	Schafer	Vellenga
Gruenes	Marsh	Ozment	Schreiber	Voss
Gutknecht	McDonald	Pappas	Seaberg	Waltman
Halberg	McEachern	Pauly	Shaver	Welle
Hartinger	McPherson	Peterson	Solberg	Wenzel
Hartle	Metzen	Piper	Sparby	Zaffke
Haukoos	Miller	Poppenhagen	Stanius	Spk. Jennings, D.
Heap	Minne	Price	Staten	

Those who voted in the negative were:

Johnson

The bill was passed and its title agreed to.

### CALENDAR

H. F. No. 320, A bill for an act relating to the city of Roseville; increasing the total number of on-sale liquor licenses.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 91 yeas and 14 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Marsh	Price	Tjornhom
Backlund	Ellingson	McDonald	Quinn	Tomlinson
Battaglia	Fjoslien	McEachern	Redalen	Tompkins
Beard	Forsythe	McKasy	Rees	Tunheim
Begich	Frederick	McPherson	Rest	Uphus
Bennett	Frederickson	Metzen	Riveness	Valan
Blatz	Frerichs	Miller	Rodosovich	Valento
Boo	Greenfield	Minne	Rose	Vellenga
Brandl	Gruenes	Norton	Sarna	Voss
Brinkman	Gutknecht	O'Connor	Schafer	Waltman
Brown	Hartle	Ogren	Scheid	Welle
Carlson, D.	Jacobs	Olsen, S.	Schreiber	Wenzel
Carlson, J.	Jaros	Olson, E.	Seaberg	Wynia
Carlson, L.	Johnson	Omann	Shaver	Zaffke
Clausnitzer	Kalis	Ozment	Solberg	Spk. Jennings, D.
Cohen	Kelly	Pappas	Sparby	
Dempsey	Knuth	Pauly	Stanius	
Dimler	Kostohryz	Peterson	Sviggum	
Dyke	Lieder	Piper	Thorson	

Those who voted in the negative were:

Becklin	Harteringer	Kvam	Onnen	Skoglund
DenOuden	Haukoos	Murphy	Quist	Staten
Erickson	Kiffmeyer	Nelson, D.	Rice	

The bill was passed and its title agreed to.

H. F. No. 35, A bill for an act relating to agriculture; making certain changes in the family farm security program; amending Minnesota Statutes 1984, sections 16A.80, subdivision 2a; 41.56, subdivisions 3, 4, and 4a; 41.57, subdivisions 2 and 3; 41.59, subdivision 1; and 41.61, 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 115 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Kostohryz	Otis	Seaberg
Backlund	Erickson	Krueger	Ozment	Skoglund
Battaglia	Forsythe	Kvam	Pappas	Solberg
Beard	Frederick	Levi	Pauly	Sparby
Becklin	Frederickson	Lieder	Peterson	Stanius
Begich	Frerichs	Marsh	Piper	Staten
Bennett	Greenfield	McDonald	Poppenhagen	Sviggun
Blatz	Gruenes	McEachern	Price	Thorson
Boo	Gutknecht	McPherson	Quinn	Tjornhom
Brandl	Halberg	Metzen	Quist	Tomlinson
Brinkman	Harteringer	Miller	Redalen	Tompkins
Brown	Hartle	Minne	Rees	Tunheim
Burger	Haukoos	Munger	Rest	Valan
Carlson, D.	Heap	Murphy	Rice	Valento
Carlson, J.	Himle	Nelson, D.	Richter	Vanasek
Carlson, L.	Jacobs	Norton	Riveness	Vellenga
Clausnitzer	Jaros	O'Connor	Rodosovich	Voss
Cohen	Johnson	Ogren	Rose	Waltman
Dempsey	Kahn	Olsen, S.	Sarna	Welle
DenOuden	Kalis	Olson, E.	Schafer	Wenzel
Dimler	Kelly	Omann	Scheid	Wynia
Dyke	Kiffmeyer	Onnen	Schoenfeld	Zaffke
Elioff	Knuth	Osthoff	Schreiber	Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 468, A bill for an act relating to state departments and agencies; clarifying the duties of the state demographer; amending Minnesota Statutes 1984, sections 275.14; 368.01, subdivision 1a; and 368.015.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Knickerbocker	Osthoff	Shaver
Backlund	Ellingson	Knuth	Otis	Skoglund
Battaglia	Erickson	Kostohryz	Ozment	Solberg
Beard	Fjoslien	Krueger	Pappas	Sparby
Becklin	Forsythe	Kvam	Pauly	Stanius
Begich	Frederick	Levi	Peterson	Staten
Bennett	Frederickson	Lieder	Piper	Sviggum
Bishop	Frerichs	Long	Poppenhagen	Thorson
Blatz	Greenfield	Marsh	Price	Tomlinson
Boo	Gruenes	McDonald	Quinn	Tompkins
Brandl	Gutknecht	McEachern	Quist	Tunheim
Brinkman	Halberg	McPherson	Redalen	Uphus
Brown	Hartinger	Metzen	Rees	Valan
Burger	Hartle	Miller	Rest	Valento
Carlson, D.	Haukoos	Munger	Rice	Vanasek
Carlson, J.	Heap	Murphy	Richter	Vellenga
Carlson, L.	Himle	Nelson, D.	Riveness	Voss
Clark	Jacobs	Norton	Rodosovich	Waltman
Clausnitzer	Jaros	O'Connor	Rose	Welle
Cohen	Johnson	Ogren	Sarna	Wenzel
Dempsey	Kahn	Olsen, S.	Scheid	Wynia
DenOuden	Kalis	Olson, E.	Schoenfeld	Spk. Jennings, D.
Dimler	Kelly	Omann	Schreiber	
Dyke	Kiffmeyer	Onnen	Seaberg	

The bill was passed and its title agreed to.

H. F. No. 242, A bill for an act relating to commerce; requiring manufacturers to make certain new motor vehicle warranty disclosures directly to consumers; amending Minnesota Statutes 1984, section 325F.665, subdivision 3.

The bill was read for the third 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:

Backlund	DenOuden	Johnson	Miller	Price
Battaglia	Dimler	Kahn	Minne	Quinn
Beard	Dyke	Kalis	Munger	Redalen
Becklin	Ellingson	Kelly	Murphy	Rees
Begich	Erickson	Kiffmeyer	Nelson, D.	Rest
Bennett	Fjoslien	Knickerbocker	Norton	Rice
Bishop	Forsythe	Knuth	O'Connor	Richter
Blatz	Frederickson	Kostohryz	Ogren	Riveness
Boo	Frerichs	Krueger	Olsen, S.	Rodosovich
Brandl	Greenfield	Kvam	Olson, E.	Rose
Brinkman	Gruenes	Levi	Omann	Sarna
Brown	Gutknecht	Lieder	Onnen	Schafer
Burger	Halberg	Long	Osthoff	Scheid
Carlson, D.	Hartinger	Marsh	Otis	Schoenfeld
Carlson, J.	Hartle	McDonald	Ozment	Schreiber
Carlson, L.	Haukoos	McEachern	Pappas	Seaberg
Clark	Heap	McKasy	Pauly	Shaver
Clausnitzer	Himle	McLaughlin	Peterson	Skoglund
Cohen	Jacobs	McPherson	Piper	Solberg
Dempsey	Jaros	Metzen	Poppenhagen	Sparby

Stanius	Thorson	Tunheim	Vanasek	Welle
Staten	Tjornhom	Uphus	Vellenga	Wenzel
Svigum	Tomlinson	Valan	Voss	Wynia
Thiede	Tompkins	Valento	Waltman	Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 247, A bill for an act relating to local government; providing conditions for the adoption or amendment of comprehensive municipal plans; amending Minnesota Statutes 1984, section 462.355, subdivisions 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 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Backlund	Erickson	Krueger	Ozment	Solberg
Battaglia	Fjoslien	Kvam	Pappas	Sparby
Beard	Forsythe	Levi	Pauly	Stanius
Becklin	Frederick	Lieder	Peterson	Staten
Begich	Frederickson	Long	Piper	Svigum
Bennett	Frerichs	Marsh	Poppenhagen	Thiede
Bishop	Greenfield	McDonald	Price	Thorson
Blatz	Gruenes	McEachern	Quinn	Tjornhom
Boo	Gutknecht	McKasy	Quist	Tomlinson
Brandl	Halberg	McLaughlin	Redalen	Tompkins
Brinkman	Hartinger	McPherson	Rees	Tunheim
Brown	Hartle	Metzen	Rest	Uphus
Burger	Haukoos	Miller	Rice	Valan
Carlson, D.	Hcap	Munger	Richter	Valento
Carlson, J.	Himle	Murphy	Riveness	Vanasek
Carlson, L.	Jacobs	Nelson, D.	Rodosovich	Vellenga
Clark	Jaros	Norton	Rose	Voss
Clausnitzer	Johnson	O'Connor	Sarna	Waltman
Cohen	Kahn	Ogren	Schafer	Welle
Dempsey	Kalis	Olsen, S.	Scheid	Wenzel
DenOuden	Kelly	Olsen, E.	Schoenfeld	Wynia
Dimler	Kiffmeyer	Omann	Schreiber	Zaffke
Dyke	Knickerbocker	Onnen	Seaberg	Spk. Jennings, D.
Elioff	Knuth	Osthoff	Shaver	
Ellingson	Kostohryz	Otis	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 266, A bill for an act relating to arrest; providing indemnification for off-duty peace officers who make arrests outside their jurisdiction; specifying the circumstances under which peace officers, constables, and part-time peace officers may make on- or off-duty arrests outside their jurisdictions; amending Minnesota Statutes 1984, sections 3.736, subdivision 1, and by adding a subdivision; 629.34, subdivision 1; and 629.40.

The bill was read for the third 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 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Krueger	Ozment	Skoglund
Backlund	Fjoslien	Kvam	Pappas	Solberg
Battaglia	Forsythe	Levi	Pauly	Sparby
Beard	Frederick	Lieder	Peterson	Stanius
Becklin	Frederickson	Long	Piper	Sviggun
Begich	Frerichs	Marsh	Poppenhagen	Thiede
Bishop	Greenfield	McDonald	Price	Thorson
Blatz	Gruenes	McEachern	Quinn	Tjornhom
Boo	Gutknecht	McKasy	Quist	Tomlinson
Brinkman	Halberg	McPherson	Redalen	Tompkins
Brown	Hartinger	Metzen	Rees	Tunheim
Burger	Hartle	Miller	Rest	Uphus
Carlson, D.	Haukoos	Minne	Rice	Valan
Carlson, J.	Heap	Munger	Richter	Valento
Carlson, L.	Himle	Nelson, D.	Riveness	Vanasek
Clark	Jacobs	Norton	Rodosovich	Voss
Clausnitzer	Johnson	O'Connor	Rose	Waltman
Cohen	Kahn	Ogren	Sarna	Welle
Dempsey	Kalis	Olsen, S.	Schafer	Wenzel
DenOuden	Kelly	Olsen, E.	Scheid	Wynia
Dimler	Kiffmeyer	Omann	Schoenfeld	Zaffke
Dyke	Knickerbocker	Onnen	Schreiber	Spk. Jennings, D.
Elioff	Knuth	Osthoff	Seaberg	
Ellingson	Kostohryz	Otis	Shaver	

Those who voted in the negative were:

Staten

The bill was passed and its title agreed to.

H. F. No. 308, A bill for an act relating to intoxicating liquor; hours for Sunday sale; amending Minnesota Statutes 1984, section 340.14, subdivision 5.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 60 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Backlund	Frerichs	Kostohryz	Otis	Shaver
Bennett	Greenfield	Krueger	Ozment	Sherman
Bishop	Gutknecht	Levi	Pauly	Solberg
Blatz	Halberg	Marsh	Piepho	Stanius
Boo	Haukoos	McDonald	Quinn	Thiede
Burger	Heap	McKasy	Rees	Thorson
Carlson, J.	Himle	McPherson	Richter	Tjornhom
Clausnitzer	Jacobs	Metzen	Rodosovich	Uphus
Dempsey	Jaros	Miller	Rose	Valan
Forsythe	Johnson	Murphy	Scheid	Valento
Frederick	Knickerbocker	Ogren	Schreiber	Zaffke
Frederickson	Knuth	Olsen, S.	Seaberg	Spk. Jennings, D.

Those who voted in the negative were:

Anderson, G.	Dimler	Lieder	Piper	Tomlinson
Battaglia	Elioff	Long	Price	Tompkins
Beard	Ellingson	McEachern	Quist	Tunheim
Becklin	Erickson	Munger	Redalen	Vanasek
Begich	Fjoslien	Nelson, D.	Rest	Vellenga
Brandl	Crucnes	Neuenschwander	Rice	Voss
Brinkman	Hartinger	Norton	Riveness	Waltman
Brown	Hartle	Olson, E.	Sarna	Welle
Carlson, D.	Kahn	Omann	Schafer	Wenzel
Carlson, L.	Kalis	Onnen	Schoenfeld	Wynia
Clark	Kelly	Osthoff	Skoglund	
Cohen	Kiffmeyer	Pappas	Staten	
DenOuden	Kvam	Peterson	Sviggum	

The bill was not passed.

H. F. No. 204, A bill for an act relating to higher education; creating a student advisory council to the higher education coordinating board; amending Minnesota Statutes 1984, section 136A.02, subdivisions 1 and 1a, 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 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Kvam	Pappas	Sherman
Backlund	Fjoslien	Levi	Pauly	Skoglund
Battaglia	Forsythe	Lieder	Peterson	Solberg
Beard	Frederickson	Long	Piepho	Sparby
Becklin	Frerichs	Marsh	Piper	Stanius
Begich	Greenfield	McDonald	Poppenhagen	Staten
Bennett	Gruenes	McEachern	Price	Thiede
Bishop	Gutknecht	McKasy	Quinn	Thorson
Blatz	Halberg	McLaughlin	Quist	Tjornhom
Brandl	Hartinger	McPherson	Redalen	Tomlinson
Brinkman	Hartle	Metzen	Rees	Tompkins
Brown	Haukoos	Miller	Rest	Tunheim
Carlson, D.	Heap	Minne	Rice	Uplhus
Carlson, J.	Himle	Munger	Richter	Valan
Carlson, L.	Jacobs	Murphy	Riveness	Valento
Clark	Jaros	Nelson, D.	Rodosovich	Vanasek
Clausnitzer	Johnson	Neuenschwander	Rose	Vellenga
Cohen	Kalis	Norton	Sarna	Voss
Dempsey	Kelly	O'Connor	Schafer	Waltman
DenOuden	Kiffmeyer	Ogren	Scheid	Welle
Dimler	Knickerbocker	Olsen, S.	Schoenfeld	Wenzel
Dyke	Knuth	Omann	Schreiber	Wynia
Elioff	Kostohryz	Onnen	Seaberg	Zaffke
Ellingson	Krueger	Otis	Shaver	Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 513, A bill for an act relating to state government; regulating the career executive service; specifying executive



branch conflicts of interest; providing for review of state trooper arbitration awards; regulating approved complements; regulating liquidation of vacation leave; amending Minnesota Statutes 1984, sections 15.62, subdivision 2; 16A.123, subdivision 3; 16B.65, subdivision 3; 43A.17, subdivision 8; 43A.21, subdivision 5; 43A.38, subdivision 5; 62D.22, subdivision 7; and 299D.03, subdivision 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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Levi	Pappas	Solberg
Backlund	Fjoslien	Lieder	Pauly	Sparby
Battaglia	Forsythe	Long	Peterson	Stanius
Beard	Frederickson	Marsh	Piepho	Staten
Becklin	Frerichs	McDonald	Piper	Sviggum
Begich	Greenfield	McEachern	Poppenhagen	Thiede
Bennett	Cruenes	McKasy	Price	Thorson
Bishop	Gutknecht	McLaughlin	Quinn	Tjornhom
Blatz	Halberg	McPherson	Quist	Tomlinson
Boo	Hartinger	Metzen	Redalen	Tompkins
Brandl	Hartle	Miller	Rees	Tunheim
Brinkman	Haukoos	Minne	Rest	Uphus
Brown	Heap	Munger	Rice	Valan
Burger	Himle	Murphy	Richter	Valento
Carlson, D.	Jacobs	Nelson, D.	Riveness	Vanasek
Carlson, J.	Jaros	Neuenschwander	Rodosovich	Vellenga
Carlson, L.	Johnson	Norton	Rose	Voss
Clark	Kahn	O'Connor	Sarna	Waltman
Clausnitzer	Kalis	Ogren	Schafer	Welle
Cohen	Kelly	Olsen, S.	Scheid	Wenzel
Dempsey	Kiffmeyer	Olson, E.	Schoenfeld	Wynia
DenOuden	Knickerbocker	Omann	Schreiber	Zaffke
Dimler	Knuth	Onnen	Seaberg	Spk. Jennings, D.
Dyke	Kostohryz	Osthoff	Shaver	
Elioff	Krueger	Otis	Sherman	
Ellingson	Kvam	Ozment	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 530, A bill for an act relating to commerce; regulating transient merchants; amending Minnesota Statutes 1984, sections 329.14; and 329.15.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Beard	Bennett	Boo	Brown
Backlund	Becklin	Bishop	Brandl	Burger
Battaglia	Begich	Blatz	Brinkman	Carlson, D.

Carlson, J.	Hartle	McEachern	Pauly	Solberg
Carlson, L.	Haukoos	McKasy	Peterson	Sparby
Clark	Heap	McLaughlin	Piepho	Stanius
Clausnitzer	Himle	McPherson	Piper	Staten
Cohen	Jacobs	Metzen	Poppenhagen	Sviggum
Dempsey	Jaros	Miller	Price	Thiede
DenOuden	Johnson	Minne	Quinn	Thorson
Dimler	Kahn	Munger	Quist	Tjornhom
Dyke	Kalis	Murphy	Schedalen	Tompkins
Elioff	Kelly	Nelson, D.	Rees	Tunheim
Ellingson	Kiffmeyer	Neuenschwander	Rest	Uphus
Erickson	Knickerbocker	Norton	Rice	Valan
Fjoslien	Knuth	O'Connor	Richter	Valento
Forsythe	Kostohryz	Ogren	Riveness	Vanasek
Frederickson	Krueger	Olsen, S.	Rose	Vellenga
Frerichs	Kvam	Olsen, E.	Sarna	Voss
Greenfield	Levi	Omann	Schafer	Waltman
Gruenes	Lieder	Onnen	Scheid	Welle
Gutknecht	Long	Osthoff	Schoenfeld	Wenzel
Halberg	Marsh	Otis	Shaver	Wynia
Hartinger	McDonald	Ozment	Sherman	Spk. Jennings, D.

Those who voted in the negative were:

Zaffke

The bill was passed and its title agreed to.

H. F. No. 538, A bill for an act relating to taxation; updating income tax provisions to changes in the Internal Revenue Code; amending Minnesota Statutes 1984, sections 290.01, subdivisions 20, as amended, 20a, 20b, and 21; 290.032, subdivision 1; 290.06, subdivision 14; 290.067, subdivision 1; 290.068, subdivisions 2, 4, and 5; 290.07, subdivisions 5 and 7; 290.071, subdivision 5; 290.079, subdivision 1; 290.08, subdivision 26; 290.089, subdivision 7; 290.09, subdivisions 7 and 19; 290.091; 290.10; 290.13, subdivision 1; 290.131, subdivision 1; 290.132, subdivision 1; 290.133, subdivision 1; 290.135, subdivision 1; 290.136, subdivision 1; 290.14; 290.16, subdivisions 3, 7, 9, 13, 15, 16, and by adding a subdivision; 290.17, subdivision 2; 290.21, subdivision 4; 290.23, subdivision 5; 290.26, subdivision 2; 290.31, subdivisions 2, 4, and 5; 290.37, subdivision 1; 290.39, subdivision 2; 290.41, subdivision 1, and by adding a subdivision; 290.53, subdivision 9; 290.65, subdivision 16; 290.93, subdivisions 1, 3, 5, 6, 7, and 10; and 290A.03, subdivision 3; repealing Laws 1984, chapter 502, article 2, section 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 78 yeas and 40 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Becklin	Bishop	Burger	Carlson, L.
Backlund	Begich	Blatz	Carlson, D.	Clark
Battaglia	Bennett	Boo	Carlson, J.	Dempsey

DenOuden	Hartle	McDonald	Piepho	Thiede
Dimler	Haukoos	McKasy	Poppenhagen	Thorson
Dyke	Heap	McPherson	Quist	Tjornhom
Elioff	Himle	Metzen	Redalen	Tompkins
Erickson	Jacobs	Miller	Rees	Uphus
Fjoslien	Jaros	Minne	Richter	Valan
Forsythe	Johnson	Neuenschwander	Rose	Valento
Frederickson	Kiffmeyer	Olsen, S.	Schafer	Waltman
Frerichs	Knickerbocker	Olsen, E.	Scheid	Wenzel
Gruenes	Knuth	Omann	Seaberg	Zaffke
Gutknecht	Kvam	Onnen	Shaver	Spk. Jennings, D.
Halberg	Levi	Ozment	Sherman	
Hartinger	Marsh	Pauly	Stanius	

Those who voted in the negative were:

Beard	Kalis	Nelson, D.	Price	Solberg
Brandl	Kelly	Norton	Quinn	Sparby
Brinkman	Kostohryz	O'Connor	Rice	Staten
Brown	Krueger	Ogren	Riveness	Vanasek
Clausnitzer	Lieder	Osthoff	Rodosovich	Vellenga
Cohen	Long	Otis	Sarna	Voss
Greenfield	McEachern	Pappas	Schoenfeld	Welle
Kahn	Munger	Peterson	Skoglund	Wynia

The bill was passed and its title agreed to.

H. F. No. 602, A bill for an act relating to alcoholic beverages; allowing certain extensions of credit; amending Minnesota Statutes 1984, sections 340.031, subdivision 2; and 340.405.

The bill was read for the third 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, G.	Dimler	Kelly	Neuenschwander	Richter
Backlund	Dyke	Kiffmeyer	Norton	Riveness
Battaglia	Elioff	Knickerbocker	O'Connor	Rodosovich
Beard	Ellingson	Knuth	Ogren	Rose
Becklin	Erickson	Kostohryz	Olsen, S.	Sarna
Begich	Fjoslien	Krueger	Olsen, E.	Schafer
Bennett	Forsythe	Kvam	Omann	Scheid
Bishop	Frederickson	Levi	Onnen	Schoenfeld
Blatz	Frerichs	Lieder	Otis	Schreiber
Boo	Greenfield	Long	Ozment	Seaberg
Brandl	Gruenes	Marsh	Pappas	Shaver
Brinkman	Gutknecht	McDonald	Pauly	Sherman
Brown	Halberg	McEachern	Peterson	Skoglund
Burger	Hartinger	McKasy	Piepho	Solberg
Carlson, D.	Hartle	McLaughlin	Piper	Sparby
Carlson, J.	Haukoos	McPherson	Price	Stanius
Carlson, L.	Heap	Metzen	Quinn	Staten
Clark	Himle	Miller	Quist	Sviggum
Clausnitzer	Jacobs	Minne	Redalen	Thiede
Cohen	Jaros	Munger	Rees	Tjornhom
Dempsey	Johnson	Murphy	Rest	Tompkins
DenOuden	Kahn	Nelson, D.	Rice	Tunheim

Uphus  
Valan  
Valento

Vanasek  
Vellenga  
Voss

Waltman  
Welle

Wenzel  
Wynia

Zaffke  
Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 603, A bill for an act relating to non-intoxicating malt liquor; permitting holders of on-sale and off-sale intoxicating liquor licenses to sell non-intoxicating malt liquor without further license; amending Minnesota Statutes 1984, section 340.02, subdivisions 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 117 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslicn	Levi	Pauly	Sparby
Backlund	Forsythe	Lieder	Peterson	Stanius
Battaglia	Frederick	Long	Piepho	Staten
Beard	Frederickson	Marsh	Piper	Sviggum
Becklin	Frerichs	McDonald	Price	Thiede
Begich	Greenfield	McEachern	Quinn	Thorson
Bennett	Gruenes	McLaughlin	Quist	Tjorahom
Bishop	Gutknecht	McPherson	Redalen	Tompkins
Blatz	Halberg	Metzen	Rees	Tunheim
Boo	Hartle	Miller	Rest	Uphus
Brandl	Haukoos	Minne	Rice	Valan
Brinkman	Hcap	Munger	Richter	Valento
Brown	Himle	Murphy	Riveness	Vanasek
Burger	Jacobs	Nelson, D.	Rodosovich	Vellenga
Carlson, D.	Jaros	Neuenschwander	Rose	Voss
Carlson, J.	Johnson	Norton	Sarna	Waltman
Carlson, L.	Kahn	O'Connor	Scheid	Welle
Clark	Kalis	Ogren	Schoenfeld	Wenzel
Clausnitzer	Kiffmeyer	Olsen, S.	Schreiber	Wynia
Cohen	Knickerbocker	Omann	Seaberg	Zaffke
Dempsey	Knith	Onnen	Shaver	Spk. Jennings, D.
Dimler	Kostohryz	Otis	Sherman	
Dyke	Krueger	Ozment	Skoglund	
Elioff	Kvam	Pappas	Solberg	

Those who voted in the negative were:

DenOuden      Erickson      Hartinger

The bill was passed and its title agreed to.

H. F. No. 157, A bill for an act relating to elections; requiring that a candidate for school district office be eligible to hold office; amending Minnesota Statutes 1984, section 123.32, 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, G.	Erickson	Kvam	Ozment	Skoglund
Backlund	Fjoslien	Levi	Pappas	Solberg
Battaglia	Forsythe	Lieder	Pauly	Sparby
Beard	Frederick	Long	Peterson	Stanius
Becklin	Frederickson	Marsh	Piepho	Staten
Begich	Frerichs	McDonald	Piper	Sviggum
Bennett	Greenfield	McEachern	Poppenhagen	Thiede
Bishop	Gruenes	McKasy	Price	Thorson
Blatz	Gutknecht	McLaughlin	Quinn	Tjornhom
Boo	Halberg	McPherson	Quist	Tomlinson
Brandl	Hartinger	Metzen	Redalen	Tompkins
Brinkman	Hartle	Miller	Rees	Tunheim
Brown	Haukoos	Minne	Rest	Uphus
Burger	Heap	Munger	Rice	Valan
Carlson, D.	Himle	Murphy	Richter	Valento
Carlson, J.	Jacobs	Nelson, D.	Riveness	Vanasek
Carlson, L.	Jaros	Neuenschwander	Rodosovich	Vellenga
Clark	Johnson	Norton	Rose	Voss
Clausnitzer	Kahn	O'Connor	Sarna	Waltman
Cohen	Kalis	Ogren	Schafer	Welle
Dempsey	Kelly	Olsen, S.	Scheid	Wenzel
DenOuden	Kiffmeyer	Olson, E.	Schoenfeld	Wynia
Dimler	Knickerbocker	Omann	Schreiber	Zaffke
Dyke	Knuth	Onnen	Seaberg	Spk. Jennings, D.
Elioff	Kostohryz	Osthoff	Shaver	
Ellingson	Krueger	Otis	Sherman	

The bill was passed and its title agreed to.

H. F. No. 183, A bill for an act relating to commerce; modifying the finance charge on certain open end credit sales; amending Minnesota Statutes 1984, section 334.16, 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 79 yeas and 45 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dyke	Johnson	Omann	Stanius
Becklin	Erickson	Kalis	Onnen	Sviggum
Bennett	Forsythe	Kiffmeyer	Ozment	Thiede
Bishop	Frederick	Knickerbocker	Pauly	Thorson
Blatz	Frederickson	Kostohryz	Piepho	Tjornhom
Boo	Frerichs	Krueger	Poppenhagen	Tomlinson
Brandl	Gruenes	Kvam	Quist	Tompkins
Brinkman	Gutknecht	Levi	Redalen	Uphus
Burger	Halberg	Marsh	Rees	Valan
Carlson, D.	Hartinger	McDonald	Richter	Valento
Carlson, J.	Hartle	McKasy	Rodosovich	Vellenga
Clausnitzer	Haukoos	McPherson	Rose	Waltman
Cohen	Heap	Metzen	Schafer	Wenzel
Dempsey	Himle	Miller	Schreiber	Zaffke
DenOuden	Jacobs	Neuenschwander	Seaberg	Spk. Jennings, D.
Dimler	Jaros	Olsen, S.	Sherman	

Those who voted in the negative were:

Anderson, G.	Ellingson	Munger	Pappas	Scheid
Backlund	Fjoslien	Murphy	Peterson	Schoenfeld
Battaglia	Greenfield	Nelson, D.	Piper	Skoglund
Beard	Kahn	Norton	Price	Solberg
Begich	Kelly	O'Connor	Quinn	Sparby
Brown	Knuth	Ogren	Rest	Staten
Carlson, L.	McEachern	Olson, E.	Rice	Tunheim
Clark	McLaughlin	Osthoff	Riveness	Voss
Elioff	Minne	Otis	Sarna	Wynia

The bill was passed and its title agreed to.

Krueger was excused between the hours of 3:15 p.m. and 4:20 p.m. Halberg and Zaffke were excused at 4:45 p.m. Quinn was excused at 5:10 p.m.

### GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole with Jennings, D., in the Chair for consideration of bills pending on General Orders of the day. Halberg 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 recommendations of the Committee were reported to the House:

H. F. Nos. 185, 274 and 374 were recommended to pass.

H. F. Nos. 284, 345 and 381 were recommended for progress.

H. F. No. 385 which it recommended to pass with the following amendment offered by Zaffke and Ogren:

Page 1, line 8, before "Where" insert "*Except as provided in this section,*"

Page 1, after line 25, insert:

*"This section does not apply to a person advertising plumbing services if that person does not engage in or work at the business of a master plumber in a city of 5,000 or more population, or in a city of less than 5,000 in population that by ordinance require licensing to do business as a master plumber."*

H. F. No. 273 which it recommended to pass with the following amendment offered by McKasy:

Page 2, after line 18, insert:

"Sec. 2. Minnesota Statutes 1984, section 168.72, subdivision 4, is amended to read:

Subd. 4. A sale of a manufactured home made after July 31, 1983, is governed by the provisions of subdivision 1 for purposes of determining the lawful time price differential rate, *except that the maximum time differential for a class I manufactured home may not exceed \$8 per \$100 per year.* A retail installment sale of a manufactured home that imposes a time price differential rate that is greater than the rate permitted by this subdivision is lawful and enforceable in accordance with its terms until the indebtedness is fully satisfied if the rate was lawful when the sale was made.

Page 2, line 23, delete "2" and insert "3"

Renumber the remaining sections

Further, amend the title as follows:

Page 1, line 4, delete "subdivision" and insert "subdivisions"

Page 1, line 5, after "1" insert "and 4"

On the motion of Levi 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:

Murphy moved to amend H. F. No. 284, as follows:

Page 2, after line 5, insert:

*"An employer may not take the tip credit under this subdivision unless during the period in which the employer takes the tip credit, the employer gives notice to his or her customers that the employer is taking the tip credit. The employer shall give this notice by posting the following notice and printing it in any menus the employer uses in his or her business:*

*"This establishment does not pay its waitresses and other tipped employees the state minimum wage of \$3.35 per hour for adults, and \$3.02 per hour for minors. Your tips are used to fulfill this establishment's minimum wage requirements under state law."*

*This notice shall be conspicuously posted in letters not less than one inch high in the area where the employer's customers*

*are served by the tipped employees. The notice shall also be conspicuously printed on the first page of any menu the employer uses in his or her business in letters not less than one-fourth inch in height. The dollar figures referred to in the notice shall be updated within six months of a change in those amounts under section 177.24, subdivision 1."*

The question was taken on the Murphy amendment and the roll was called. There were 47 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Nelson, D.	Piper	Tomlinson
Battaglia	Jacobs	Neuenschwander	Rest	Vanasek
Beard	Kahn	Norton	Rice	Vellenga
Begich	Kelly	O'Connor	Riveness	Voss
Brown	Knuth	Ogren	Rodosovich	Welle
Carlson, D.	Kostohryz	Olson, E.	Sarna	Wenzel
Carlson, L.	Lieder	Omann	Scheid	Wynia
Clark	Metzen	Otis	Skoglund	
Cohen	Minne	Pappas	Solberg	
Elioff	Murphy	Peterson	Sparby	

Those who voted in the negative were:

Anderson, R.	Dimler	Heap	Olsen, S.	Sherman
Backlund	Dyke	Himle	Onnen	Stanius
Becklin	Erickson	Johnson	Pauly	Sviggum
Bennett	Fjoslien	Kalis	Picpho	Thiede
Bishop	Forsythe	Kiffmeyer	Poppenhagen	Thorson
Blatz	Frederick	Knickerbocker	Quist	Tjornhom
Boo	Frederickson	Kvam	Redalen	Uphus
Brinkman	Frerichs	Levi	Rees	Valan
Burger	Gruenes	Marsh	Richter	Waltman
Carlson, J.	Gutknecht	McDonald	Schafer	Zaffke
Clausnitzer	Hartinger	McKasy	Schreiber	Spk. Jennings, D.
Dempsey	Hartle	McPherson	Seaberg	
DenOuden	Haukoos	Miller	Shaver	

The motion did not prevail and the amendment was not adopted.

Begich moved to amend H. F. No. 284, as follows:

Page 1, delete lines 15 to 26 and insert:

"Section 2. Minnesota Statutes 1984, section 177.28, is amended by adding a new subdivision to read:

*Subd. 4a. The Department of Labor and Industry shall undertake a thorough study of the impact of the reduction of the tip credit from 20% to 15%. The study shall include, but not be limited to:*

*(1) The number of employees and the number of businesses affected by the phase-out of the tip credit;*



(2) *The characteristics of employees who are tipped employees and who receive wages, excluding tips, that are less than the minimum wage;*

(3) *The characteristics of businesses affected by the phase-out of the tip credit;*

(4) *The effect on the price of meals served by tipped employees;*

(5) *The effect on the number of business establishments in Minnesota which rely significantly on tipped employees;*

(6) *The effect on the number of tipped employee jobs available in Minnesota;*

(7) *The fiscal cost of enforcing the tip-credit law beyond the scheduled phase-out in 1988;*

(8) *Recommendations for legislative changes needed to make the tip-credit law enforceable; and*

(9) *The estimated impact on employees, businesses, and customers if the scheduled phase-out of the tip credit is continued.*

*The department shall report the results of its study to the House Labor-Management Relations Committee and the Senate Employment Committee no later than February 15, 1986."*

Page 2, delete lines 1 to 5.

Further amend the title as necessary.

The question was taken on the Begich amendment and the roll was called. There were 53 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jacobs	Nelson, D.	Peterson	Sparby
Battaglia	Kahn	Neuenschwander	Piper	Tomlinson
Beard	Kelly	Norton	Price	Tunheim
Begich	Knuth	O'Connor	Quinn	Vanasek
Brown	Kostohryz	Ogren	Rest	Vellenga
Carlson, D.	Lieder	Olson, E.	Rice	Voss
Carlson, L.	McEachern	Omann	Riveness	Welle
Clark	McLaughlin	Onnen	Sarna	Wenzel
Elioff	Metzen	Osthoff	Scheid	Wynia
Ellingson	Minne	Otis	Skoglund	
Greenfield	Murphy	Pappas	Solberg	

Those who voted in the negative were:

Anderson, R.	Bennett	Boo	Clausnitzer	Dimler
Backlund	Bishop	Burger	Dempsey	Dyke
Becklin	Blatz	Carlson, J.	DenOuden	Erickson

Fjoslien	Haukoos	McKasy	Rose	Tompkins
Forsythe	Heap	McPherson	Schafer	Uphus
Frederick	Himle	Miller	Seaberg	Valan
Frederickson	Johnson	Olsen, S.	Shaver	Valento
Frerichs	Kiffmeyer	Pauly	Sherman	Waltman
Gruenes	Knickerbocker	Piepho	Stanius	Zaffke
Gutknecht	Kvam	Poppenhagen	Sviggum	Spk. Jennings, D.
Halberg	Levi	Redalen	Thiede	
Hartinger	Marsh	Rees	Thorson	
Hartle	McDonald	Richter	Tjornhom	

The motion did not prevail and the amendment was not adopted.

The question was taken on the Carlson, L., motion to re-refer H. F. No. 284 to the Committee on Health and Human Services and the roll was called. There were 59 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Battaglia	Greenfield	Munger	Peterson	Solberg
Beard	Jacobs	Murphy	Piper	Sparby
Becklin	Jaros	Nelson, D.	Price	Tomlinson
Begich	Kahn	Neuenschwander	Quinn	Tunheim
Brandl	Kelly	Norton	Rest	Uphus
Brown	Knuth	O'Connor	Rice	Vanasek
Carlson, D.	Kostohryz	Ogren	Riveness	Vellenga
Carlson, L.	Lieder	Olson, E.	Rodosovich	Voss
Clark	McEachern	Omann	Sarna	Welle
Cohen	McLaughlin	Osthoff	Scheid	Wenzel
Elioff	Metzen	Otis	Schoenfeld	Wynia
Ellingson	Minne	Pappas	Skoglund	

Those who voted in the negative were:

Anderson, R.	Erickson	Kiffmeyer	Ozment	Stanius
Bennett	Forsythe	Knickerbocker	Pauly	Sviggum
Blatz	Frederick	Krueger	Piepho	Thiede
Boo	Frederickson	Kvam	Poppenhagen	Thorson
Brinkman	Gruenes	Levi	Quist	Tjornhom
Burger	Gutknecht	Marsh	Redalen	Tompkins
Carlson, J.	Halberg	McDonald	Rees	Valan
Clausnitzer	Hartle	McKasy	Richter	Valento
Dempsey	Haukoos	McPherson	Rose	Waltman
DenOuden	Himle	Miller	Schafer	Zaffke
Dimler	Johnson	Olsen, S.	Seaberg	Spk. Jennings, D.
Dyke	Kalis	Onnen	Sherman	

The motion did not prevail.

The question was taken on the motion to recommend passage of H. F. No. 284 and the roll was called. There were 59 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Bennett	Brinkman	Clausnitzer	Dimler	Frederick
Blatz	Burger	Dempsey	Dyke	Frederickson
Boo	Carlson, J.	DenOuden	Forsythe	Frerichs

Gruenes	Kiffmeyer	Miller	Redosovich	Thiede
Gutknecht	Knickerbocker	Olsen, S.	Rose	Thorson
Halberg	Krueger	Onnen	Schafer	Tjornhom
Hartle	Kvam	Pauly	Schoenfeld	Valan
Haukoos	Levi	Piepho	Seaberg	Valento
Heap	Marsh	Poppenhagen	Shaver	Waltman
Himle	McDonald	Quist	Sherman	Zaffke
Johnson	McKasy	Rees	Stanius	Spk. Jennings, D.
Kalis	McPherson	Richter	Sviggum	

Those who voted in the negative were :

Anderson, G.	Elioff	McLaughlin	Otis	Solberg
Anderson, R.	Ellingson	Metzen	Ozment	Sparby
Backlund	Fjoslien	Minne	Pappas	Tomlinson
Battaglia	Greenfield	Munger	Peterson	Tompkins
Beard	Hartinger	Murphy	Piper	Tunheim
Becklin	Jacobs	Nelson, D.	Price	Uphus
Begich	Jaros	Neuenschwander	Quinn	Vanasek
Brandl	Kahn	Norton	Rest	Vellenga
Brown	Kelly	O'Connor	Rice	Voss
Carlson, D.	Knuth	Ogren	Riveness	Welle
Carlson, L.	Kostohryz	Olson, E.	Sarna	Wenzel
Clark	Lieder	Omann	Scheid	Wynia
Cohen	McEachern	Osthoff	Skoglund	

The motion did not prevail.

## MOTIONS AND RESOLUTIONS

Voss moved that the name of Scheid be added as an author on H. F. No. 212. The motion prevailed.

Battaglia moved that the name of McDonald be added as an author on H. F. No. 506. The motion prevailed.

Begich moved that the name of Bishop be added as an author on H. F. No. 534. The motion prevailed.

McEachern moved that the name of Rees be added as an author on H. F. No. 586. The motion prevailed.

Waltman moved that the name of Wenzel be added as an author on H. F. No. 587. The motion prevailed.

Cohen moved that the words “, by request” follow his name on H. F. No. 611. The motion prevailed.

Anderson, R., moved that the name of Munger be added as an author on H. F. No. 694. The motion prevailed.

Dempsey moved that the names of Scheid and Osthoff be added as authors on H. F. No. 738. The motion prevailed.

Cohen moved that the words “, by request” follow his name on H. F. No. 745. The motion prevailed.

Bennett moved that the name of Boo be added as chief author and the words “, by request” be deleted on H. F. No. 760. The motion prevailed.

Rose moved that the names of Boo; Carlson, L.; Erickson and Levi be added as authors on H. F. No. 822. The motion prevailed.

Heap moved that the names of Levi and Carlson, J., be added as authors on H. F. No. 847. The motion prevailed.

Shaver moved that the name of Osthoff be added as an author on H. F. No. 850. The motion prevailed.

Backlund moved that the name of Pappas be added as an author on H. F. No. 960. The motion prevailed.

Clausnitzer moved that the name of Shaver be added as an author on H. F. No. 979. The motion prevailed.

Blatz moved that the name of Sarna be added as an author on H. F. No. 985. The motion prevailed.

Price moved that the names of Otis, Solberg, McEachern and Rose be added as authors on H. F. No. 1034. The motion prevailed.

Fjoslien moved that the name of Gutknecht be stricken and the name of Dimler be added as chief author and the name of Neuenchwander be added as an author on H. F. No. 1055. The motion prevailed.

Clark moved that the name of Pappas be added as an author on H. F. No. 1056. The motion prevailed.

McDonald moved that the names of Uphus, Price and Carlson, D., be added as authors on H. F. No. 1063. The motion prevailed.

Scheid moved that the name of Osthoff be stricken and the name of McDonald be added as an author on H. F. No. 1067. The motion prevailed.

Clark moved that the name of Cohen be added as an author on H. F. No. 1068. The motion prevailed.

Greenfield moved that the name of Clark be added as an author on H. F. No. 1085. The motion prevailed.

Ozment moved that H. F. No. 831 be recalled from the Committee on Judiciary and be re-referred to the Committee on Crime and Family Law. The motion prevailed.

Carlson, D., moved that H. F. No. 971 be recalled from the Committee on Health and Human Services and be re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

Rees moved that H. F. No. 1071 be recalled from the Committee on Environment and Natural Resources and be re-referred to the Committee on Governmental Operations. The motion prevailed.

Valento moved that H. F. No. 526, now on Technical General Orders, be re-referred to the Committee on Regulated Industries and Energy. The motion prevailed.

House Resolution No. 10 was reported to the House.

#### HOUSE RESOLUTION NO. 10

A house resolution recognizing the outstanding Automotive Technician program achievement at Hutchinson Area Vocational-Technical Institute.

*Whereas*, the Hutchinson Area Vocational-Technical Institute's Automotive Technician program received the outstanding automotive vocational training program award for 1984 in the State of Minnesota; and

*Whereas*, the program also received the 1984 American Vocational Association national award for excellence in Automotive Service Programs in the United States; and

*Whereas*, the recognition of this program is part of a national program sponsored by the National Motor Vehicle Manufacturers' Association and the American Vocational Association; and

*Whereas*, the purpose of this award is to recognize outstanding vocational technical programs in the nation and the cooperation existing between vocational technical education and industry at the national, state, and local levels; and

*Whereas*, this award also indicates the high standards and excellence of Minnesota's post-secondary vocational technical education programs and instruction; and

*Whereas*, Minnesota's vocational technical education programs received 25 percent of all national awards given by the American Vocational Association in November 1984; *Now, Therefore*,

*Be It Resolved* by the House of Representatives of the State of Minnesota that it commends the Hutchinson Area Vocational-

Technical Institute and the automotive technician program instructor, John Mlinar, for program excellence and for cooperation with representatives of business and industry in providing quality vocational technical programs for the citizens of the State of Minnesota.

*Be It Further Resolved* that the Chief Clerk of the House of Representatives is directed to prepare an enrolled copy of this resolution, be authenticated by his signature and that of the Speaker, and present it to John Mlinar.

Kvam moved that House Resolution No. 10 be now adopted. The motion prevailed and House Resolution No. 10 was adopted.

House Resolution No. 15 was reported to the House.

#### HOUSE RESOLUTION NO. 15

A house resolution congratulating the Mahtomedi High School Zephyrs for winning first place in the Class A Minnesota State Gymnastics Championship.

*Whereas*, competitive sports in our schools are part of an extracurricular program that affords an invaluable opportunity for students to participate with self-generated enthusiasm in a learning experience; and

*Whereas*, high school sports promote vigorous good health of the participants; and

*Whereas*, the Zephyrs participated in the Class A state gymnastics championship; and

*Whereas*, the Mahtomedi High School won the Class A state gymnastics championship in the city of Minneapolis, March 1, 1985; and

*Whereas*, both as a team and as individuals the Zephyrs exhibited outstanding and determined effort and leadership as they achieved the state gymnastics championship; and

*Whereas*, Mahtomedi High School's gymnasts and fans have exhibited outstanding sportsmanship throughout the season;  
*Now, Therefore*,

*Be It Resolved* by the House of Representatives of the State of Minnesota that the Mahtomedi High School Gymnastic team is congratulated for winning the State Class A Gymnastic Championship and for exemplary sportsmanship, skill, and desire exemplified by the team, its coaches, and its fans. In particular, congratulations are extended to the team members:

Amy Bjorndahl, Shelly Copeland, Melanie Cowherd, Shannon Dardel, Shannon Foley, Leigh Klaenhammer, Marnie Mitchell, Amy Paulson, Laurie Schmidt; Coach Debbie Driscoll and Assistant Coach Dave Flatten.

*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 by his signature and that of the Speaker, and present it to the principal of Mahtomedi High School.

Levi moved that House Resolution No. 15 be now adopted. The motion prevailed and House Resolution No. 15 was adopted.

#### ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, March 25, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, March 25, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTY-FOURTH SESSION - 1985

## TWENTY-NINTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 25, 1985

The House of Representatives convened at 2:00 p.m. and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Pastor Thomas Burtch, Luther Memorial Church, South St. Paul, Minnesota.

The roll was called and the following members were present:

Anderson, R.	Erickson	Kvam	Ozment	Skoglund
Backlund	Fjoslic	Levi	Pappas	Solberg
Battaglia	Forsythe	Lieder	Pauly	Sparby
Beard	Frederick	Long	Peterson	Stanius
Becklin	Frederickson	Marsh	Piepho	Staten
Begich	Freichs	McDonald	Piper	Sviggum
Bennett	Greenfield	McEachern	Poppenhagen	Thiede
Bishop	Gruenes	McKasy	Price	Thorson
Blatz	Gutknecht	McLaughlin	Quinn	Tjornhom
Boerboom	Halberg	McPherson	Quist	Tomlinson
Boo	Hartinger	Metzen	Redalen	Tompkins
Brandl	Hartle	Miller	Rees	Tunheim
Brinkman	Haukoos	Minne	Rest	Uphus
Brown	Heap	Munger	Rice	Valan
Burger	Himle	Murphy	Richter	Valento
Carlson, D.	Jacobs	Nelson, D.	Riveness	Vanasek
Carlson, J.	Jaros	Nelson, K.	Rodosovich	Vellenga
Carlson, L.	Jennings, L.	Neuenschwander	Rose	Voss
Clark	Johnson	Norton	Sarna	Waltman
Clausnitzer	Kahn	O'Connor	Schafer	Welle
Cohen	Kalis	Ogren	Scheid	Wenzel
Dempsey	Kelly	Olsen, S.	Schoenfeld	Wynia
DenOuden	Kiffmeyer	Olson, E.	Schreiber	Zaffke
Dimler	Knickerbocker	Omann	Seaberg	Spk. Jennings, D.
Dyke	Knuth	Onnen	Segal	
Elioff	Kostohryz	Osthoff	Shaver	
Ellingson	Krueger	Otis	Simoneau	

A quorum was present.

Anderson, G., was excused until 2:30 p.m. Sherman 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 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. 158, 235, 422, 485, 520, 585, 94, 112, 216, 385, 517, 535, 537, 656, 848, 273, 461, 521 and 621 have been placed in the members' files.

#### REPORTS OF STANDING COMMITTEES

Forsythe from the Committee on Appropriations to which was referred:

H. F. No. 102, A bill for an act relating to alcoholic beverages; increasing the age for licensing, sale, consumption, possession, and furnishing; restricting certain promotion; establishing programs for the prevention of alcohol-impaired driving among young drivers and for education on avoidable health risks; increasing the fee for the reinstatement of drivers licenses revoked for alcohol-related violations; appropriating money; providing penalties; amending Minnesota Statutes 1984, sections 171.06, subdivision 3; 171.13, by adding a subdivision; 171.29, subdivision 2; 340.02, subdivision 8; 340.035, subdivision 1; 340.119, subdivision 2; 340.13, subdivision 12; 340.14, subdivision 1a; 340.15, by adding a subdivision; 340.403, subdivision 3; 340.73, subdivision 1; 340.731; and 340.80; repealing Minnesota Statutes 1984, section 340.79.

Reported the same back with the following amendments:

Pages 2 and 3, delete section 3

Page 7, line 29, delete "4" insert "3" and delete "10" and insert "9"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "increasing the"

Page 1, delete line 8

Page 1, line 9, delete "for alcohol-related violations;"

Page 1, line 12, delete "171.29, subdivision 2;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson, D., from the Committee on Transportation to which was referred:

H. F. No. 179, A bill for an act relating to taxation; motor fuels; expanding definition of qualified service station for purposes of the excise tax on gasoline; amending Minnesota Statutes 1984, section 296.02, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 22, after "state" insert "*or Canadian province*"

Page 2, line 3, after "state" insert "*or Canadian province*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Onnen from the Committee on Health and Human Services to which was referred:

H. F. No. 186, A bill for an act relating to mental health services; authorizing interstate contracts for mental health services; proposing coding for new law in Minnesota Statutes, chapter 245.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Carlson, D., from the Committee on Transportation to which was referred:

H. F. No. 256, A bill for an act relating to motor vehicles; defining terms; regulating van-type motor homes; amending Minnesota Statutes 1984, sections 168.011, subdivision 25, and by adding subdivisions; and 168.27, subdivisions 2 and 10.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 168.011, subdivision 25, is amended to read:

Subd. 25. [RECREATIONAL EQUIPMENT.] (a) "Recreational equipment" means house trailers including those which telescope or fold down, chassis mounted campers, house cars,

motor homes, tent trailers, slip in campers, and converted buses (AND CONVERTED VANS.)

(1) HOUSE TRAILERS, CHASSIS MOUNTED CAMPERS, HOUSE CARS, MOTOR HOMES, TENT TRAILERS, SLIP IN CAMPERS, CONVERTED BUSES AND CONVERTED VANS) that are units designed and used for temporary human living quarters and meeting the following qualifications:

((A)) (1) are not used as the residence of the owner or occupant (.);

((B)) (2) are used for temporary living quarters by the owner or occupant while engaged in recreational or vacation activities (.); and

((C)) (3) (THE) are self propelled or towed on the public streets or highways incidental to the recreational or vacation activities.

(b) For the purposes of this subdivision, a motor home (INCLUDES) means a unit designed to provide temporary living quarters, built into as an integral part of, or permanently attached to, a self propelled motor vehicle chassis or van (THAT CONTAINS A). A motor home must contain permanently installed independent life support (SYSTEM) systems which meet the American National Standards Institute standard number A119.2 for recreational vehicles and (PROVIDES) provide at least four of the following facilities, two of which must be from the systems listed in clauses (1), (5), and (6): (1) cooking facility with liquid propane gas supply, (REFRIGERATION OR ICE BOX) (2) refrigerator, (3) self contained toilet or a toilet connected to a plumbing system with connection for external water disposal, (4) heating or air conditioning separate from the vehicle engine, (5) a potable water supply system including a (FAUCET AND) sink with faucet either self contained or with connections for an external source, and (6) separate 110-125 volt electrical power supply (, OR A LIQUID PROPANE GAS SUPPLY). For purposes of this subdivision, "permanently installed" means built into or attached as an integral part of a chassis or van, and designed not to be removed except for repair or replacement. A system which is readily removable or held in place by clamps or tie downs is not permanently installed.

(THE UNITS) (c) Motor homes include (,) but are not limited to, the following:

((I)) (1) Type A motor home: a raw chassis upon which is built a driver's compartment and an entire body that provides temporary living quarters as defined in this subdivision;

**((II)) (2) Type B motor home:** a (COMPLETED) van-type vehicle (THAT HAS BEEN ALTERED TO PROVIDE TEMPORARY LIVING QUARTERS) that conforms to the motor home definition in this subdivision and has been completed or altered and certified as a motor home by the final stage manufacturer; and

**((III)) (3) Type C motor home:** an incomplete vehicle upon which is permanently attached a body designed to provide temporary living quarters as defined (ABOVE) in this subdivision.

**((2)) (d) Slip in campers** are mounted into a pickup truck in the pickup box, either by bolting through the floor of the pickup box or by firmly clamping to the side of the pickup box. The vehicle must be registered as a passenger automobile.

Sec. 2. Minnesota Statutes 1984, section 168.011, is amended by adding a subdivision to read:

*Subd. 30 [DISTRIBUTOR.] "Distributor" means a person, firm, or corporation which has a bona fide contract or franchise with a manufacturer to distribute the new motor vehicles of that manufacturer to licensed new motor vehicle dealers, but does not include a dealer.*

Sec. 3. Minnesota Statutes 1984, section 168.011, is amended by adding a subdivision to read:

*Subd. 31. [FIRST-STAGE MANUFACTURER.] "First-stage manufacturer" means a person, firm, or corporation which manufactures, assembles, and sells new motor vehicles for resale in this state.*

Sec. 4. Minnesota Statutes 1984, section 168.011, is amended by adding a subdivision to read:

*Subd. 32. [FINAL-STAGE MANUFACTURER.] "Final-stage manufacturer" means a person, firm, or corporation which performs manufacturing operations on an incomplete motor vehicle or a van-type motor vehicle so that it becomes a type A, B, or C motor home.*

Sec. 5. Minnesota Statutes 1984, section 168.011, is amended by adding a subdivision to read:

*Subd. 33. [VAN CONVERTER OR MODIFIER.] "Van converter or modifier" means a person, firm, or corporation engaged in the business of modifying, completing, or converting van-type vehicles into multipurpose passenger vehicles which are not motor homes as defined in subdivision 25.*

Sec. 6. Minnesota Statutes 1984, section 168.27, subdivision 2, is amended to read:

Subd. 2. [NEW MOTOR VEHICLE DEALER.] No person shall engage in the business of selling or arranging the sale of new motor vehicles or shall offer to sell, solicit, arrange or advertise the sale of new motor vehicles without first acquiring a new motor vehicle dealer license. A new motor vehicle dealer license shall be entitled thereunder to sell, broker, wholesale or auction and to solicit and advertise the sale, broker, wholesale or auction of new motor vehicles covered by his franchise and any used motor vehicles or to lease and to solicit and advertise the lease of new motor vehicles and any used motor vehicles and such sales or leases may be either for consumer use at retail or for resale to a dealer. Nothing herein shall be construed to require an applicant for a dealer license who proposes to deal in: (1) new and unused motor vehicle bodies; or (2) *type A, B, or C motor homes as defined in section 168.011, subdivision 25*, to have a bona fide contract or franchise in effect with *either the first-stage manufacturer of the motor home or the manufacturer or distributor of any motor vehicle chassis upon which the new and unused motor vehicle body is mounted. The modification or conversion of a new van-type vehicle into a multipurpose passenger vehicle which is not a motor home does not constitute dealing in new or unused motor vehicle bodies, and a person engaged in the business of selling these van-type vehicles must have a bona fide contract or franchise with the appropriate manufacturer under subdivision 10. A van converter or modifier may sell these modified or converted van-type vehicles which he owns at wholesale to new motor vehicle dealers having a bona fide contract or franchise with the first-stage manufacturer of the vehicles.*

Sec. 7. Minnesota Statutes 1984, section 168.27, subdivision 10, is amended to read:

Subd. 10. [PLACE OF DOING BUSINESS.] All licensees under this section shall have an established place of business which shall include as a minimum,

(1) For a new motor vehicle dealer, the following:

(a) a permanent enclosed commercial building on a permanent foundation, owned or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space where the books, records and files necessary to conduct the business are kept and maintained with personnel available during normal business hours;

(b) a bona fide contract or franchise (1) in effect with a manufacturer or distributor of the new motor vehicles he proposes to sell, broker, wholesale or auction, (2) *in effect with the first-stage manufacturer or distributor of new motor vehicles*

*purchased from a van converter or modifier which he proposes to sell, broker, wholesale, or auction, or (3) in effect with the final stage manufacturer of the new type A, B, or C motor homes which he proposes to sell, broker, wholesale, or auction;*

(c) a facility for the repair and servicing of motor vehicles and the storage of parts and accessories, not to exceed ten miles distance from the principal place of business. Such service may be provided through contract with bona fide operators actually engaged in such services.

(2) For a used motor vehicle dealer the following: a permanent enclosed commercial building on a permanent foundation, owned or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space for the books, records and files necessary to conduct the business and maintained with personnel available during normal business hours or automatic telephone answering service during normal working hours.

(3) For a motor vehicle lessor, the following: a commercial office space where the books, records and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours.

(4) For a motor vehicle broker, the following: a commercial office space where the books, records and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours.

(5) For a motor vehicle wholesaler, the following: a commercial office space where the books, records and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours.

(6) For a motor vehicle auctioneer, the following: a permanent enclosed commercial building, within or without the state, on a permanent foundation, owned or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space where the books, records and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours.

(7) If a new or used motor vehicle dealer maintains more than one place of doing business in a county, the separate places shall be listed on the application. If additional places of business are maintained outside of one county, separate licenses shall be obtained for each county.

(8) If a motor vehicle lessor, broker or auctioneer maintains more than one permanent place of doing business, either in one or more counties, the separate places shall be listed in the application, but only one license shall be required.

Sec. 8. [EFFECTIVE DATE.]

*Sections 1 to 7 are effective the day following final enactment."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

H. F. No. 263, A bill for an act relating to education; providing legislative approval of a capital loan to independent school district No. 690, Warroad.

Reported the same back with the following amendments:

Page 1, line 9, delete "*The*" and insert a comma

Page 1, delete line 10

Page 1, line 11, delete "*necessary to make the loan*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 376, A bill for an act relating to state departments and agencies; regulating initial fees and fee adjustments for agency services; amending Minnesota Statutes 1984, section 16A.128.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 16A.128, is amended to read:

16A.128 [INITIAL FEES AND FEE ADJUSTMENTS.]

Subdivision 1. [APPROVAL.] Fixed fees for accounts for which appropriations are made may not be adjusted without the approval of the commissioner. If the fee or fee adjustment is required by law to be fixed by rule, the commissioner's approval must be in the statement of need and reasonableness. These fees must be reviewed each (SIX MONTHS) *fiscal year*. (EXCEPT AS DETERMINED BY THE COMMISSIONER,) *Unless the commissioner determines that the fee shall be lower, fees must be set or fee adjustments (MUST BE) made so the total fees nearly equal (THE SUM OF), but do not exceed, the amount specified in the appropriation for the accounts plus only the agency's general support costs and statewide indirect costs directly attributable to the fee function.*

Subd. 2. [(NO) RULEMAKING.] The kinds of fees *and fee adjustments* that need not be fixed by rule unless specifically required by law are:

- (1) fees based on actual direct costs of a service;
- (2) one-time fees;
- (3) fees that produce insignificant revenues;
- (4) fees billed within or between state agencies; or
- (5) fees exempt from commissioner approval.

Subd. 2a. [PROCEDURE.] Other fees not fixed by law must be fixed by rule *according to chapter 14*. (THE PROCEDURE FOR NONCONTROVERSIAL RULES IN SECTIONS 14.21 TO 14.28 MAY BE USED EXCEPT THAT NO PUBLIC HEARING MAY BE HELD. THE NOTICE OF INTENTION TO ADOPT THE RULES MUST STATE THAT NO HEARING WILL BE HELD. THIS PROCEDURE MAY BE USED ONLY WHEN THE TOTAL FEES ESTIMATED FOR THE BIENNIUM DO NOT EXCEED THE SUM OF DIRECT APPROPRIATIONS, INDIRECT COSTS, TRANSFERS IN, AND SALARY SUPPLEMENTS FOR THAT PURPOSE. A PUBLIC HEARING IS REQUIRED FOR ADJUSTMENTS OF FEES SPENT UNDER OPEN APPROPRIATIONS OF DEDICATED RECEIPTS.)

Sec. 2. Minnesota Statutes 1984, section 16A.1281, is amended to read:

16A.1281 [REPORT ON LOW OR HIGH FEES.]

(IN EVEN-NUMBERED YEARS,) *Each biennium* the commissioner shall review fees collected by agencies. (BY NOVEMBER 15,) The commissioner shall report on the fees to the appropriation and finance committees *not later than the date the*



*governor submits the biennial budget to the legislature. The report must analyze the fees that the commissioner believes are too low or too high for the service provided. The analysis must take into account the cost of collecting the fee."*

Amend the title as follows :

Page 1, line 4, delete "section" and insert "sections" and after "16A.128" insert " ; and 16A.1281"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred :

H. F. No. 401, A bill for an act relating to solid waste; repealing the exemption for certain solid waste disposal facilities from the certificate of need requirements; repealing Laws 1984, chapter 644, section 83.

Reported the same back with the following amendments :

Page 1, 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.

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred :

H. F. No. 425, A bill for an act relating to natural resources; imposing a temporary freeze upon certain lease rates for state-owned campgrounds.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Education.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 446, A bill for an act relating to counties; permitting the use of a broker to sell county property under certain conditions; amending Minnesota Statutes 1984, section 373.01.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1984, section 161.23, subdivision 2, is amended to read:

Subd. 2. [CONVEYANCE OF EXCESS.] If the commissioner of transportation acquires real estate in excess of what is needed for trunk highway purposes as authorized in subdivision 1, he shall, within one year after the completion of the construction, reconstruction, or improvement of the highway for which a portion of the real estate was needed and required, convey and quitclaim the excess real estate to the highest responsible bidder, after receipt of sealed bids following *notice to adjacent landowners and published notice of the sale for three successive weeks in a newspaper or trade journal of general circulation in the territory from which bids are likely to be received. All bids may be rejected and new bids received upon like advertisement.* The deed may contain restrictive clauses limiting the use of such real estate in the interests of safety and convenient public travel when the commissioner finds that the restrictions are reasonably necessary.

Sec. 2. Minnesota Statutes 1984, section 161.23, is amended by adding a subdivision to read:

Subd. 2a. [SERVICES OF A LICENSED REAL ESTATE BROKER.] *If the lands remain unsold after being offered for sale to the highest bidder, the commissioner may retain the services of a licensed real estate broker to find a buyer. The sale price may be negotiated by the broker, but must not be less than 90 percent of the appraised market value as determined by the commissioner. The broker's fee must be established by prior agreement between the commissioner and the broker, and must not exceed ten percent of the sale price for sales of \$10,000 or more. The broker's fee must be paid to the broker from the proceeds of the sale.*

Sec. 3. Minnesota Statutes 1984, section 161.23, is amended by adding a subdivision to read:

Subd. 5. [RECEIPTS PAID INTO TRUNK HIGHWAY FUND.] *Money received from the sale of such lands and properties less any fee paid under subdivision 2a must be paid into the trunk highway fund."*

Page 3, after line 3, insert:

“Sec. 5. [EFFECTIVE DATE.]

*This act is effective the day following final enactment.”*

Renumber the sections in sequence

Delete the title and insert:

“A bill for an act relating to real estate; providing conditions for certain transportation department land sales; providing conditions for certain county land sales; amending Minnesota Statutes 1984, sections 161.23, subdivision 2, and by adding subdivisions; and 373.01, subdivision 1.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

H. F. No. 470, A bill for an act relating to education; authorizing the establishment of joint vocational technical districts; providing for a governing board; authorizing post-secondary and adult vocational programs, secondary educational programs, and secondary services; providing for separate bargaining units, prohibitions on bumping, and certain other labor issues; transferring all school district real and personal property to the joint district; authorizing the joint district to levy for certain purposes; providing for intention of state funding of construction; providing for bonded indebtedness, fund transfers, and debt service; amending Minnesota Statutes 1984, section 136C.02, subdivisions 6 and 8, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 136D.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 136C.02, subdivision 6, is amended to read:

Subd. 6. [DISTRICT.] “District” means a school district providing post-secondary vocational education (OR), an intermediate district, or a joint district.

Sec. 2. Minnesota Statutes 1984, section 136C.02, subdivision 8, is amended to read:

Subd. 8. [SCHOOL BOARD.] "School board" means the school board of a district (AND, IN THE CASE OF AN INTERMEDIATE DISTRICT), the board of (THE) an intermediate district, or the board of a joint district.

Sec. 3. Minnesota Statutes 1984, section 136C.02, is amended by adding a subdivision to read:

*Subd. 9. [JOINT DISTRICT.] "Joint district" means a joint vocational technical district established under section 6.*

Sec. 4. Minnesota Statutes 1984, section 136C.41, is amended by adding a subdivision to read:

*Subd. 1a. For joint vocational technical districts formed under the provisions of sections 6 to 15 in which the joint district holds the title to the AVTI, the state portion of debt service cost shall equal the entire amount necessary to make payments due for each school year ending June 30 with respect to qualifying bonds issued to finance post-secondary vocational facilities and interest thereon reduced by the lesser of:*

*(a) the local share of all principal, interest, and redemption premiums; or*

*(b) the amount escrowed for debt service pursuant to section 15, subdivision 3.*

*In no case, however, shall the state portion of debt service cost be less than that which would have been paid under the provisions of subdivision 1 and section 136C.44. For the purpose of this subdivision, qualifying bonds include the same bonds described as qualifying bonds in subdivision 1.*

Sec. 5. Minnesota Statutes 1984, section 136C.44, is amended to read:

**136C.44 [VOCATIONAL TECHNICAL BUILDING APPROPRIATIONS.]**

Money appropriated from the state building fund to the state board of vocational technical education for post-secondary vocational technical construction in school districts shall be used for grants to school districts for the acquisition and betterment of land, buildings, and capital improvements for area vocational technical institutes. These grants shall only be made upon the conditions and in accordance with all standards and criteria established in state board rules and in the legislative act authorizing the specific post-secondary vocational facilities project. A grant shall cover 85 percent of the cost of the post-secondary vocational facilities authorized by the specific legislative act, and 15 percent of the cost of these facilities shall be fi-

nanced by the school district operating the post-secondary vocational technical school, unless otherwise provided by the specific legislative act. *In the case of a joint vocational technical district formed under the provisions of sections 6 to 15, grants shall cover 100 percent of the costs.* No local bonds shall be authorized, issued, or sold, nor shall any election be held to authorize the issuance of bonds, if the proceeds will be used to finance a project for which specific legislative approval is required, until after that specific legislative approval has been given.

**Sec. 6. [136D.01] [DISTRICTS MAY FORM JOINT VOCATIONAL TECHNICAL DISTRICT.]**

*Notwithstanding other law, two or more independent school districts each operating an area vocational technical institute may enter into an agreement to establish a joint vocational technical district upon a majority vote of the full membership of each of the boards of the districts entering into the agreement. When resolutions approving the agreement have been adopted by the boards of two or more districts, the resolutions must be filed with the state director of vocational technical education and the commissioner of education. The commissioner shall assign an appropriate identification number as provided in section 122.03.*

**Sec. 7. [136D.02] [GOVERNING BOARD.]**

*Subdivision 1. [MEMBERS.] The district shall be operated by a joint vocational technical board, which shall consist of the number of members from each of the participating school districts specified in the agreement establishing the joint vocational technical district. Board members must be residents of the respective school districts represented, may be members of the school boards of the respective school districts, and the first members shall be appointed by their respective school boards. The agreement may provide for election of members to take office at the end of a term of an appointed member. Appointed members shall serve at the pleasure of their respective school boards and may be subject to recall by a majority vote of the appointing board. The election of members is governed by section 123.32. Board members shall report at least quarterly to their appointing boards on the activities of the joint vocational technical district.*

*Subd. 2. [EX OFFICIO MEMBER.] The director of the joint vocational technical district is an ex officio, nonvoting member of the joint board.*

*Subd. 3. [TERMS.] The agreement establishing the joint vocational technical district must specify the number of members from each participating district who shall serve an initial one-year term and the number of members from each participating*

*district who shall serve an initial two-year term. The appointing board shall designate which of the appointees shall serve the one-year term and which of the appointees shall serve the two-year term. Terms of office of the members of the joint board must expire on June 30. After the initial term, the length of terms of office of joint board members must be as specified in the agreement. If a vacancy occurs on the joint board, it must be filled by the appropriate school board for the remainder of the unexpired term. A person appointed to the joint board shall qualify as a board member by filing with its director a written certificate of appointment from the member's respective appointing board.*

*Subd. 4. [ORGANIZATIONAL MEETINGS.] The first meeting of the first joint board shall be at a time mutually agreed to by the members appointed by the boards of the participating school districts. Thereafter the joint board shall conduct its organizational meeting in July of each year when notified of the meeting by the director of the joint vocational technical district. At the organizational meeting, the officers of the joint vocational technical district for the current year shall be chosen and other necessary organizational business shall be conducted.*

*Subd. 5. [OFFICERS.] The officers are a chair, vice-chair, clerk, and treasurer. The chair shall preside at all meetings of the joint board. In the absence of the chair, the vice-chair shall preside. The clerk shall keep a complete record of the minutes of each meeting and the treasurer is the custodian of the funds of the joint vocational technical district. Insofar as applicable, board members and officers of the joint vocational technical district are governed by the laws relating to board members and officers of independent school districts.*

*Subd. 6. [QUORUM.] A majority of the joint board is a quorum although a smaller number may adjourn.*

## **Sec. 8. [136D.03] [POWERS AND DUTIES.]**

*Subdivision 1. [IN GENERAL.] The joint board has the powers and duties specified in section 136C.05 and other powers specified by law for the board of an independent school district, except that a joint board may levy only according to sections 13 and 15.*

*Subd. 2. [PROVISION OF FACILITIES AND SERVICES.] The duty and the function of the joint board is to furnish post-secondary and adult vocational education. The joint board may also provide other secondary educational programs or secondary services requested by a participating district. Secondary offerings may be provided only under the direction of properly licensed personnel.*

*Subd. 3. [FINANCE.] The joint board shall provide for the conduct of the schools, payment of indebtedness, and payment of other proper expenses of the district.*

*Subd. 4. [CONTRACTS.] The joint board shall employ and contract with necessary qualified teachers and administrators and may discharge the same under section 125.12. The joint board may employ and discharge other necessary employees and may contract for the purchase or sale of educational and other services the joint board considers necessary.*

**Sec. 9. [136D.04] [LEGAL STATUS OF JOINT BOARD.]**

*Subdivision 1. [PUBLIC AGENCY.] The joint board is a public corporation and agency and may receive and disburse private, federal, and state funds made available to it.*

*Subd. 2. [LIABILITY.] A participating school district has no liability for the debts or obligations of the joint vocational technical district. An individual serving as a member of the joint board has no individual liability for those debts or obligations.*

*Subd. 3. [TAX EXEMPT.] Real or personal property, acquired, owned, leased, used, or controlled in any way by the joint board for its purposes is exempt from taxation by the state or its political subdivisions.*

*Subd. 4. [APPLICABLE LAWS.] Except as specifically provided to the contrary, the organization, operation, maintenance, and conduct of the affairs of the joint vocational technical district are governed by the general laws relating to independent school districts.*

**Sec. 10. [136D.05] [TEACHERS.]**

*Subdivision 1. [ASSIGNMENT.] When an independent school district becomes a member of the joint vocational technical district, a teacher, as defined in section 125.12, subdivision 1, employed by a member district and primarily assigned as a post-secondary or adult vocational education teacher there, shall be assigned to and become an employee of the joint vocational technical district without further rights to employment in the member district; provided that, for a period of two years from the date of assignment, teaching vacancies in the member district from which the teacher was assigned must be offered to the teacher assigned to the joint vocational technical district if the teacher was placed on unrequested leave of absence by the joint vocational technical district, if the teacher is properly licensed for the position, and if a transfer or assignment from a post-secondary or adult vocational position to a secondary position would have been authorized in the member district under the contract in effect at the time of that teacher's assignment to the*

*joint vocational technical district. A teacher who has previously been placed on unrequested leave of absence from a post-secondary or adult vocational education position by an independent school district that becomes a member of the joint vocational technical district only has reinstatement rights to an available post-secondary or adult vocational position in the joint vocational technical district and has no further rights to reinstatement to any post-secondary or adult vocational position in the member district. This reassignment of employment rights is not a leaving of employment for eligibility for payments under section 465.72 or under a policy or contract based on that section.*

**Subd. 2. [EXCLUSIVE REPRESENTATIVE.]** *The employee organization certified as the exclusive representative for the teachers in a particular member district who are assigned to the joint vocational technical district upon its establishment shall continue as the exclusive representative for those teachers until that organization is decertified or another organization is certified in its place under this subdivision. After the commissioner assigns an identification number to the joint vocational technical district, any employee organization representing teachers in the joint vocational technical district may petition the director of the bureau of mediation services for a certification election proceeding under chapter 179A. For purposes of certification of an exclusive representative, the teachers assigned to the joint vocational technical district are an appropriate unit of employees.*

**Subd. 3. [BARGAINING AGREEMENT.]** *The terms and conditions of employment of teachers assigned to the new joint vocational technical district from each member district shall be temporarily governed by the contract executed by the exclusive bargaining representative and that particular member district until a successor contract is executed between the board of the joint vocational technical district and the new exclusive bargaining representative. The date of first employment in the new joint vocational technical district shall be the date on which services were first performed by the teacher in the member school district from which assigned. Accumulations of sick leave and accumulated years of service to determine eligibility for any severance pay or early retirement benefits shall be applied to any maximum accumulation limitations negotiated in the successor contract. The joint vocational technical board shall provide, to transferred teachers, open enrollment in all insurance plans with no limitation on preexisting conditions. The successor contract shall contain a negotiated plan for the placement of teachers on unrequested leave of absence in the joint vocational technical district.*

**Subd. 4. [APPLICABLE LAW.]** *Except as provided in this section, section 125.12 applies to the employment of each teacher by the joint vocational technical district.*

**Sec. 11. [136D.06] [NONLICENSED EMPLOYEES.]**



*Subdivision 1. [ASSIGNMENT.] When an independent school district becomes a member of the joint vocational technical district, each nonlicensed employee primarily employed in an AVTI who is transferred to the joint vocational technical district shall be assigned to and become an employee of the joint vocational technical district without further employment rights in the member district, other than for two years from the date of assignment to the joint vocational technical district, the right to exercise, in the member district, job seniority promotion and job seniority layoff provisions of the contract in effect at the time of that employee's assignment to the joint vocational technical district. This reassignment of employment rights is not a leaving of employment for eligibility for payment under section 465.72 or under a policy or contract based on that section.*

*Subd. 2. [EXCLUSIVE REPRESENTATIVES.] After the commissioner assigns an identification number to the joint vocational technical district, any employee organization may petition the director of the bureau of mediation services for a certification election proceeding under chapter 179A. An organization certified as the exclusive representative for nonlicensed employees in a particular member district who are assigned to the joint vocational technical district upon its establishment shall continue as the exclusive representative for those particular employees for a period of 90 days from the date on which the joint vocational technical district is established. If a petition for representation of nonlicensed employees is filed within 90 days, an exclusive representative for those particular nonlicensed employees shall continue as the exclusive representative until bureau of mediation services proceedings are concluded.*

*Subd. 3. [BARGAINING AGREEMENT.] The terms and conditions of employment of nonlicensed employees assigned to the joint vocational technical district who were not governed by a collective bargaining agreement at the time of the assignment shall be governed by joint board policy. The terms and conditions of employment of nonlicensed employees assigned to the joint vocational technical district from each member district shall be temporarily governed by contracts executed by an exclusive representative for a period of 90 days from the date of assignment. If a petition for representation of nonlicensed employees is filed with the bureau of mediation services within the 90 days, the contractual terms and conditions of employment for those particular nonlicensed employees who were governed by a preexisting contract shall continue until bureau of mediation services proceedings are concluded; and if exclusive representatives have been elected, until successor contracts are executed between the board of the joint vocational technical district and the new exclusive representatives.*

*The date of first employment in the joint vocational technical district shall be the date on which services were first performed by the employee in the member school district from which as-*

*signed. Any sick leave, vacation time, or severance pay benefits accumulated pursuant to policies of a member district or contracts between exclusive representatives and the boards of member districts shall continue to apply in the new joint vocational technical district to the employee assigned from those member districts; provided that their accumulated benefits do not exceed any maximum accumulation limitations negotiated in a successor contract. Future leaves of absence, vacations, or other benefits to be accumulated in the new joint vocational technical district shall be governed by joint board policy or by contract between an exclusive representative of an appropriate unit of employees and the joint vocational technical board. The joint vocational technical board shall provide, to transferred nonlicensed employees, open enrollment in all insurance plans with no limitation on pre-existing conditions.*

**Sec. 12. [136D.07] [TRANSFER OF PROPERTY.]**

*Subdivision 1. [TRANSFER OF TITLE.] When an independent school district becomes a member of the joint vocational technical school district, the member district shall transfer to the joint board title to the AVTI facility in that district and other appropriate equipment, personal property, and related records. The deed transferring the real property may specify that title to the property reverts to the granting school district if the property is no longer used for vocational or technical education purposes. All claims and contract obligations of the member district relating to the AVTI and adult and post-secondary vocational education programs including claims for unemployment compensation, shall also transfer to the joint vocational technical district.*

*Subd. 2. [DEBT.] The bonded debt on all property transferred shall be paid according to levies for that debt previously made under chapter 475. The obligation of the taxable property in the member district with reference to the payment of that bonded debt is not affected by the transfer.*

*Subd. 3. [TRANSFER OF FUNDS.] A member district shall transfer all fund balances, excluding the debt redemption fund, in all post-secondary and adult vocational funds to the joint vocational technical district.*

*Subd. 4. [TRANSFER NOT TO AFFECT LEGAL ACTION.] The transfer of property, title, and power to govern AVTIs and post-secondary and adult vocational programs does not affect a proceeding of an administrative, civil, or criminal nature pending at the time of the transfer, but the proceeding shall be pursued in the name of the joint board. The joint board or its designee, upon application to the appropriate court or agency, shall be substituted as a party to the proceeding.*

**Sec. 13. [136D.08] [TAX LEVIES.]**

*Subdivision 1. [STATE AUDITOR COSTS; JUDGMENTS; INSURANCE.] The joint board may levy upon all taxable property in the joint vocational technical district an amount necessary to pay the joint vocational technical district's obligations under section 6.62, to pay its obligations under section 127.05, and to pay its insurance premium costs under section 466.06.*

*Subd. 2. [AID ANTICIPATION CERTIFICATES.] The joint board may issue aid anticipation certificates of indebtedness under sections 124.71 to 124.76 and may pledge the full faith and credit of the joint vocational technical district to their payment under section 124.75.*

*Subd. 3. [AVTI CONSTRUCTION.] It is the intention of the legislature to pay 100 percent of the cost of future authorized construction of post-secondary vocational facilities in the joint vocational technical district; however, the joint board may levy for the local share of the cost of construction of post-secondary vocational facilities as provided in section 275.125, subdivision 14a.*

#### Sec. 14. [136D.09] [JOINDER.]

*Upon approval by the majority vote of its board and the joint board, any other independent school district with an area vocational technical institute may enter into an agreement to become a participant in a joint vocational technical district. An election is not required on this issue. The agreement must be approved by resolution of the school board of the independent district and the joint board. The resolutions must be filed with the state director.*

#### Sec. 15. [136D.10] [PAYMENT OBLIGATION.]

*Subdivision 1. [AGREEMENTS WITH STATE DIRECTOR.] The state director may enter into agreements with the joint vocational technical district and its member school districts relating to costs of interim staffing and to payments of district service fees to member districts.*

*Subd. 2. [CONSTRUCTION.] Notwithstanding section 136C.44, it is the intention of the legislature to fund 100 percent of the cost of any future authorized post-secondary vocational facilities construction in the joint vocational technical district.*

*Subd. 3. [PAYMENT OF DEBT; TRANSFER; DEBT SERVICE AID.] A member district which has debt outstanding upon an AVTI facility and property that is transferred to the joint vocational technical district shall escrow in its AVTI debt redemption fund the lesser of: (a) a sufficient amount to pay all principal, interest, and redemption premiums on the out-*

*standing debt when due, (b) a sufficient amount to defease the outstanding debt under the terms of the bond agreement, (c) the minimum amount required by law and the bond agreement, or (d) the remaining balance in the AVTI debt redemption fund. The member district shall transfer the amount to a separate account in its debt redemption fund for payment of the debt. Any remaining balance in the AVTI debt redemption fund may be used as provided in section 123.36, subdivision 13, clauses (2), (3), and (4).*

*The state board of vocational technical education shall pay the remaining debt service of all member districts that have transferred their AVTI facilities to the board of the joint vocational technical district, as provided in section 4. If the property reverts to ownership by the member district according to section 12, the state portion of debt service aid shall be paid according to section 136C.41 except that the state portion of debt service costs shall be computed according to the provisions of section 136C.41, subdivision 1.*

*Subd. 4. [LEVY.] A member district that has transferred an AVTI facility to the joint board may levy upon all taxable property in the member district, the following:*

*(1) in the first levy certified after the transfer, 75 percent of the amount of the district's most recent service fee allocation;*

*(2) in the second levy certified after the transfer, 50 percent of the amount of the district's service fee allocation under clause (1); and*

*(3) in the third levy certified after the transfer, 25 percent of the amount of the district's service fee allocation under clause (1).*

*The proceeds of the levy may be placed in the general fund or any other fund of the district. Any unexpended portion of the proceeds so received must not be considered in the net unappropriated fund balance of the member district for the three fiscal years to which the levy is attributable.*

**Sec. 16. [EFFECTIVE DATE.]**

*This act is effective the day following its final enactment."*

Delete the title and insert:

*"A bill for an act relating to education; authorizing the establishment of joint vocational technical districts; providing for a governing board; authorizing post-secondary and adult vocational programs, secondary educational programs, and secondary services; providing for separate bargaining units, limitations on*

reinstatements, and certain other labor issues; transferring all school district real and personal property to the joint district; authorizing the joint district to levy for certain purposes; providing for intention of state funding of construction; providing for bonded indebtedness, fund transfers, and debt service; amending Minnesota Statutes 1984, sections 136C.02, subdivisions 6 and 8, and by adding a subdivision; 136C.41, by adding a subdivision; and 136C.44; proposing coding for new law in Minnesota Statutes, chapter 136D."

With the recommendation that when so amended the bill pass.

The report was adopted.

Onnen from the Committee on Health and Human Services to which was referred:

H. F. No. 533, A bill for an act relating to occupations and professions; concerning the practice of veterinary medicine; allowing foreign veterinary graduates to be admitted to practice under certain conditions; amending Minnesota Statutes 1984, sections 156.001; 156.02, subdivision 1; 156.081, subdivision 2; and 156.12, subdivision 2; repealing Minnesota Statutes 1984, section 156.09.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 565, A bill for an act relating to soil and water conservation; changing powers and duties of the state board; amending Minnesota Statutes 1984, section 40.03, subdivision 4.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Carlson, D., from the Committee on Transportation to which was referred:

H. F. No. 536, A bill for an act relating to advertising devices; allowing "star city" signs on interstate highways; amending Minnesota Statutes 1984, sections 173.02, subdivisions 2 and 6; and 173.13, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 173.

Reported the same back with the following amendments:

Page 3, line 13, delete "*or near*"

Page 3, line 18, delete "*design and*"

Page 3, delete lines 19 and 20 and insert "*to conform to the same style and specifications, except to the extent that the names of the various star cities differ, as those star*"

With the recommendation that when so amended the bill pass.

The report was adopted.

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 604, A bill for an act relating to agriculture; eliminating license requirement for fur farmers; establishing a registration system; providing definitions; defining agricultural products and pursuits related to fur farming; proposing coding for new law in Minnesota Statutes, chapter 17; repealing Minnesota Statutes 1984, section 17.35.

Reported the same back with the following amendments:

Page 1, line 24, after the first "*animals*" insert "*are domestic animals*"

Page 2, line 14, after "*shall*" insert "*, if requested,*"

Page 2, delete lines 29 and 30

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Carlson, D., from the Committee on Transportation to which was referred:

H. F. No. 633, A bill for an act relating to traffic regulations; providing for book racks and "MN" designation on school buses; amending Minnesota Statutes 1984, section 169.44, by adding subdivisions.

Reported the same back with the following amendments:

Page 1, line 13, after "*commissioner*" insert "*of education*"

Page 1, line 19, delete "state highways" and insert "streets and highways in this state"

Page 1, line 23, after the period insert "A school bus body manufactured before January 2, 1986, that does not bear a current inspection sticker on the effective date of this section may not be used on streets and highways in the state unless its manufacturer recertifies that the school bus body meets minimum standards required of school bus bodies by law."

Page 1, line 23, after "commissioner" insert "of education"

With the recommendation that when so amended the bill pass.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 648, A bill for an act relating to state departments and agencies; transferring authority for administration of the rural rehabilitation corporation trust liquidation act from the state executive council to the commissioner of energy and economic development; creating a governor's rural development council; amending Minnesota Statutes 1984, section 9.36; proposing coding for new law in Minnesota Statutes, chapter 116J.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [116J.951] [DEFINITIONS.]

*Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 1 to 3.*

*Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of energy and economic development.*

*Subd. 3. [COUNCIL.] "Council" means the governor's rural development council.*

*Subd. 4. [MEMBER.] "Member" means a member of the council.*

Sec. 2. [116J.955] [RURAL REHABILITATION REVOLVING FUND.]

*Subdivision 1. [ESTABLISHMENT.] The rural rehabilitation revolving fund is established as an account in the state*

*treasury. The money transferred to the state as a result of liquidating the rural rehabilitation corporation trust, and money derived from transfer of the trust to the state, must be credited to the rural rehabilitation revolving fund. The principal amount of the rural rehabilitation revolving fund, \$9,300,000, may not be spent and must be invested by the state investment board. The income attributable to investment of the principal is appropriated to the commissioner for the activities of the rural development council.*

**Subd. 2. [EXPENDITURE OF INVESTMENT INCOME.]** *The commissioner may only use the income from the investment of the rural rehabilitation revolving fund for the purposes that are allowed under the Minnesota rural rehabilitation corporation's charter and agreement with the United States secretary of agriculture as provided in Public Law Number 499, 81st Congress, enacted May 3, 1950. Not more than three percent of the book value of the Minnesota rural rehabilitation corporation's assets may be used for administrative purposes in a year without approval of the United States secretary of agriculture.*

**Subd. 3. [TRANSFER OF AUTHORIZED RECORDS TO COMMISSIONER.]** *The authority, assets, books, and records held by the Minnesota rural rehabilitation corporation and later by the state executive council under Public Law Number 499, 81st Congress, May 3, 1950, is transferred to the commissioner.*

**Sec. 3. [116J.961] [GOVERNOR'S RURAL DEVELOPMENT COUNCIL.]**

**Subdivision 1. [ESTABLISHMENT.]** *The governor's rural development council is established in the department of energy and economic development. The council shall consist of one representative from each of the state's development regions, including the seven-county metropolitan area, and the commissioner.*

**Subd. 2. [SELECTION OF MEMBERS.]** *Members representing the state's development regions must be selected by a majority vote of the regional development commissions, where they exist, and the metropolitan council. In regions that have dissolved their development commissions, members must be selected by a majority vote of the chairs of the respective county boards of commissioners in the region. Members must reside within the region they represent. The county boards of commissioners and the regional development commissions selecting members are encouraged to give preference to persons that hold an elected office. The county boards of commissioners and the regional development commissions must give public notice of vacancies on the council and make a selection of a member from applications received for the positions. The terms, compensation, and expiration of the council and its members are as provided in section 15.059 except that existing members of the council shall*



*serve until January 1, 1987. A member may not serve more than two consecutive terms.*

*Subd. 3. [OFFICERS.] The council may elect a chairperson, vice chairperson, and other officers as is necessary from its members.*

*Subd. 4. [ADVISORY TASK FORCES.] The council may form advisory task forces to advise or assist the council to identify and work with rural development issues. The council shall appoint persons to the task forces. The persons on the task force may not receive per diem but may be reimbursed for expenses.*

*Subd. 5. [COUNCIL STAFF.] (a) The commissioner shall employ, with the concurrence of the council, an executive director experienced in public administration and rural development issues. The executive director is not a member of the council, but shall perform duties the council may require in carrying out its responsibilities. The executive director's position is in the unclassified service.*

*(b) The commissioner shall employ professional staff, clerical help, and other necessary employees upon the recommendation of the council and the executive director. Support staff shall serve in the classified civil service. The commissioner shall also provide materials and administrative help necessary for the council's activities including personnel, budget, payroll, and contract administration.*

*Subd. 6. [EXPENSES OF COUNCIL.] The commissioner shall pay for the expenses of the council, the council staff, and the council's programs from the appropriation under section 2, subdivision 1.*

*Subd. 7. [IDENTIFICATION OF RURAL DEVELOPMENT POLICY.] The council shall advise the governor and the legislature on matters of public policy relating to rural development. The council shall identify prominent rural issues and formulate and advocate policies that serve the needs of the rural population of the state.*

*Subd. 8. [ADMINISTRATION OF ANNUAL INVESTMENT INCOME FROM THE RURAL REHABILITATION REVOLVING FUND.] (a) The council shall administer the annual investment income from the rural rehabilitation revolving fund by:*

*(1) administering a rural development grant program including the establishment of grant eligibility criteria, solicitation and review of grant applications, and determination of projects to be funded;*

(2) *developing priorities for state projects and activities related to rural development;*

(3) *providing technical help and rural development information services to state agencies, regional agencies, special districts, local governments, and interested citizens;*

(4) *preparing an annual budget and work program, and a biennial budget;*

(5) *preparing an annual report for the state office of the farmers home administration, United States department of agriculture outlining program activities and expenditures from the trust fund; and*

(6) *reporting to the house agriculture and senate agriculture and natural resources committee by January 31 of each year on the grants, projects, and activities of the council.*

*In determining projects to be funded, the council shall give priority to projects involving development of processes that utilize agricultural production.*

(b) *The commissioner shall make agreements or contracts to distribute grant funds to projects selected by the council.*

*Subd. 9. [RULES.] The commissioner shall, with the concurrence of the council, adopt rules for the administration of a rural development grant program.*

*Subd. 10. [BUDGET.] The commissioner shall review and approve a biennial budget prepared by the council and submit it to the governor and the legislature for approval as part of the biennial budget process.*

**Sec. 4. [116J.965] [INTERAGENCY COOPERATION.]**

*State departments and agencies shall cooperate with and assist the council in its work.*

**Sec. 5. [REPEALER.]**

*Minnesota Statutes 1984, section 9.36, is repealed."*

**Amend the title as follows:**

**Page 1, lines 7 and 8, delete "amending Minnesota Statutes 1984, section 9.36;"**

Page 1, line 9, before the period insert “; repealing Minnesota Statutes 1984, section 9.36”

With the recommendation that when so amended the bill pass.

The report was adopted.

Onnen from the Committee on Health and Human Services to which was referred:

H. F. No. 658, A bill for an act relating to health; regulating community health services; amending Minnesota Statutes 1984, sections 145.912, subdivision 15; 145.917, subdivisions 2 and 3; 145.921; and 145.922; repealing Minnesota Statutes 1984, section 145.912, subdivisions 16, 17, and 18.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Onnen from the Committee on Health and Human Services to which was referred:

H. F. No. 674, A bill for an act relating to human services; adoption; regulating adoptions by relatives; providing for procedural changes; amending Minnesota Statutes 1984, sections 259.21, by adding a subdivision; and 259.23, subdivisions 1 and 2; 259.27, subdivision 1; repealing Minnesota Statutes 1984, section 259.27, subdivision 2.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 694, A bill for an act relating to natural resources; grants and loans for certain dam reconstruction and repair projects; amending Laws 1979, chapter 300, section 4, subdivisions 3 and 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Laws 1979, chapter 300, section 4, subdivision 2, as amended by Laws 1980, chapter 618, section 24, is amended to read:

Subd. 2. [STATE (DAM) DAMS.] The sum of \$325,000 is appropriated from the state building fund to the commissioner of natural resources for reconstruction of the state owned dam at Cold Spring, Stearns County, to be available until expended. In the event the engineering and construction costs exceed \$325,000, the commissioner of natural resources may expend an additional amount not to exceed \$25,000 from funds appropriated by Laws 1979, Chapter 300, Section 4, Subdivision 1.

*The sum of \$90,000 is appropriated from the state building fund to the commissioner of natural resources for rehabilitation of the Spruce Center dam, Douglas county. This sum shall be in addition to funds appropriated by Laws 1981, chapter 361, section 3, subdivision 5.*

Sec. 2. Laws 1979, chapter 300, section 4, subdivision 3, is amended to read:

Subd. 3. [LOCAL DAM GRANTS.] The sum of (\$1,551,500) \$1,676,000 is appropriated from the state building fund to the commissioner of natural resources for grants-in-aid for dam repair and reconstruction on the dams and in the amounts indicated in this subdivision, to be available until expended.

(a) King's Mill Dam, Rice County	\$ 475,000
(b) Orono Dam, City of Elk River	344,000
(c) Byllesby Dam, Dakota and Goodhue Counties	433,000
(d) Fish Hook River Dam, City of Park Rapids	(299,500) \$74,000
(e) Hartley Dam located on Tischer Creek, City of Duluth	50,000

Sec. 3. Laws 1979, chapter 300, section 4, subdivision 4, is amended to read:

Subd. 4. [LOCAL DAM LOANS.] The sum of (\$1,396,350) \$1,181,850 is appropriated from the state building fund to the commissioner of finance for loans to local government units approved and made pursuant to section 105.482, subdivision 5a, for the dam repair and reconstruction projects designated in subdivision 3 of this section and for repair and reconstruction of the Pelican River Dam, City of Pelican Rapids. \$112,500 of

*the amount appropriated for repair and reconstruction of the Pelican River Dam shall not be canceled and shall remain available until expended.*

Sec. 4. [EFFECTIVE DATE.]

*This act is effective the day following final enactment.*

Amend the title as follows:

Page 1, line 5, after "subdivisions" insert "2, as amended,"

Page 1, line 5, after "3" insert a comma

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 698, A bill for an act relating to intoxicating liquor; authorizing the city of North Mankato to issue one short-term, on-sale liquor license.

Reported the same back with the following amendments:

Page 1, line 11, delete everything after "*liquor*"

Page 1, delete line 12

Page 1, line 13, delete "*or*" and insert "*in*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Onnen from the Committee on Health and Human Services to which was referred:

H. F. No. 701, A bill for an act relating to human services; allowing the county boards to serve as the community mental health center boards; amending Minnesota Statutes 1984, section 245.66.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Onnen from the Committee on Health and Human Services to which was referred:

H. F. No. 702, A bill for an act relating to human services; requiring notice to the designated agency in certain proceedings pertaining to persons committed as mentally ill and dangerous; authorizing the commissioner to transfer persons committed as mentally ill and dangerous between regional centers under certain circumstances; amending Minnesota Statutes 1984, sections 253B.14; 253B.18, subdivisions 4b, 5, and 6; and 253B.23, subdivision 7.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Schreiber from the Committee on Taxes to which was referred:

H. F. No. 738, A bill for an act relating to taxation; eliminating the excise tax rates for farm wineries; reducing the excise tax credit for certain malt beverages and extending the credit to beverages produced outside Minnesota; amending Minnesota Statutes 1984, sections 340.435, subdivisions 1 and 5; 340.47, subdivision 2; repealing Minnesota Statutes 1984, sections 340.436; and 340.47, subdivision 2a.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Onnen from the Committee on Health and Human Services to which was referred:

H. F. No. 771, A bill for an act relating to health; stating legislative intent for abortion services; proposing coding for new law in Minnesota Statutes, chapter 145.

Reported the same back with the following amendments:

Page 1, line 9, delete "*reasonably*"

Page 1, line 9, delete everything after "*abortion*"

Page 1, delete line 10

Page 1, line 11, delete "*1973*" and insert "*to the full extent permitted by the decisions of the United States Supreme Court*"

Page 1, line 22, after "Court" insert "on or after January 22, 1973,"

Page 1, line 25, delete everything after "state" and insert "as it was codified in section 617.18 in 1973, shall be the law of this state to the extent permitted by any United States Supreme Court decision now or in the future."

Page 2, delete line 1

With the recommendation that when so amended the bill pass.

The report was adopted.

Schreiber from the Committee on Taxes to which was referred:

H. F. No. 779, A bill for an act relating to taxation; changing certain income tax provisions relating to corporations; amending Minnesota Statutes 1984, sections 290.05, subdivision 1; 290.10; 290.37, subdivision 1; 290.391; 290.42; and 290.931, subdivision 1.

Reported the same back with the following amendments:

Page 2, line 6, delete everything after "(c)"

Page 2, delete line 7

Page 2, line 8, delete the new language and insert "Mutual insurance companies or associations, including interinsurers and reciprocal underwriters, that are exempt as provided in the Revenue Act of 1936"

Pages 2 and 3, delete section 2

Page 4, line 26, after "return" insert "except as the commissioner may prescribe by rule" and reinstate the stricken language

Page 4, line 27, reinstate the stricken "case shall be signed by"

Page 4, line 27, after the stricken "of" insert "a person designated by" and reinstate "the corporation" and delete "except as"

Page 4, line 28, delete the new language

Page 5, line 29, before the period insert ". The filing of the original return starts the running of the statute of limitations provided in section 290.49"

Page 7, lines 7 and 8, delete the new language

Page 7, line 8, after "months," insert "*except as provided for corporations and*"

Page 7, line 18, before "An" insert "*The commissioner may grant*"

Page 7, line 18, after "of" insert "*up to*"

Page 7, line 18, after "for" insert "*filing*"

Page 7, line 19, delete "*may be*"

Page 7, line 20, delete "*allowed*"

Page 7, line 22, delete "*sections*" and insert "*this section and section*"

Page 7, line 23, delete "*290.42 and*"

Page 8, line 14, delete "*3, 5, and 6*" and insert "*4, and 5*"

Page 8, line 15, delete "*4*" and insert "*3*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "290.10;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 825, A bill for an act relating to occupations and professions; regulating electricians; amending Minnesota Statutes 1984, sections 326.01, subdivisions 2, 5, 6b, and by adding a subdivision; 326.242, subdivisions 1, 2, 3, 6, and 9; 326.243; 326.244, subdivisions 1, 2, and 5; and 326.246.

Reported the same back with the recommendation that the bill pass.

The report was adopted.



Fjoslien from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 835, A bill for an act relating to driver's licenses; allowing same time for expiration of driver's license for spouse of active duty member of armed forces; amending Minnesota Statutes 1984, section 171.27.

Reported the same back with the following amendments:

Page 2, line 5, after "valid" insert "*Minnesota*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Fjoslien from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 850, A bill for an act relating to elections; making changes in registration, caucuses, ballots, affidavits of candidacy and withdrawal, nominations, election certificates, and election judge qualifications; amending Minnesota Statutes 1984, sections 201.018, subdivision 2; 201.095; 201.12, subdivision 2; 201.15, subdivision 1; 202A.11, subdivision 2; 202A.16, subdivision 1; 204B.03; 204B.06, subdivision 1; 204B.07, subdivision 4; 204B.09, subdivision 1; 204B.10, by adding a subdivision; 204B.12, subdivision 3; 204B.35, subdivision 2; 204C.40, subdivision 1; 204D.11, subdivisions 3, 5, and 6; 206.71, by adding a subdivision; and 208.03; repealing Minnesota Statutes 1984, section 204B.19, subdivision 3.

Reported the same back with the following amendments:

Page 2, line 18, before "*general*" insert "*state*"

Page 3, line 29, delete "*who is*" and "*a member*"

Page 8, delete lines 14 to 16

Page 8, line 17, before "*all*" insert "*(a)*"

Page 8, delete line 18

Page 8, line 19, before "*all*" insert "*(b)*"

Page 8, after line 20, insert:

*"All soil and water conservation district supervision offices may also be placed on the gray ballot."*

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1053, A bill for an act relating to the environment; providing for the regulation of underground storage tanks; proposing coding for new law in Minnesota Statutes, chapter 116.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [116.46] [DEFINITIONS.]

*Subdivision 1. [SCOPE.] As used in sections 2 to 4, the terms defined in this section have the meanings given them.*

*Subd. 2. [AGENCY.] "Agency" means the pollution control agency.*

*Subd. 3. [OPERATOR.] "Operator" means a person in control of, or having responsibility for, the daily operation of an underground storage tank.*

*Subd. 4. [OWNER.] "Owner" means a person who owns an underground storage tank and any person who owned it immediately before discontinuation of its use.*

*Subd. 5. [PERSON.] "Person" has the meaning given it in section 116.06, subdivision 8.*

*Subd. 6. [REGULATED SUBSTANCE.] "Regulated substance" means:*

*(1) any hazardous material listed in Code of Federal Regulations, title 49, section 172.101;*

*(2) petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).*

*Subd. 7. [RELEASE.] "Release" means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing from an underground storage tank into the environment. "Release" does not include designed venting consistent with the agency's air quality rules.*

*Subd. 8. [UNDERGROUND STORAGE TANK.] "Underground storage tank" means any one or a combination of containers including tanks, vessels, enclosures, or structures and underground appurtenances connected thereto, which is used to contain or dispense an accumulation of regulated substances and the volume of which, including the volume of the underground pipes connected to them, is ten percent or more beneath the surface of the ground.*

**Sec. 2. [116.47] [EXEMPTIONS.]**

*Sections 3 and 4 do not apply to:*

*(1) farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes; tanks of 1,100 gallons or less capacity used for storing heating oil for consumptive use on the premises where stored;*

*(2) pipeline facilities (including gathering lines) regulated under the Natural Gas Pipeline Safety Act of 1968, United States Code, title 49, app. 1671, et seq., or the Hazardous Liquid Pipeline Safety Act of 1979, United States Code, title 49, app. 2001, et seq.;*

*(3) surface impoundments, pits, ponds, or lagoons;*

*(4) storm water or waste water collection systems;*

*(5) flow-through process tanks;*

*(6) tanks located in an underground area (such as a basement, cellar, mineworking, drift, shaft, or tunnel) if the storage tank is located upon or above the surface of the floor; or*

*(7) septic tanks.*

**Sec. 3. [116.48] [NOTIFICATION REQUIREMENTS.]**

*Subdivision 1. [TANK STATUS.] An owner of an underground storage tank must notify the agency by June 1, 1986, or within 30 days after installation, whichever is later, of the tank's existence and specify the age, size, type, location, uses, and contents of the tank on forms prescribed by the agency.*

*Subd. 2. [ABANDONED TANKS.] An owner of an underground storage tank permanently taken out of service on or*

after January 1, 1974, must notify the agency by June 1, 1986, of the existence of the tank and specify or estimate to the best of his or her knowledge on forms prescribed by the agency, the date the tank was taken out of service, the age, size, type, and location of the tank, and the type and quantity of substance remaining in the tank.

*Subd. 3. [CHANGE IN STATUS.] An owner must notify the agency within 30 days of any change in the reported uses, contents, or ownership of the underground storage tank.*

*Subd. 4. [DEPOSIT INFORMATION.] Beginning January 1, 1986, and until July 1, 1987, a person who deposits regulated substances in an underground storage tank must reasonably notify the owner or operator in writing of the notification requirement of this section.*

*Subd. 5. [SELLER'S RESPONSIBILITY.] A person who sells a tank intended to be used as an underground storage tank or property which he knows contains an underground storage tank must inform the purchaser in writing of the owner's notification requirements of this section.*

**Sec. 4. [116.49] [ENVIRONMENTAL PROTECTION REQUIREMENTS.]**

*Subdivision 1. [RULES.] The agency must adopt rules applicable to all owners and operators of underground storage tanks. The rules shall establish the safeguards necessary to protect human health and the environment. The agency may delay adopting the rules until the United States Environmental Protection Agency proposes regulations for regulated substances, as defined in section 1, subdivision 6, clause (1).*

*The agency shall delay adopting the rules for regulated substances, as defined in section 1, subdivision 6, clause (2), until the United States Environmental Protection Agency publishes final regulations for underground storage tanks, or February 8, 1987, whichever is first.*

*Subd. 2. [INTERIM STANDARDS.] Until the rules required by subdivision 1 become effective, no person may install an underground storage tank unless the tank:*

*(1) is installed according to requirements of the American Petroleum Institute Bulletin 1615 (November 1979) and all manufacturer's recommendations;*

*(2) is cathodically protected against corrosion, constructed of noncorrosive material, steel clad with a noncorrosive material, or designed in a manner to prevent the release of any stored substance; and*

(3) is constructed to be compatible with the substance to be stored.

Sec. 5. [PREEMPTION.]

*This act shall preempt all state, local, and municipal laws, rules, or ordinances requiring notification or establishing environmental protection requirements for underground storage tanks."*

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Onnen from the Committee on Health and Human Services to which was referred:

House Resolution No. 11, A house resolution proclaiming the week of June 9 to 15, 1985, as Compassionate Friends Awareness Week in Minnesota.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 102, 186, 256, 263, 401, 446, 470, 533, 565, 586, 604, 633, 648, 674, 698, 701, 702, 738, 771, 779, 825, 835 and 850 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Begich, Battaglia and Elioff introduced:

H. F. No. 1166, A bill for an act relating to public improvements; providing for loans for firefighting facilities; providing for a state bond issue; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 16B.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Jacobs introduced :

H. F. No. 1167, A bill for an act relating to traffic regulations; prescribing penalty for violation of designated maximum speed limit on interstate highway when excessive speed is no greater than five miles per hour; amending Minnesota Statutes 1984, section 169.141, subdivision 2, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Staten, Greenfield and Pappas introduced :

H. F. No. 1168, A bill for an act relating to human rights; eliminating court examination of evidence when there is a failure to comply with an order; amending Minnesota Statutes 1984, section 363.091.

The bill was read for the first time and referred to the Committee on Judiciary.

Heap, Gruenes, Clark, Seaberg and Haukoos introduced :

H. F. No. 1169, A bill for an act relating to state government; including sheltered workshops and work activity programs in the definition of socially and economically disadvantaged persons for purposes of small business procurement set-asides; amending Minnesota Statutes 1984, sections 16B.19, subdivision 9; and 645.445.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Hartle, Lieder, Uphus, Johnson and Kalis introduced :

H. F. No. 1170, A bill for an act relating to drainage; authorizing the construction of roads rather than crossings in certain instances; proposing coding for new law in Minnesota Statutes, chapter 106.

The bill was read for the first time and referred to the Committee on Agriculture.

Osthoff, Pappas, Norton, O'Connor and Tomlinson introduced:

H. F. No. 1171, A bill for an act relating to the City of Saint Paul; permitting the city to issue temporary on-sale wine licenses to nonprofit charitable, religious, or veterans organizations.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Zaffke, Poppenhagen, Thiede, Neuenschwander and Peterson introduced:

H. F. No. 1172, A bill for an act relating to game and fish; transportation of fish by nonresidents; amending Minnesota Statutes 1984, section 97.45, subdivision 6.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Jacobs, Schreiber, Skoglund, Halberg and Begich introduced:

H. F. No. 1173, A bill for an act relating to taxation; providing that property of the metropolitan sports facilities commission that is leased to tenants retains its tax-exempt status; amending Minnesota Statutes 1984, section 473.556, subdivision 4.

The bill was read for the first time and referred to the Committee on Taxes.

Quinn, Voss and Jacobs introduced:

H. F. No. 1174, A bill for an act relating to education; increasing the capital expenditure aid and levy; amending Minnesota Statutes 1984, sections 124.245, subdivision 1; and 275.125, subdivision 11a.

The bill was read for the first time and referred to the Committee on Education.

Kiffmeyer, Quinn, Jacobs, DenOuden and Dyke introduced:

H. F. No. 1175, A bill for an act relating to children; expanding the definition of a medically neglected child; requiring the local agency to report and initiate proceedings in cases of medical neglect; amending Minnesota Statutes 1984, sections 260.015, subdivision 10; 626.556, subdivision 2, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Osthoff; Scheid; Blatz; Olsen, S., and Minne introduced:

H. F. No. 1176, A bill for an act relating to taxation; increasing the maximum dependent care credit for certain recipients; amending Minnesota Statutes 1984, section 290.067, subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Taxes.

Zaffke, by request, introduced:

H. F. No. 1177, A bill for an act relating to auto insurance; increasing the maximum benefit for funeral expenses; amending Minnesota Statutes 1984, section 65B.44, subdivision 4.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

McKasy, Vanasek, Burger and McPherson introduced:

H. F. No. 1178, A bill for an act relating to courts; providing conciliation court with jurisdiction to determine actions brought by educational institutions to recover student loans; amending Minnesota Statutes 1984, sections 487.30, by adding a subdivision; 488A.12, subdivision 3; and 488A.29, subdivision 3.

The bill was read for the first time and referred to the Committee on Judiciary.



Tjornhom introduced:

H. F. No. 1179, A bill for an act relating to public nuisances; defining a nuisance; providing for the enjoinder of nuisances; prohibiting the keeping of disorderly houses; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapters 609 and 617; repealing Minnesota Statutes 1984, sections 609.33; 617.33; 617.34; 617.35; 617.36; 617.37; 617.38; 617.39; 617.40; and 617.41.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Lieder, Johnson, Valan, Krueger and Kalis introduced:

H. F. No. 1180, A bill for an act relating to traffic regulations; regulating traffic at unmarked T-intersections; amending Minnesota Statutes 1984, section 169.20, subdivisions 1 and 3.

The bill was read for the first time and referred to the Committee on Transportation.

Schafer introduced:

H. F. No. 1181, A bill for an act relating to public employees; regulating teacher labor relations; prohibiting the hiring of certain substitute teachers; providing for special state aid reduction in teacher strikes; regulating the school year; amending Minnesota Statutes 1984, sections 179A.13, by adding a subdivision; 179A.14, subdivision 1, and by adding a subdivision; 179A.15; 179A.18, subdivisions 2, 3, and by adding a subdivision; and 179A.20, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 179A.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Dyke, Piper and Frerichs introduced:

H. F. No. 1182, A bill for an act relating to education; authorizing the collection and setoff of debts to the community college system; proposing coding for new law in Minnesota Statutes, chapter 136.

The bill was read for the first time and referred to the Committee on Education.

Begich; Battaglia; Anderson, G., and Carlson, D., introduced:

H. F. No. 1183, A bill for an act relating to game and fish; prohibiting harassment of hunters and anglers; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 97.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Sviggum, Miller and Heap introduced:

H. F. No. 1184, A bill for an act relating to workers' compensation; excluding coverage for injuries during employer sponsored athletic events; amending Minnesota Statutes 1984, section 176.021, subdivision 1.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Jacobs introduced:

H. F. No. 1185, A bill for an act relating to transportation; advertising devices; authorizing advertising on certain telephone booths; amending Minnesota Statutes 1984, section 160.27, subdivision 3.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

Staten, Rice and Greenfield introduced:

H. F. No. 1186, A bill for an act relating to workers' compensation; redefining personal injury to include mental harm; amending Minnesota Statutes 1984, section 176.011, subdivision 16.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Quinn introduced:

H. F. No. 1187, A bill for an act relating to local government; establishing a grant program for the planning and provision of joint municipal services by local governmental units; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 471.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Zaffke, by request, and Wenzel, by request, introduced:

H. F. No. 1188, A bill for an act relating to Cass county; providing authority for tourism and agriculture promotion; permitting a property tax levy.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Pauly, Seaberg, Vellenga, Long and Valento introduced:

H. F. No. 1189, A bill for an act relating to metropolitan government; metropolitan transit; establishing requirements relating to membership on the regional transit board; funding the local transit subsidy program; providing for the distribution of local transit assistance funds in the metropolitan area by the regional transit board; extending unclassified coverage to certain employees; giving the transit board condemnation authority; expanding the transit commission to five members and providing per diem compensation for its chair; making various changes in contract transit programs; authorizing issuance of bonds by the board; giving the board authority over regular route fares; appropriating money; amending Minnesota Statutes 1984, sections 15.0591, subdivision 2; 174.32, subdivisions 1 and 2; 352D.02, subdivision 1; 473.373, subdivision 4; 473.375, subdivision 4; 473.384, subdivision 6; 473.386, subdivision 2; 473.39, by adding a subdivision; 473.404, subdivisions 2, 3, and 7; and 473.408, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Osthoff, Scheid, Schreiber and Marsh introduced:

H. F. No. 1190, A bill for an act relating to taxation; property; changing the assessment ratio for certain utility property; amending Minnesota Statutes 1984, sections 273.13, subdivision 4; and 273.40.

The bill was read for the first time and referred to the Committee on Taxes.

Kiffmeyer, Blatz and Frederickson introduced:

H. F. No. 1191, A bill for an act relating to drivers licenses; providing for access to drivers license photographic negatives; amending Minnesota Statutes 1984, section 171.07, subdivision 1a.

The bill was read for the first time and referred to the Committee on Transportation.

McEachern; Quinn; Levi; Olsen, S., and Kostohryz introduced:

H. F. No. 1192, A bill for an act relating to education; providing for a research and development student learning program and a teacher education program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 125.

The bill was read for the first time and referred to the Committee on Education.

Clausnitzer introduced:

H. F. No. 1193, A bill for an act relating to corrections; updating the recordkeeping systems of jails and lockups; amending Minnesota Statutes 1984, sections 641.05; and 642.07.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Clausnitzer and Quist introduced:

H. F. No. 1194, A bill for an act relating to health; allowing a county health officer to transport tuberculosis suspects; amending Minnesota Statutes 1984, section 144.422, subdivisions 2 and 6.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Clausnitzer and Blatz introduced:

H. F. No. 1195, A bill for an act relating to crimes; requiring courts to furnish information relating to prior convictions without charge in gross misdemeanor prosecutions of the driving while under the influence of alcohol law; amending Minnesota Statutes 1984, section 169.121, subdivision 3.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Quist introduced:

H. F. No. 1196, A bill for an act relating to human services; changing and making permanent the grant program for chronically mentally ill persons; amending Minnesota Statutes 1984, section 256E.12.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Voss and Quinn introduced:

H. F. No. 1197, A bill for an act relating to cities of Circle Pines and Lino Lakes; permitting cities to determine the size of Circle Pines utilities commission.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

Nelson, K., introduced:

H. F. No. 1198, A bill for an act relating to local government; authorizing the creation of a youth coordinating board in the city of Minneapolis.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Knuth introduced:

H. F. No. 1199, A bill for an act relating to the city of New Brighton; providing an exception from the New Brighton 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.

Thiede, by request, introduced:

H. F. No. 1200, A bill for an act relating to Crow Wing county; removing an exception to the general laws governing certain funds; repealing Laws 1971, chapter 448.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Dyke; Knickerbocker; Vellenga; Carlson, D., and Shaver introduced:

H. F. No. 1201, A bill for an act relating to ethics in government; enlarging the definition of lobbyist; amending Minnesota Statutes 1984, section 10A.01, subdivisions 11 and 18.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Anderson, R.; Backlund; Welle; McEachern and Osthoff introduced:

H. F. No. 1202, A resolution memorializing the President and Congress of the United States to take action to reverse the action by the Internal Revenue Service requiring elaborate and unnecessary recordkeeping regarding use of a personal automobile in business.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Kiffmeyer, Vellenga, Zaffke and McPherson introduced:

H. F. No. 1203, A bill for an act relating to human services; excluding certain day care services from licensure; amending Minnesota Statutes 1984, section 245.791.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Rodosovich introduced:

H. F. No. 1204, A bill for an act relating to education; changing the name of and provisions about the Minnesota school for the deaf and the Minnesota braille and sight saving school; amending Minnesota Statutes 1984, sections 128A.01; 128A.02; 128A.03; and 128A.05.

The bill was read for the first time and referred to the Committee on Education.

**Greenfield, Bishop, Staten, Blatz and Marsh introduced :**

**H. F. No. 1205, A bill for an act relating to domestic abuse; providing for service by publication under certain circumstances under the Domestic Abuse Act; clarifying relief and providing for additional relief; amending Minnesota Statutes 1984, section 518B.01, subdivisions 4, 5, 6, and 7.**

**The bill was read for the first time and referred to the Committee on Crime and Family Law.**

**Greenfield, Levi, Onnen, Bishop and Clark introduced :**

**H. F. No. 1206, A bill for an act relating to mental health; prohibiting sexual exploitation of psychotherapy patients; establishing requirements for occupations, professions, agencies, and facilities that provide psychotherapy; amending Minnesota Statutes 1984, sections 144.56, by adding a subdivision; and 241.021, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 214 and 245; repealing Minnesota Statutes 1984, sections 147.025 and 148.951.**

**The bill was read for the first time and referred to the Committee on Crime and Family Law.**

**Greenfield, McPherson, Clark and Vellenga introduced :**

**H. F. No. 1207, A bill for an act relating to human services; eliminating exclusions to licensing of child care programs; establishing qualifications for licensers; amending Minnesota Statutes 1984, sections 245.791; and 245.804, subdivision 1.**

**The bill was read for the first time and referred to the Committee on Health and Human Services.**

**Quinn, Knuth, Tunheim, Price and Rodosovich introduced :**

**H. F. No. 1208, A bill for an act relating to education; waiving first-year tuition for eligible post-secondary students; requiring public post-secondary governing boards to develop procedures to determine eligibility; requiring the higher education coordinating board to report; proposing coding for new law in Minnesota Statutes, chapter 135A.**

**The bill was read for the first time and referred to the Committee on Education.**

Quinn, Levi, McEachern, Erickson and Elioff introduced :

H. F. No. 1209, A bill for an act relating to education; requiring colleges to provide a reasonable opportunity to graduate within four years; providing remedies for failure to do so; proposing coding for new law in Minnesota Statutes, chapter 135A.

The bill was read for the first time and referred to the Committee on Education.

Carlson, D.; Battaglia; Zaffke and Thorson introduced :

H. F. No. 1210, A bill for an act relating to natural resources; grants to counties to aid in timber development; amending Minnesota Statutes 1984, section 282.38.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Blatz, Metzen, McEachern and Thorson introduced :

H. F. No. 1211, A bill for an act relating to veterans; appropriating money for use by the Military Order of the Purple Heart in assisting veterans to make claims against the United States government.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Pauly, Kalis, Vellenga and Carlson, D., introduced :

H. F. No. 1212, A bill for an act relating to mental health; extending the demonstration project for treatment of compulsive gamblers; appropriating money; amending Laws 1984, chapter 616, section 1.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Beard introduced :

H. F. No. 1213, A bill for an act relating to economic development; creating an enterprise zone to be designated by the city of Cottage Grove.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.



Pappas, Bishop, Vanasek, Dempsey and McKasy introduced :

H. F. No. 1214, A bill for an act relating to courts; providing for the recovery of costs, disbursements, and attorney fees from the state when a statute is declared unconstitutional; proposing coding for new law in Minnesota Statutes, chapter 549.

The bill was read for the first time and referred to the Committee on Judiciary.

Zaffke, Richter, Schafer and Thiede introduced :

H. F. No. 1215, A bill for an act relating to public employment; amending the definition of public employee in the public employment labor relations act; amending Minnesota Statutes 1984, section 179A.03, subdivision 14.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Redalen introduced :

H. F. No. 1216, A bill for an act relating to agriculture; clarifying the meaning of lender in the Minnesota emergency farm operating loans act; amending Laws 1985, chapter 4, section 3, subdivision 8.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Gutknecht, Redalen, Wenzel, O'Connor and Bishop introduced :

H. F. No. 1217, A bill for an act relating to courts; providing for the election of judges appointed to office and judges who have previously been elected to full terms of office; amending Minnesota Statutes 1984, sections 204B.06, subdivision 6, and by adding a subdivision; 204B.34, subdivision 3; 204B.36, subdivisions 4 and 5; 204C.40, by adding a subdivision; and 204D.08, subdivision 6.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Waltman introduced:

H. F. No. 1218, A bill for an act relating to state government; repealing certain grants of emergency rulemaking authority; amending Minnesota Statutes 1984, sections 17.101, subdivision 2; 17.725, subdivision 1; 18.023, subdivision 3a; 19.51, subdivision 1; 21.85, subdivision 11; 31.874; 32.415; 32.417; 32.532; 41.53, subdivision 2; 62H.06; 65B.17, subdivision 2; 65B.48, subdivision 3a; 79.252, subdivision 5; 115A.156, subdivision 3; 115A.162; 115B.24, subdivision 9; 116.07, subdivision 4; 116.16, subdivision 5; 116J.10; 116J.14, subdivision 3; 116J.15, subdivision 2; 116J.16, subdivision 7; 116J.27, subdivision 4b; 116J.36, subdivisions 3b, 3c, and 11; 116J.37, subdivision 7; 116J.403; 116J.58, subdivision 4; 116M.07, subdivision 9; 116M.08, subdivision 4; 116M.10, subdivision 7; 125.055; 139.19, subdivision 5; 145.889; 145.97; 155A.05; 176.105, subdivision 4; 176.136, subdivision 4; 176.83, subdivision 14; 182.675; 216B.164, subdivision 6; 222.61; 223.19; 244.09, subdivision 13; 245.62, subdivision 4; 245.69, subdivision 2; 245.71; 245.73, subdivision 4; 245.84, subdivision 2; 252.275, subdivision 6; 252.291, subdivision 5; 256.737; 256.851; 256.871, subdivision 7; 256.969, subdivision 6; 256.991; 256B.04, subdivision 12; 256B.091, subdivisions 8 and 9; 256B.092, subdivision 6; 256B.431, subdivisions 4 and 6; 256B.49, subdivision 2; 256B.501, subdivision 10; 256B.502; 256B.503; 256D.01, subdivision 1b; 256D.03, subdivision 7; 256D.06, subdivision 5; 256D.09, subdivision 2; 256D.111, subdivisions 1, 2, and 5; 256D.43; 256E.12, subdivision 3; 268.021; 268.37, subdivision 3; 268.683, subdivision 5; 268.80; 268.81; 270.81, subdivision 5; 270A.12; 290.06, subdivision 14; 325F.20, subdivision 1; 340.11, subdivision 23; 349.151, subdivision 4; 462A.07, subdivision 14; 462A.236; and 626.557, subdivision 16; repealing Minnesota Statutes 1984, sections 47.71, subdivision 2; 121.11, subdivision 7a; 268.38, subdivision 10; and 363.075.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Pappas, Rest, Brown, Lieder and Olson, E., introduced:

H. F. No. 1219, A bill for an act relating to human services; authorizing the state planning agency to establish a program to help disabled individuals acquire needed technological devices; appropriating money; amending Minnesota Statutes 1984, section 116K.04, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Kiffmeyer, Waltman, Wenzel, Hartle and Brinkman introduced:

H. F. No. 1220, A resolution memorializing the President and Congress of the United States to take action to reverse the action by the Internal Revenue Service requiring elaborate and unnecessary recordkeeping regarding use of a personal automobile in business.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

DenOuden, Kiffmeyer, Fjoslien and Valan introduced:

H. F. No. 1221, A bill for an act relating to driver licensing; authorizing driver education instructors to administer examinations for certain instruction permits; amending Minnesota Statutes 1984, section 171.05, subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation.

Boo, Osthoff and Dyke introduced:

H. F. No. 1222, A bill for an act relating to municipal housing programs; authorizing cities to administer programs for the construction or rehabilitation of residential housing and to sell revenue bonds in connection with those programs; proposing coding for new law in Minnesota Statutes, chapter 462D; repealing Minnesota Statutes 1984, chapter 462C.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Vanasek, Vellenga, Bishop and McKasy introduced:

H. F. No. 1223, A bill for an act relating to marriage; allowing a marriage between two relatives if they are over age 55; amending Minnesota Statutes 1984, section 517.03.

The bill was read for the first time and referred to the Committee on Judiciary.

Dempsey; Olsen, S.; Heap; Scheid and Wenzel introduced :

H. F. No. 1224, A bill for an act relating to courts; providing that tax court judges must be learned in the law; permitting retired tax court judges and district court judges to serve on the tax court; amending Minnesota Statutes 1984, section 271.01, subdivision 1, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Carlson, L., introduced :

H. F. No. 1225, A bill for an act relating to commerce; providing for the determination of certain usurious contracts; proposing coding for new law in Minnesota Statutes, chapter 334.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Stanius introduced :

H. F. No. 1226, A bill for an act relating to local government; permitting land transfers between Ramsey county and the town of White Bear.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Bishop, Levi, Pappas, Blatz and Greenfield introduced :

H. F. No. 1227, A bill for an act relating to crimes; prohibiting sexual contact or penetration based on deception; providing that a psychotherapist who engages in sexual contact or penetration with a patient is guilty of criminal sexual conduct; limiting admissibility of a patient's personal or medical history; amending Minnesota Statutes 1984, sections 609.341, by adding subdivisions; 609.344; 609.345; and 609.347, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

**Valento, Stanius and Schafer introduced:**

H. F. No. 1228, A bill for an act relating to elections; clarifying the term "corporation" as it relates to campaign contributions; amending Minnesota Statutes 1984, section 210A.34, by adding a subdivision.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

**Knuth, Riveness, Knickerbocker, Quinn and Price introduced:**

H. F. No. 1229, A bill for an act relating to taxation; income; providing an itemized deduction for certain post-secondary education tuition; amending Minnesota Statutes 1984, section 290.089, subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

**Knuth, Otis, Price, Shaver and Riveness introduced:**

H. F. No. 1230, A bill for an act relating to education; making certain out of state students eligible for resident tuition; amending Minnesota Statutes 1984, sections 135A.04; 136.11, subdivision 1; 136.62, subdivision 4, and by adding subdivisions; and 136C.04, subdivision 7; repealing Minnesota Statutes 1984, section 136.63.

The bill was read for the first time and referred to the Committee on Education.

**Kelly, Pappas, Blatz, Clausnitzer and McKasy introduced:**

H. F. No. 1231, A bill for an act relating to crimes; transferring administration of crime victim crisis centers and the crime victims reparations board to the office of attorney general; amending Minnesota Statutes 1984, sections 611A.41, subdivision 2; 611A.44; 611A.53, subdivision 2; 611A.54; 611A.55, subdivision 1; and 611A.56, subdivision 1; repealing Minnesota Statutes 1984, section 611A.42.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Waltman, Uphus, Dyke and Wenzel introduced :

H. F. No. 1232, A bill for an act relating to agriculture; providing a property tax credit for landowners that lease agricultural land to beginning farmers; excluding a portion of the capital gains from an exercise of an option to purchase agricultural land by a beginning farmer; establishing a county lease committee to approve leases to beginning farmers; exempting interest on agricultural loans made to beginning farmers; appropriating money; amending Minnesota Statutes 1984, sections 290.01, subdivision 20b; 290.361, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 273, 290, and 395.

The bill was read for the first time and referred to the Committee on Agriculture.

Marsh, Frederick, Poppenhagen, Ogren and Sarna introduced :

H. F. No. 1233, A bill for an act relating to liquor; extending a moratorium on certain town off-sale licenses; amending Laws 1984, chapter 626, section 6.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Rose, Forsythe, Jacobs, Otis and Backlund introduced :

H. F. No. 1234, A bill for an act relating to energy; extending certain residential energy credits; providing an energy investment tax credit for businesses; authorizing rules; amending Minnesota Statutes 1984, section 290.06, subdivision 14, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 116J.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

Zaffke, by request, and Thorson, by request, introduced :

H. F. No. 1235, A bill for an act relating to state lands; authorizing conveyance of certain state trail lands no longer needed for trails; amending Laws 1981, chapter 190, section 3.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Pauly, Valento, Pappas and Knickerbocker introduced:

H. F. No. 1236, A bill for an act relating to licensed occupations; requiring a certified signature on final documents prepared by certain licensed professionals; amending Minnesota Statutes 1984, section 326.12, subdivision 3.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Quinn, Norton, Osthoff, Solberg and Jacobs introduced:

H. F. No. 1237, A bill for an act relating to commerce; proposing an amendment to the Minnesota Constitution, article XIII, section 5; authorizing lotteries and the sale of lottery tickets under certain circumstances; creating a state lottery; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 290 and 349.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Kiffmeyer, Dyke, McPherson, Hartle and Tompkins introduced:

H. F. No. 1238, A bill for an act relating to education; changing the basic maintenance mill rate to 20 mills; amending Minnesota Statutes 1984, section 124A.02, subdivision 7.

The bill was read for the first time and referred to the Committee on Education.

DenOuden, Rose, Dyke and Forsythe introduced:

H. F. No. 1239, A bill for an act relating to state government; creating a minority affairs council; appropriating money; amending Minnesota Statutes 1984, sections 15.0591, subdivision 2; and 462A.07, subdivision 15; proposing coding for new law in Minnesota Statutes, chapter 3; repealing Minnesota Statutes 1984, sections 3.922; 3.9223; and 3.9225.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Bishop, DenOuden, Ellingson, Voss and Battaglia introduced:

H. F. No. 1240, A bill for an act relating to human rights; transferring responsibility for administration and enforcement of the human rights act from the department of human rights to the attorney general; amending Minnesota Statutes 1984, sections 15.01; 15.06, subdivision 1; 15A.081, subdivision 1; 363.01, subdivisions 17, 22, and 23; 363.02, subdivisions 2 and 3; 363.03, subdivision 6; 363.04, subdivision 4; 363.05; 363.06; 363.071; 363.072, subdivision 1; 363.073; 363.074; 363.075; 363.091; 363.115; 363.116; 363.14, subdivisions 1 and 3; repealing Minnesota Statutes 1984, sections 363.01, subdivisions 14 and 26; 363.04, subdivisions 1, 2, 9, and 10; 363.12, subdivision 3; and 363.121.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Solberg, Minne, Blatz and Begich introduced:

H. F. No. 1241, A bill for an act relating to taxation; property; exempting certain leased lakeshore property; amending Minnesota Statutes 1984, section 272.02, subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Munger, Boo, Jaros and Murphy introduced:

H. F. No. 1242, A bill for an act relating to retirement; authorizing an amendment to the articles of incorporation of the Duluth teachers retirement fund association.

The bill was read for the first time and referred to the Committee on Governmental Operations.

McPherson, Boo, Rice, Rose and Seaberg introduced:

H. F. No. 1243, A bill for an act relating to the Minnesota historical society; requiring it to develop instructional materials on Minnesota history; appropriating money.

The bill was read for the first time and referred to the Committee on Education.



Redalen introduced:

H. F. No. 1244, A bill for an act appropriating funds for the Chatfield Brass Band Music Lending Library.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Long and Kahn introduced:

H. F. No. 1245, A bill for an act relating to the Minnesota convention center; authorizing the issuance of bonds and appropriating money for it; continuing the Minnesota convention facility commission and prescribing its responsibilities; proposing coding for new law in Minnesota Statutes, chapter 473.

The bill was read for the first time and referred to the Committee on Budget.

Staten, Greenfield and Pappas introduced:

H. F. No. 1246, A bill for an act relating to human rights; changing an effective date for certificates of compliance for public contracts; amending Laws 1981, chapter 326, section 4.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Quist introduced:

H. F. No. 1247, A bill for an act relating to elections; adopting the court-ordered apportionment plan, but changing Ottawa township in LeSueur county from the second to the first congressional district; repealing Minnesota Statutes 1984, 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.

Tjornhom and Osthoff introduced:

H. F. No. 1248, A bill for an act relating to state parks; concession fees at Fort Snelling State Park.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

DenOuden, McDonald, Neuenschwander, Rees and Schoenfeld introduced:

H. F. No. 1249, A bill for an act relating to natural resources; restrictions on acquisition of lands by the commissioner; amending Minnesota Statutes 1984, section 84.0272.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Ozment, Frederick, Waltman and Knuth introduced:

H. F. No. 1250, A bill for an act relating to public safety; authorizing commissioner to prescribe fees and prescribing fees; providing for statutory inclusion of state patrol lieutenants; providing that commissioner control video game of chance license fees; abolishing fire code regulations relating to theaters, halls, and dry cleaning and dyeing establishments; amending Minnesota Statutes 1984, sections 299A.01, subdivision 6; 299C.37, subdivision 3; 299D.03, subdivision 2; 299F.19, subdivision 1; and 349.52, subdivisions 2 and 3; repealing Minnesota Statutes 1984, sections 299H.211 to 299H.28; 299I.01 to 299I.08; 299I.10; and 299I.20 to 299I.24.

The bill was read for the first time and referred to the Committee on Transportation.

Thiede, Schafer, Thorson, Solberg and Begich introduced:

H. F. No. 1251, A bill for an act relating to crimes; repealing law regulating carrying and transferring of pistols; repealing law prohibiting sale of Saturday Night Special Pistols; amending Minnesota Statutes 1984, sections 624.715; and 624.717; repealing Minnesota Statutes 1984, sections 624.7131; 624.7132; 624.714; 624.716; and 624.718.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Redalen and Dempsey introduced:

H. F. No. 1252, A bill for an act relating to local government aids; cities of the first class; amending Minnesota Statutes 1984, section 477A.013, subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

Bishop, Gutknecht, Rose, Frerichs and Knickerbocker introduced:

H. F. No. 1253, A bill for an act relating to state lands; conveying land to Olmsted county.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Redalen introduced:

H. F. No. 1254, A bill for an act relating to local government; permitting insurance and indemnification of certain municipal electric power personnel; correcting a statutory cross reference; amending Minnesota Statutes 1984, section 453.55, subdivision 11.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

Hartinger, Rose, Richter, Kelly and Osthoff introduced:

H. F. No. 1255, A bill for an act relating to crimes; barring perpetrators of crimes from bringing civil actions to recover for injuries suffered during the course of criminal conduct; proposing coding for new law in Minnesota Statutes, chapter 611A.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

#### HOUSE ADVISORIES

The following House Advisory was introduced:

Clark, Ogren, McLaughlin and Tomlinson introduced:

H. A. No. 9, A proposal to study tax burdens on low income single parents under income tax restructuring proposals.

The advisory was 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. 10, a senate concurrent resolution expressing the sense of the Senate and House of Representatives in support of the concentration of small business assistance programs within the Small Business Administration.

PATRICK E. FLAHAVEN, Secretary of the Senate

Senate Concurrent Resolution No. 10 was referred to the Committee on Commerce and Economic Development.

Mr. Speaker:

I hereby announce the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 12, A senate concurrent resolution extending an invitation to General Motors Corporation to visit Minnesota, and offering the cooperation of the legislature in siting of the Saturn auto complex.

PATRICK E. FLAHAVEN, Secretary of the Senate

Senate Concurrent Resolution No. 12 was referred to the Committee on Commerce and Economic Development.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 19, 89, 228, 247 and 483.

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. 43 and 230.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 19, A bill for an act relating to traffic regulations; regulating traffic at unmarked T-intersections and Y-intersections; amending Minnesota Statutes 1984, section 169.20, subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation.

S. F. No. 89, A resolution memorializing the President and Congress of the United States to adopt legislation requiring that all milk sold in the United States contain a higher minimum level of nonfat milk solids.

The bill was read for the first time and referred to the Committee on Agriculture.

S. F. No. 228, A bill for an act relating to game and fish; exempting hunters on licensed private shooting preserves in the northern portion of the state from the requirement of a pheasant stamp; amending Minnesota Statutes 1984, section 97.4843, subdivision 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 247, A bill for an act relating to veterans; establishing a memorial to veterans of certain wars in the Court of Honor on the Capitol grounds.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

S. F. No. 483, A bill for an act relating to education; approving a capital loan; directing the commissioner to issue bonds to make the loan to independent school district No. 690, Warroad.

The bill was read for the first time.

Tunheim moved that S. F. No. 483 and H. F. No. 263, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 43, A bill for an act relating to transportation; regulating motor carriers; establishing gross vehicle weight limits for courier service vehicles; providing that hours of service rules do not apply to farm vehicles; exempting certain farm vehicles from the vehicle identification rule; providing for rescission of canceled permits if a carrier has insurance coverage; excluding modular home movers from regulation as building movers;

amending Minnesota Statutes 1984, sections 168.013, subdivision 1e; 174A.06; 221.011, subdivisions 13 and 25; 221.025; 221.031, subdivisions 2 and 6; 221.131, by adding a subdivision; 221.161, subdivision 1; 221.185, subdivision 4, and by adding a subdivision; 221.231; 221.291, subdivision 1; 221.65; 221.67; 221.68; 221.81, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 1984, sections 221.296, subdivision 2; 221.61; 221.62; 221.63; 221.64; and 221.66.

The bill was read for the first time and referred to the Committee on Transportation.

S. F. No. 230, A bill for an act relating to commerce; authorizing industrial loan and thrifts to sell certain evidences of indebtedness; establishing different certificate of authorization requirements for corporations that will and will not sell or issue thrift certificates; modifying certain application and examination duties of the department of commerce; providing simplified requirements for the issuance of more than one certificate of authorization to the same corporation; clarifying the right of industrial loan and thrifts to collect certain additional loan charges; exempting certain mortgage purchasers and assignees from licensing as regulated lenders; prohibiting industrial loan and thrifts from using the words "savings and loan" in their corporate names; authorizing regulated lenders to make loans up to ten percent of capital; modifying the licensing provisions governing regulated lenders; providing for changes in business locations of regulated lenders; increasing the minimum default charge that may be charged; providing for the determination of interest; authorizing certain additional loan charges; and providing alternative loan disclosure requirements; providing that certain violations do not impair obligations of a contract; providing penalties; providing for certain dollar adjustments; amending Minnesota Statutes 1984, sections 48.151; 53.03, subdivisions 1, 2, 2a, 3a, 5, 7, 8, and by adding a subdivision; 53.04, subdivision 3a; 53.05; 56.01; 56.04; 56.07; 56.12; 56.125, subdivision 4; 56.131, subdivisions 1 and 4; 56.19, subdivision 4, and by adding a subdivision; and 550.37, subdivision 4a; repealing Minnesota Statutes 1984, section 53.03, subdivision 4.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

### CONSENT CALENDAR

H. F. No. 112, A bill for an act relating to veterans; authorizing certain American Legion officers and employees to elect state employee benefit coverage at their own expense; amending Minnesota Statutes 1984, section 43A.27, subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 112 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Forsythe	Marsh	Pappas	Stanius
Backlund	Frederickson	McDonald	Pauly	Staten
Battaglia	Frerichs	McEachern	Peterson	Sviggunn
Beard	Greenfield	McKasy	Piepho	Thiede
Becklin	Gruenes	McPherson	Piper	Thorson
Bennett	Gutknecht	Metzen	Quinn	Tjornhom
Boerboom	Halberg	Miller	Quist	Tomlinson
Boo	Hartinger	Minne	Redalen	Tompkins
Brandl	Haukoos	Munger	Rees	Tunheim
Brinkman	Heap	Murphy	Rest	Uphus
Brown	Himle	Nelson, D.	Rice	Valan
Burger	Jacobs	Nelson, K.	Richter	Valento
Carlson, D.	Jennings, L.	Neuenschwander	Riveness	Vanasek
Carlson, J.	Johnson	Norton	Rodosevich	Vellenga
Carlson, L.	Kalis	O'Connor	Rose	Voss
Clausnitzer	Kelly	Ogren	Sarna	Waltman
Cohen	Knuth	Olsen, S.	Scheid	Welle
Dempsey	Kostohryz	Olsen, E.	Seaberg	Wenzel
DenOuden	Krueger	Omann	Segal	Zaffke
Dimler	Kvam	Onnen	Simoneau	Spk. Jennings, D.
Dyke	Levi	Osthoff	Skoglund	
Ellingson	Lieder	Otis	Solberg	
Erickson	Long	Ozment	Sparby	

The bill was passed and its title agreed to.

H. F. No. 158, A bill for an act relating to taxation; increasing the amount statutory cities and towns may levy for a public cemetery; amending Minnesota Statutes 1984, section 471.24.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 115 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dempsey	Jaros	Metzen	Pauly
Backlund	DenOuden	Jennings, L.	Miller	Peterson
Beard	Dimler	Johnson	Minne	Piepho
Becklin	Dyke	Kalis	Munger	Piper
Begich	Ellingson	Kelly	Murphy	Poppenhagen
Bennett	Erickson	Knuth	Nelson, D.	Quinn
Blatz	Forsythe	Kostohryz	Nelson, K.	Quist
Boerboom	Frederickson	Krueger	Neuenschwander	Redalen
Boo	Frerichs	Kvam	Norton	Rees
Brandl	Greenfield	Levi	O'Connor	Rest
Brinkman	Gruenes	Lieder	Ogren	Rice
Brown	Gutknecht	Long	Olsen, S.	Richter
Burger	Halberg	Marsh	Omann	Riveness
Carlson, D.	Hartinger	McDonald	Onnen	Rodosovich
Carlson, J.	Haukoos	McEachern	Osthoff	Rose
Carlson, L.	Heap	McKasy	Otis	Sarna
Clausnitzer	Himle	McLaughlin	Ozment	Scheid
Cohen	Jacobs	McPherson	Pappas	Schreiber

Seaberg	Sparby	Tjornhom	Valan	Waltman
Segal	Stanius	Tomlinson	Valento	Welle
Simoneau	Staten	Tompkins	Vanasek	Wenzel
Skoglund	Thiede	Tunheim	Vellenga	Zaffke
Solberg	Thorson	Uphus	Voss	Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 461 was reported to the House.

Cohen moved that H. F. No. 461 be continued on the Consent Calendar for one day. The motion prevailed.

H. F. No. 485, A bill for an act relating to the city of Lismore; authorizing it to issue bonds for 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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Erickson	Levi	Otis	Simoneau
Backlund	Forsythe	Lieder	Ozment	Skoglund
Battaglia	Frederick	Long	Pappas	Solberg
Beard	Frederickson	Marsh	Pauly	Sparby
Becklin	Frerichs	McDonald	Peterson	Stanius
Begich	Greenfield	McEachern	Piepho	Staten
Bennett	Gruenes	McKasy	Piper	Swiggum
Blatz	Gutknecht	McLaughlin	Poppenhagen	Thiede
Boerboom	Halberg	McPherson	Price	Thorson
Boo	Hartinger	Metzen	Quinn	Tjornhom
Brandl	Hartle	Miller	Quist	Tomlinson
Brinkman	Haukoos	Minne	Redalen	Tompkins
Brown	Heap	Munger	Rees	Tunheim
Burger	Himle	Murphy	Rest	Uphus
Carlson, D.	Jacobs	Nelson, D.	Rice	Valan
Carlson, J.	Jaros	Nelson, K.	Richter	Valento
Carlson, L.	Jennings, L.	Neuenschwander	Riveness	Vanasek
Clausnitzer	Johnson	Norton	Rodosovich	Vellenga
Cohen	Kalis	O'Connor	Rose	Voss
Dempsey	Kelly	Ogren	Sarna	Waltman
DenOuden	Kiffmeyer	Olsen, S.	Schafer	Welle
Dimler	Knuth	Olson, E.	Scheid	Wenzel
Dyke	Kostohryz	Omman	Schreiber	Zaffke
Elioff	Krueger	Onnen	Seaberg	Spk. Jennings, D.
Ellingson	Kvam	Osthoff	Segal	

The bill was passed and its title agreed to.

H. F. No. 521, A bill for an act relating to counties; allowing counties to dispose of interests in land without reserving mineral rights under certain circumstances; amending Minnesota Statutes 1984, section 373.01, 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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Erickson	Levi	Pappas	Solberg
Backlund	Fjoslien	Lieder	Pauly	Sparby
Battaglia	Foraythe	Long	Peterson	Stanius
Beard	Frederick	Marsh	Piepho	Staten
Becklin	Frederickson	McDonald	Piper	Sviggum
Begich	Frerichs	McEachern	Poppenhagen	Thiede
Bennett	Greenfield	McLaughlin	Price	Thorson
Blatz	Gruenes	McPherson	Quinn	Tjornhom
Boerboom	Gutknecht	Metzen	Quist	Tomlinson
Boo	Halberg	Miller	Redalen	Tompkins
Brandl	Hartinger	Minne	Rees	Tunheim
Brinkman	Hartle	Munger	Rest	Uphus
Brown	Haukoos	Murphy	Rice	Valan
Burger	Heap	Nelson, D.	Richter	Valento
Carlson, D.	Himle	Nelson, K.	Riveness	Vellenga
Carlson, J.	Jacobs	Neuenschwander	Rodosovich	Voss
Carlson, L.	Jaros	Norton	Rose	Waltman
Clark	Jennings, L.	O'Connor	Sarna	Welle
Clausnitzer	Johnson	Ogren	Schafer	Wenzel
Cohen	Kalis	Olsen, S.	Scheid	Wynia
Dempsey	Kelly	Olson, E.	Schoenfeld	Zaffke
DenOuden	Kiffmeyer	Omann	Schreiber	Spk. Jennings, D.
Dimler	Knuth	Onnen	Seaberg	
Dyke	Kostohryz	Osthoff	Segal	
Elioff	Krueger	Otis	Simoneau	
Ellingson	Kvam	Ozment	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 535 was reported to the House.

There being no objection H. F. No. 535 was continued on the Consent Calendar for one day.

H. F. No. 537 was reported to the House.

Solberg moved that H. F. No. 537 be continued on the Consent Calendar for one day. The motion prevailed.

H. F. No. 585 was reported to the House.

There being no objection H. F. No. 585 was continued on the Consent Calendar for one day.

H. F. No. 621, A bill for an act relating to mental health; revising the language of statutes concerning persons with mental illness and mental retardation and revising the language of statutes concerning state treatment facilities; amending Minnesota Statutes 1984, sections 147.021, subdivision 1; 243.55, sub-

division 3; 245.072; 245.52; 245.821, subdivision 1; 245.825, subdivision 1; 246.01; 246.013; 246.014; 246.13; 246.23; 246.234; 246.41; 246.50; 246.511; 246.52; 246.53; 246.54; 246.55; 246.56; 252.025; 252.05; 252.06; 252.07; 252.09; 252.10; 252.21; 252.22; 252.23; 252.24; 252.25; 252.27; 252.275, subdivisions 1 and 7; 252.28; 252.291; 252.30; 252.31; 252.32; 253.015; 253.10; 253.19; 253.20; 253.21; 253.25; 253.26; 256.01, subdivisions 2 and 5; 256.91; 256.93, subdivision 1; 256B.02, subdivisions 2 and 8, and by adding a subdivision; 256B.092; 256B.36; 256B.501; 256E.03, subdivision 2; 256E.06, subdivision 2a; 260.092; 260.36; 284.05; 299F.77; 447.42; 447.45; 501.27; and 517.03; proposing coding for new law in Minnesota Statutes, chapter 252.

The bill was read for the third 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, R.	Ellingson	Krueger	Osthoff	Simoneau
Backlund	Erickson	Kvam	Otis	Skoglund
Battaglia	Fjoslien	Levi	Ozment	Solberg
Beard	Forsythe	Lieder	Pappas	Sparby
Becklin	Frederickson	Long	Pauly	Stanius
Begich	Frerichs	Marsh	Peterson	Staten
Bennett	Greenfield	McDonald	Piepho	Sviggum
Bishop	Gruenes	McEachern	Piper	Thiede
Blatz	Gutknecht	McKasy	Poppenhagen	Thorson
Boerboom	Halberg	McLaughlin	Price	Tjornhom
Boo	Hartering	McPherson	Quinn	Tomlinson
Brandl	Hartle	Metzen	Quist	Tompkins
Brinkman	Haukoos	Miller	Redalen	Tunheim
Brown	Heap	Minne	Rees	Uphus
Burger	Himle	Munger	Rest	Valan
Carlson, D.	Jacobs	Murphy	Rice	Valento
Carlson, J.	Jaros	Nelson, D.	Richter	Vanasek
Carlson, L.	Jennings, L.	Nelson, K.	Riveness	Vellenga
Clark	Johnson	Neuenschwander	Rodosovich	Voss
Clausnitzer	Kahn	Norton	Rose	Waltman
Cohen	Kalis	O'Connor	Sarna	Welle
Dempsey	Kelly	Ogren	Schafer	Wenzel
DenOuden	Kiffmeyer	Olsen, S.	Scheid	Wynia
Dimler	Knickerbocker	Olson, E.	Schoenfeld	Zaffke
Dyke	Knuth	Omann	Schreiber	Spk. Jennings, D.
Elioff	Kostohryz	Onnen	Segal	

The bill was passed and its title agreed to.

H. F. No. 656, A bill for an act relating to local government; allowing for an increase in the appropriation a county may make for a county humane society in any year; authorizing the Otter Tail county board to adopt an ordinance for the control of dogs and cats; amending Minnesota Statutes 1984, section 343.11.

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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Erickson	Krueger	Osthoff	Simoneau
Backlund	Fjoslien	Kvam	Otis	Skoglund
Battaglia	Forsythe	Levi	Ozment	Solberg
Beard	Frederick	Lieder	Pappas	Sparby
Becklin	Frederickson	Long	Peterson	Stanius
Begich	Frerichs	Marsh	Piepho	Staten
Bennett	Greenfield	McDonald	Piper	Sviggum
Bishop	Gruenes	McEachern	Poppenhagen	Thiede
Blatz	Gutknecht	McKasy	Price	Thorson
Boerboom	Halberg	McLaughlin	Quinn	Tomlinson
Boo	Hartinger	McPherson	Quist	Tompkins
Brandl	Hartle	Metzen	Redalen	Tunheim
Brinkman	Haukoos	Miller	Rees	Uphus
Brown	Heap	Minne	Rest	Valan
Burger	Himle	Munger	Rice	Valento
Carlson, D.	Jacobs	Murphy	Richter	Vanasek
Carlson, J.	Jaros	Nelson, D.	Riveness	Vellenga
Carlson, L.	Jennings, L.	Nelson, K.	Rodosovich	Voss
Clark	Johnson	Neuenschwander	Rose	Waltman
Cohen	Kahn	Norton	Sarna	Welle
Dempsey	Kalis	O'Connor	Schafer	Wenzel
DenOuden	Kelly	Ogren	Scheid	Wynia
Dimler	Kiffmeyer	Olsen, S.	Schoenfeld	Spk. Jennings, D.
Dyke	Knickerbocker	Olsen, E.	Schoreiber	
Elioff	Knuth	Omamm	Segal	
Ellingson	Kostohryz	Onnen	Shaver	

The bill was passed and its title agreed to.

## CALENDAR

H. F. No. 385, A bill for an act relating to occupations and professions; providing advertising restrictions for plumbers; proposing coding for new law in Minnesota Statutes, chapter 326.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 80 yeas and 31 nays as follows:

Those who voted in the affirmative were:

Battaglia	Dempsey	Haukoos	Krueger	Murphy
Beard	Dyke	Heap	Kvam	Neuenschwander
Becklin	Elioff	Himle	Levi	Norton
Begich	Ellingson	Jacobs	Lieder	O'Connor
Bennett	Forsythe	Jennings, L.	Long	Olsen, S.
Blatz	Frederick	Johnson	McEachern	Omamm
Brinkman	Frederickson	Kelly	McKasy	Osthoff
Brown	Greenfield	Kiffmeyer	McLaughlin	Pauly
Burger	Gutknecht	Knickerbocker	McPherson	Peterson
Carlson, L.	Halberg	Knuth	Metzen	Piepho
Clark	Hartle	Kostohryz	Minne	Poppenhagen

Price	Richter	Schreiber	Thorson	Valan
Quinn	Rodosovich	Seaberg	Tjornhom	Vanasek
Redalen	Sarna	Shaver	Tomlinson	Waltman
Rees	Scheid	Simoneau	Tompkins	Wenzel
Rest	Schoenfeld	Solberg	Uphus	Wynia

Those who voted in the negative were:

Carlson, D.	Fjoslien	Munger	Schafer	Thiede
Carlson, J.	Frerichs	Ogren	Skoglund	Tunheim
Clausnitzer	Hartinger	Olson, E.	Sparby	Valento
Cohen	Kahn	Onnen	Stanius	Voss
DenOuden	Kalis	Quist	Staten	Welle
Dimler	Miller	Riveness	Sviggum	Spk. Jennings, D.
Erickson				

The bill was passed and its title agreed to.

H. F. No. 273, A bill for an act relating to commerce; making permanent the time price differential rate on certain motor vehicles; amending Minnesota Statutes 1984, section 168.72, subdivisions 1 and 4; repealing Minnesota Statutes 1984, section 168.72, 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 106 yeas and 14 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Forsythe	Krueger	Otis	Sparby
Anderson, R.	Frederick	Kvam	Pauly	Stanius
Backlund	Frederickson	Levi	Peterson	Sviggum
Beard	Frerichs	Lieder	Piper	Thiede
Becklin	Greenfield	Long	Poppenhagen	Tjornhom
Bennett	Gruenes	McDonald	Price	Tomlinson
Blatz	Gutknecht	McEachern	Quinn	Tompkins
Boerboom	Halberg	McKasy	Quist	Uphus
Boo	Hartinger	McPherson	Redalen	Valan
Brandl	Hartle	Metzen	Rees	Valento
Brinkman	Haukoos	Miller	Rest	Vanasek
Brown	Heap	Minne	Richter	Vellenga
Burger	Himle	Munger	Riveness	Waltman
Carlson, D.	Jacobs	Murphy	Rodosovich	Welle
Carlson, J.	Jaros	Nelson, K.	Schafer	Wenzel
Clausnitzer	Jennings, L.	Neuenschwander	Schoenfeld	Wynia
Cohen	Johnson	Norton	Schreiber	Zaffke
DenOuden	Kalis	Olsen, S.	Seaberg	Spk. Jennings, D.
Dimler	Kelly	Olson, E.	Segal	
Dyke	Kiffmeyer	Omann	Shaver	
Ellingson	Knickerbocker	Onnen	Skoglund	
Erickson	Knuth	Osthoff	Solberg	

Those who voted in the negative were:

Begich	Elioff	Pappas	Scheid	Tunheim
Carlson, L.	Fjoslien	Rice	Simoneau	Voss
Clark	Kostohryz	Sarna	Staten	

The bill was passed and its title agreed to.

H. F. No. 185, A bill for an act relating to utilities; prescribing membership on the public utilities commission; amending Minnesota Statutes 1984, section 216A.03, 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 73 yeas and 49 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	DenOuden	Kiffmeyer	Piepho	Thorson
Backlund	Dimler	Knickerbocker	Quist	Tjornhom
Becklin	Dyke	Krueger	Redalen	Tompkins
Bennett	Erickson	Kvam	Rees	Uphus
Bishop	Fjoslien	Levi	Richter	Valan
Blatz	Forsythe	Marsh	Rodosovich	Valento
Boerboom	Frederick	McDonald	Schafer	Vanasek
Boo	Frederickson	McKasy	Schoenfeld	Vellenga
Brown	Frerichs	McPherson	Schreiber	Voss
Burger	Gruenes	Miller	Seaberg	Waltman
Carlson, D.	Halberg	Olsen, S.	Shaver	Wenzel
Carlson, J.	Hartle	Omann	Skoglund	Zafike
Clausnitzer	Haukoos	Onnen	Stanius	Spk. Jennings, D.
Cohen	Himle	Ozment	Sviggum	
Dempsey	Johnson	Pauly	Thiede	

Those who voted in the negative were:

Battaglia	Jacobs	McEachern	Olson, E.	Sarna
Beard	Jaros	Metzen	Otis	Scheid
Begich	Jennings, L.	Minne	Pappas	Simoneau
Brinkman	Kahn	Munger	Peterson	Solberg
Carlson, L.	Kalis	Nelson, D.	Piper	Sparby
Clark	Kelly	Nelson, K.	Price	Tomlinson
Elioff	Knuth	Neuenschwander	Quinn	Tunheim
Ellingson	Kostohryz	Norton	Rest	Welle
Greenfield	Lieder	O'Connor	Rice	Wynia
Hartinger	Long	Ogren	Riveness	

The bill was passed and its title agreed to.

H. F. No. 274, A bill for an act relating to crimes; defining "dangerous weapon" to include flammable liquids; amending Minnesota Statutes 1984, section 609.02, subdivision 6.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Beard	Bennett	Boerboom	Brown
Backlund	Becklin	Bishop	Brandl	Carlson, D.
Battaglia	Begich	Blatz	Brinkman	Carlson, J.

Carlson, L.	Himle	Metzen	Price	Staten
Clark	Jacobs	Miller	Quinn	Sviggum
Clausnitzer	Jaros	Minne	Quist	Thiede
Cohen	Jennings, L.	Munger	Redalen	Thorson
Dempsey	Johnson	Murphy	Rees	Tjornhom
DenOuden	Kahn	Nelson, D.	Rest	Tomlinson
Dimler	Kalis	Nelson, K.	Rice	Tompkins
Dyke	Kelly	Neuenschwander	Richter	Tunheim
Elioff	Kiffmeyer	Norton	Riveness	Uphus
Ellingson	Knickerbocker	O'Connor	Rodosovich	Valan
Erickson	Knuth	Ogren	Sarna	Valento
Fjoslien	Kostohryz	Olsen, S.	Schafer	Vanasek
Forsythe	Krueger	Olson, E.	Scheid	Vellenga
Frederick	Kvam	Omann	Schoenfeld	Voss
Frederickson	Levi	Onnen	Schreiber	Waltman
Frerichs	Lieder	Osthoff	Seaberg	Welle
Greenfield	Long	Otis	Segal	Wenzel
Gruenes	Marsh	Ozment	Shaver	Wynia
Gutknecht	McDonald	Pappas	Simoneau	Zaffke
Halberg	McEachern	Pauly	Skoglund	Spk. Jennings, D.
Hartinger	McKasy	Peterson	Solberg	
Hartle	McLaughlin	Piepho	Sparby	
Haukoos	McPherson	Piper	Stanius	

The bill was passed and its title agreed to.

H. F. No. 374, A bill for an act relating to crimes; providing that persons guilty of failing to comply with fire security measures are guilty of obstructing legal process; redefining arson in the second and third degrees and negligent fires; prescribing penalties; amending Minnesota Statutes 1984, sections 299F.08, by adding a subdivision; 609.562; 609.563; and 609.576; proposing coding for new law 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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Carlson, L.	Gutknecht	Kvam	Norton
Anderson, R.	Clark	Halberg	Levi	O'Connor
Backlund	Clausnitzer	Hartinger	Lieder	Ogren
Battaglia	Cohen	Hartle	Long	Olsen, S.
Beard	Dempsey	Haukoos	Marsh	Olson, E.
Becklin	DenOuden	Himle	McDonald	Omann
Begich	Dimler	Jacobs	McEachern	Onnen
Bennett	Dyke	Jaros	McKasy	Osthoff
Bishop	Elioff	Jennings, L.	McLaughlin	Otis
Blatz	Ellingson	Johnson	McPherson	Ozment
Boerboom	Erickson	Kahn	Metzen	Pappas
Boo	Fjoslien	Kalis	Miller	Pauly
Brandl	Forsythe	Kelly	Minne	Peterson
Brinkman	Frederick	Kiffmeyer	Munger	Piepho
Brown	Frederickson	Knickerbocker	Murphy	Piper
Burger	Frerichs	Knuth	Nelson, D.	Price
Carlson, D.	Greenfield	Kostohryz	Nelson, K.	Quinn
Carlson, J.	Gruenes	Krueger	Neuenschwander	Quist

Redalen	Schafer	Skoglund	Tjornhom	Vellenga
Rees	Scheid	Solberg	Tomlinson	Voss
Rest	Schoenfeld	Sparby	Tompkins	Waltman
Rice	Schreiber	Stanius	Tunheim	Welle
Richter	Seaberg	Staten	Uphus	Wenzel
Riveness	Segal	Sviggum	Valan	Wynia
Rodosovich	Shaver	Thiede	Valento	Zaffke
Sarna	Simoneau	Thorson	Vanasek	Spk. Jennings, D

The bill was passed and its title agreed to.

#### MOTION FOR RECONSIDERATION

Hartle moved that the vote whereby H. F. No. 308 was not passed on the Calendar on Thursday, March 21, 1985, be now reconsidered.

A roll call was requested and properly seconded.

The question was taken on the Hartle motion and the roll was called. There were 84 yeas and 35 nays as follows:

Those who voted in the affirmative were:

Backlund	Elioff	Knuth	Onnen	Shaver
Battaglia	Forsythe	Krueger	Osthoff	Simoneau
Beard	Frederick	Kvam	Ozment	Solberg
Begich	Frederickson	Levi	Pappas	Stanius
Bennett	Frerichs	Marsh	Pauly	Sviggum
Bishop	Gutknecht	McEachern	Piepho	Thiede
Blatz	Halberg	McKasy	Poppenhagen	Thorson
Boerboom	Hartle	McLaughlin	Price	Tjornhom
Boo	Haukoos	McPherson	Quinn	Tomlinson
Brinkman	Heap	Metzen	Quist	Uphus
Burger	Himle	Miller	Rees	Valan
Carlson, J.	Jacobs	Minne	Richter	Valento
Clausnitzer	Jaros	Munger	Sarna	Vanasek
Cohen	Jennings, L.	Murphy	Schafer	Waltman
Dempsey	Johnson	Neuenschwander	Scheid	Zaffke
Dimler	Kelly	O'Connor	Schreiber	Spk. Jennings, D.
Dyke	Knickerbocker	Ogren	Seaberg	

Those who voted in the negative were:

Anderson, G.	Ellingson	Lieder	Redalen	Tompkins
Becklin	Erickson	Long	Rest	Tunheim
Brown	Fjoslien	Nelson, D.	Rice	Vellenga
Carlson, D.	Gruenes	Nelson, K.	Riveness	Voss
Carlson, L.	Hartinger	Norton	Schoenfeld	Welle
Clark	Kahn	Olson, E.	Segal	Wenzel
DenOuden	Kiffmeyer	Peterson	Skoglund	Wynia

The motion prevailed.

H. F. No. 308, A bill for an act relating to intoxicating liquor; hours for Sunday sale; amending Minnesota Statutes 1984, section 340.14, subdivision 5.

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 79 yeas and 40 nays as follows:

Those who voted in the affirmative were:

Backlund	Frederick	Kostohryz	Ogren	Seaberg
Battaglia	Frederickson	Krueger	Olsen, S.	Shaver
Beard	Frerichs	Kvam	Omann	Simoneau
Bennett	Greenfield	Levi	Onnen	Solberg
Bishop	Gutknecht	Marsh	Osthoff	Stanius
Boerboom	Halberg	McDonald	Ozment	Sviggum
Boo	Hartle	McEachern	Pauly	Thorson
Brinkman	Haukoos	McKasy	Piepho	Tjornhom
Burger	Heap	McLaughlin	Price	Tomlinson
Carlson, J.	Himle	McPherson	Quinn	Uphus
Clausnitzer	Jacobs	Metzen	Rees	Valan
Cohen	Jaros	Miller	Richter	Valento
Dempsey	Jennings, L.	Minne	Riveness	Vanasek
Dyke	Johnson	Murphy	Sarna	Waltman
Fjoslien	Kaickerbocker	Neuenschwander	Scheid	Spk. Jennings, D.
Forsythe	Knuth	O'Connor	Schreiber	

Those who voted in the negative were:

Anderson, G.	DenOuden	Kiffmeyer	Peterson	Skoglund
Anderson, R.	Dimler	Lieder	Piper	Tompkins
Becklin	Ellingson	Long	Redalen	Tunheim
Brandl	Erickson	Munger	Rest	Vellenga
Brown	Gruenes	Nelson, D.	Rice	Voss
Carlson, D.	Hartinger	Nelson, K.	Schafer	Welle
Carlson, L.	Kalis	Norton	Schoenfeld	Wenzel
Clark	Kelly	Olson, E.	Segal	Wynia

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 Jennings, D., in the Chair for 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 recommendations of the Committee were reported to the House:

H. F. No. 284 was recommended for progress until Monday, May 6, 1985.

H. F. No. 345 which it recommended to pass with the following amendments:



Offered by Seaberg:

Page 3, line 24, after "*liability*" insert "*for uninsured and underinsured motorist coverages*"

Page 4, line 8, delete everything after "*uninsured*" and insert "*and underinsured motorist coverages*"

Page 4, line 9, delete everything before "*for*"

Page 4, line 12, after "*uninsured*" insert "*and underinsured*" and delete "*coverage*" and insert "*coverages*"

Page 4, line 13, delete "*does*" and insert "*do*"

Page 4, line 16, after "*uninsured*" insert "*and underinsured*" and delete "*coverage*" and insert "*coverages*"

Page 4, line 17, delete "*does*" and insert "*do*"

Page 4, line 21, after "*uninsured*" insert "*and underinsured*" and delete "*coverage*" and insert "*coverages*"

Page 4, line 27, delete "*uninsured*" and insert "*underinsured*"

Amend the title as follows:

Page 1, delete lines 7 to 9

Offered by Backlund:

Page 4, after line 30, insert:

"Sec. 8. Minnesota Statutes 1984, section 65B.70, is amended by adding a subdivision to read:

*Subd. 4a. [PREMIUM REDUCTION.] The policy premiums charged by each insurer in connection with the compulsory plan of reparation security issued or renewed and required by sections 65B.41 to 65B.71 shall be 15 percent below each insurer's policy premiums in effect on January 1, 1985, for a period of two years following final enactment."*

Renumber the remaining section

Page 4, line 32, delete "*7*" and insert "*8*"

Amend the title as follows:

Page 1, line 12, delete the first "and" and before the period insert "; and 65B.70, by adding a subdivision"

On the motion of Levi 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 Halberg motion to re-refer H. F. No. 345, the first engrossment, as amended, to the Committee on Judiciary and the roll was called. There were 48 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Long	Otis	Sparby
Backlund	Forsythe	McKasy	Pappas	Staten
Begich	Frerichs	McLaughlin	Peterson	Tompkins
Brandl	Greenfield	Murphy	Piper	Tunheim
Brown	Halberg	Nelson, D.	Quinn	Vanasek
Burger	Jennings, L.	Neuenschwander	Rest	Vellenza
Clark	Johnson	Norton	Rice	Wenzel
Cohen	Knuth	Ogren	Redosovich	Wynia
Dempsey	Krueger	Olsen, S.	Schoenfeld	
Elioff	Lieder	Olson, E.	Skoglund	

Those who voted in the negative were:

Battaglia	Frederick	Levi	Piepho	Solberg
Becklin	Frederickson	Marsh	Poppenhagen	Stanius
Bennett	Gruenes	McDonald	Price	Sviggum
Blatz	Gutknecht	McEachern	Quist	Thiede
Boerboom	Hartinger	McPherson	Richter	Thorson
Boo	Hartle	Metzen	Riveness	Tjornhom
Brinkman	Haukoos	Miller	Sarna	Tomlinson
Carlson, D.	Heap	Munger	Schafer	Uphus
Carlson, J.	Himle	Nelson, K.	Scheid	Valan
Carlson, L.	Jacobs	O'Connor	Schreiber	Valento
Clausnitzer	Kalis	Omman	Seaberg	Voss
DenOuden	Kelly	Onnen	Segal	Waltman
Dyke	Kiffmeyer	Osthoff	Shaver	Welle
Erickson	Kostohryz	Ozment	Sherman	Zaffke
Fjoslien	Kvam	Pauly	Simoneau	Spk. Jennings, D.

The motion did not prevail.

Halberg moved to amend H. F. No. 345, the first engrossment, as amended, as follows:

Page 4, lines 16 to 21, delete the new language.

The question was taken on the Halberg amendment and the roll was called. There were 52 yeas and 60 nays as follows:

Those who voted in the affirmative were :

Anderson, G.	Elioff	Long	Otis	Skoglund
Battaglia	Frerichs	McLaughlin	Pappas	Solbere
Beard	Greenfield	McPherson	Peterson	Sparby
Bishop	Halberg	Munger	Piper	Staten
Brandl	Jacobs	Murphy	Quinn	Tompkins
Brown	Jennings, L.	Nelson, D.	Rest	Vellenga
Carlson, L.	Johnson	Neuenschwander	Rice	Wenzel
Clark	Kahn	Norton	Rodosovich	Wynia
Cohen	Kalis	O'Connor	Sarna	
Dempsey	Krueger	Olsen, S.	Schoenfeld	
Dyke	Lieder	Olson, E.	Segal	

Those who voted in the negative were :

Anderson, R.	Frederick	Kvam	Redalen	Thiede
Becklin	Frederickson	Marsh	Rees	Thorson
Bennett	Gruenes	Miller	Richter	Tjornhom
Blatz	Gutknecht	Omann	Riveness	Tomlinson
Boerboom	Hartinger	Onnen	Rose	Uphus
Burger	Hartle	Osthoff	Schafer	Valan
Carlson, D.	Haukoos	Ozment	Schreiber	Valento
Carlson, J.	Heap	Pauly	Seaberg	Voss
Clausnitzer	Himle	Piepho	Sherman	Waltman
DenOuden	Kelly	Poppenhagen	Simoneau	Welle
Erickson	Kiffmeyer	Price	Stanius	Zaffke
Forsythe	Knuth	Quist	Sviggum	Spk. Jennings, D.

The motion did not prevail and the amendment was not adopted.

Halberg moved to amend H. F. No. 345, the first engrossment, as amended, as follows :

Page 2, lines 11 to 19, delete section 5.

Page 2, line 36, delete "*In the case of injury to, or*"

Page 3, lines 1 to 6, delete the new language.

Page 3, lines 22 to 36, delete the new language.

Page 4, lines 1 to 15, delete the new language.

Renumber the remaining sections.

The question was taken on the Halberg amendment and the roll was called. There were 46 yeas and 67 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Carlson, L.	Elioff	Jennings, L.	McPherson
Backlund	Clark	Frerichs	Johnson	Munger
Begich	Cohen	Greenfield	Kahn	Murphy
Bishop	Dempsey	Halberg	Long	Nelson, D.
Brandl	Dyke	Jacobs	McLaughlin	Nelson, K.

Neuenschwander	Quinn	Rose	Skoglund	Vellenga
Norton	Rest	Sarna	Solberg	Welle
Olsen, S.	Rice	Schoenfeld	Sparby	Wenzel
Olson, E.	Rodosovich	Segal	Staten	Wynia
Otis				

Those who voted in the negative were :

Anderson, R.	Dimler	Kostohryz	Quist	Tjornhom
Battaglia	Erickson	Krueger	Rees	Tomlinson
Beard	Fjoslien	Kvam	Richter	Tunheim
Becklin	Forsythe	Lieder	Schafer	Uphus
Bennett	Frederick	Marsh	Scheid	Valan
Blatz	Frederickson	Metzen	Schreiber	Valento
Boerboom	Gruenes	Miller	Seaberg	Vanasek
Brinkman	Hartinger	Omann	Shaver	Voss
Brown	Hartle	Onnen	Sherman	Waltman
Burger	Haukoos	Osthoff	Simoneau	Zaffke
Carlson, D.	Himle	Ozment	Stanius	Spk. Jennings, D.
Carlson, J.	Kalis	Peterson	Sviggum	
Clausnitzer	Kelly	Poppenhagen	Thiede	
DenOuden	Kiffmeyer	Price	Thorson	

The motion did not prevail and the amendment was not adopted.

Bishop moved to amend H. F. No. 345, the first engrossment, as amended, as follows :

Page 2, lines 11 to 19, delete section 5.

Renumber the remaining sections.

The question was taken on the Bishop amendment and the roll was called. There were 59 yeas and 60 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Dyke	Knuth	Norton	Sarna
Anderson, R.	Elioff	Krueger	O'Connor	Schoenfeld
Backlund	Ellingson	Levi	Ogren	Segal
Battaglia	Erickson	Lieder	Otis	Skoglund
Beard	Forsythe	Long	Pauly	Solberg
Begich	Greenfield	McLaughlin	Peterson	Sparby
Bishop	Gutknecht	McPherson	Piper	Staten
Brandl	Halberg	Minne	Quinn	Vellenga
Brown	Jacobs	Murphy	Rees	Welle
Carlson, L.	Jennings, L.	Nelson, D.	Rice	Wenzel
Clark	Johnson	Nelson, K.	Riveness	Wynia
Cohen	Kahn	Neuenschwander	Rodosovich	

Those who voted in the negative were :

Becklin	Carlson, J.	Frederickson	Kostohryz	Olsen, S.
Bennett	Clausnitzer	Hartinger	Kvam	Omann
Boerboom	Dempsey	Hartle	Marsh	Onnen
Boo	DenOuden	Haukoos	McKasy	Osthoff
Brinkman	Dimler	Heap	Metzen	Ozment
Burger	Fjoslien	Kalis	Miller	Piepho
Carlson, D.	Frederick	Kiffmeyer	Munger	Poppenhagen

Price	Scheid	Simoneau	Tjornhom	Vanasek
Quist	Schreiber	Stanius	Tomlinson	Voss
Richter	Seaberg	Sviggum	Uphus	Waltman
Rose	Shaver	Thiede	Valan	Zaffke
Schafer	Sherman	Thorson	Valento	Spk. Jennings, D.

The motion did not prevail and the amendment was not adopted.

Backlund moved to amend H. F. No. 345, the first engrossment, as amended, as follows:

Page 4, after line 30, insert:

“Sec. 8. Minnesota Statutes 1984, section 65B.70, is amended by adding a subdivision to read:

*Subd. 4a. [PREMIUM REDUCTION.] The policy premiums charged by each insurer in connection with the compulsory plan of reparation security issued or renewed and required by sections 65B.41 to 65B.71 shall be 15 percent below each insurer's policy premiums in effect on January 1, 1985, for a period of two years following final enactment.”*

Renumber the remaining section

Page 4, line 32, delete “7” and insert “8”

Amend the title as follows:

Page 1, line 12, delete the first “and” and before the period insert “; and 65B.70, by adding a subdivision”

Kelly moved to amend the Backlund amendment to H. F. No. 345, the first engrossment, as amended, as follows:

Page 1, line 8, delete “15” insert “5”

The question was taken on the Kelly amendment to the Backlund amendment on H. F. No. 345, the first engrossment, as amended, and the roll was called. There were 16 yeas and 99 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Fjoslien	Lieder	Price	Uphus
Bishop	Halberg	McKasy	Simoneau	Voss
Dyke	Kelly	Nelson, D.	Tomlinson	Waltman
Erickson				

Those who voted in the negative were:

Anderson, G.	Becklin	Blatz	Brinkman	Carlson, D.
Battaglia	Begich	Boerboom	Brown	Carlson, J.
Beard	Bennett	Boo	Burger	Carlson, L.

Clark	Jacobs	Miller	Rice	Staten
Clausnitzer	Jaros	Minne	Richter	Sviggum
Cohen	Jennings, L.	Murphy	Riveness	Thiede
Dempsey	Kahn	O'Connor	Rodosovich	Thorson
Dimler	Kalis	Ogren	Rose	Tjornhom
Elioff	Kiffmeyer	Olsen, S.	Sarna	Tompkins
Forsythe	Kostohryz	Omann	Schafer	Tunheim
Frederick	Krueger	Osthoff	Scheid	Valan
Frederickson	Kvam	Otis	Schoenfeld	Valento
Greenfield	Levi	Ozment	Seaberg	Vanasek
Gruenes	Long	Pauly	Segal	Vellenga
Gutknecht	Marsh	Peterson	Shaver	Welle
Hartinger	McDonald	Piepho	Sherman	Wenzel
Hartle	McEachern	Piper	Skoglund	Wynia
Haukoos	McLaughlin	Quinn	Solberg	Zaffke
Heap	McPherson	Quist	Sparby	Spk. Jennings, D.
Himle	Metzen	Rees	Stanius	

The motion did not prevail and the amendment to the amendment was not adopted.

The question recurred on the Backlund amendment and the roll was called. There were 62 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslien	Long	Otis	Segal
Backlund	Greenfield	McEachern	Peterson	Skoglund
Battaglia	Gutknecht	McLaughlin	Piper	Solberg
Beard	Halberg	Metzen	Price	Sparby
Begich	Jacobs	Minne	Quinn	Staten
Bishop	Jennings, L.	Munger	Rest	Tunheim
Brandl	Johnson	Murphy	Rice	Vanasek
Brown	Kahn	Nelson, D.	Riveness	Vellenga
Carlson, L.	Kalis	Norton	Rodosovich	Voss
Clark	Knuth	O'Connor	Rose	Wynia
Cohen	Kostohryz	Ogren	Sarna	
Elioff	Krueger	Olsen, E.	Scheid	
Ellingson	Lieder	Osthoff	Schoenfeld	

Those who voted in the negative were:

Anderson, R.	Dyke	Levi	Rees	Tompkins
Becklin	Forsythe	Marsh	Richter	Uphus
Bennett	Frederick	McDonald	Schafer	Valan
Boerboom	Frederickson	McKasy	Seaberg	Valento
Boo	Gruenes	McPherson	Shaver	Waltman
Brinkman	Hartinger	Miller	Sherman	Welle
Burger	Hartle	Omann	Simoneau	Wenzel
Carlson, D.	Haukoos	Onnen	Stanius	Zaffke
Carlson, J.	Heap	Ozment	Sviggum	Spk. Jennings, D.
Clausnitzer	Himle	Pauly	Thiede	
Dempsey	Kelly	Poppenhagen	Thorson	
DenOuden	Kiffmeyer	Quist	Tjornhom	
Dimler	Kvam	Redalen	Tomlinson	

The motion prevailed and the amendment was adopted.

Wynia moved to amend H. F. No. 345, the first engrossment, as amended, as follows:

Page 3, line 31, delete everything after "*sustained*" and insert a period

Page 3, delete lines 32 to 36

Page 4, line 26, delete "*the difference between*"

Page 4, line 27, delete everything after "*coverage*"

Page 4, delete line 28

Page 4, line 29, delete everything before "*or*"

The question was taken on the Wynia amendment and the roll was called. There were 57 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	McLaughlin	Pappas	Solberg
Battaglia	Gruenes	Minne	Peterson	Sparby
Beard	Halberg	Munger	Piper	Staten
Begich	Jacobs	Murphy	Price	Tunheim
Brandl	Jennings, L.	Nelson, D.	Quinn	Vanasek
Brown	Kahn	Nelson, K.	Rest	Vellenga
Carlson, L.	Kalis	Norton	Rice	Welle
Clark	Knuth	O'Connor	Rodosovich	Wenzel
Cohen	Kostohryz	Ogren	Sarna	Wynia
Dyke	Krueger	Onnen	Scheid	
Elioff	Long	Osthoff	Segal	
Ellingson	McEachern	Otis	Skoglund	

Those who voted in the negative were:

Anderson, R.	DenOuden	Kelly	Quist	Thiede
Backlund	Dimler	Kiffmeyer	Redalen	Thorson
Becklin	Fjoslien	Kvam	Rees	Tjornhom
Bennett	Frederick	Marsh	Richter	Tomlinson
Blatz	Frederickson	McDonald	Riveness	Tompkins
Boerboom	Frerichs	McPherson	Schafer	Uphus
Boo	Gutknecht	Miller	Schoenfeld	Valan
Brinkman	Hartinger	Neuenschwander	Seaberg	Valento
Burger	Hartle	Olsen, S.	Shaver	Voss
Carlson, D.	Haukoos	Omamn	Sherman	Waltman
Carlson, J.	Heap	Ozment	Simoneau	Zaffke
Clausnitzer	Himle	Pauly	Stanisus	Spk. Jennings, D.
Dempsey	Johnson	Poppenhagen	Sviggum	

The motion did not prevail and the amendment was not adopted.

Wynia moved to amend H. F. No. 345, the first engrossment, as amended, as follows:

Delete sections 2, 4 and 7

Renumber the remaining sections accordingly

Page 2, line 23, delete the new language and insert "*MOTORIST COVERAGE*"

Page 2, line 27, delete everything after "*uninsured*" and insert "*motorist coverage is*"

Page 2, line 28, delete "*are*"

Page 2, line 29, delete "*coverages combined*" and insert "*coverage*"

Page 3, line 4, delete everything after the period

Page 3, delete lines 5 and 6

Page 3, line 9, after "*(VEHICLE)*" insert "*motorist*"

Page 3, line 9, reinstate "*(COVERAGE)*" and delete the new language

Page 3, line 15, delete "*and underinsured*"

Page 3, line 15, delete "*coverages*" and insert "*coverage*"

Page 3, line 19, delete "*and underinsured*"

Page 3, line 19, delete "*coverages*" and insert "*coverage*"

Page 3, line 24, after "*liability*" insert "*for uninsured motorist coverage*"

Page 3, line 35, delete "*of the*" and insert "*for uninsured motorist*"

Page 4, line 32, delete "*7*" and insert "*4*"

Amend the title as follows:

Page 1, line 2, delete "*providing*"

Page 1, line 3, delete everything before "*clarifying*"

Page 1, delete lines 7 to 9

The question was taken on the Wynia amendment and the roll was called. There were 54 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Battaglia	Bishop	Clark	Elioff	Gruenes
Beard	Brandl	Cohen	Ellingson	Halberg
Begich	Carlson, L.	Dyke	Greenfield	Jacobs



Jennings, L.	McLaughlin	Norton	Rest	Solberg
Johnson	McPherson	O'Connor	Rice	Sparby
Kahn	Minne	Ogren	Riveness	Staten
Knuth	Munger	Otis	Rodosovich	Tunheim
Kostohryz	Murphy	Pappas	Sarna	Vanasek
Lieder	Nelson, D.	Peterson	Schoenfeld	Vellenga
Long	Nelson, K.	Piper	Segal	Wynia
McEachern	Neuenschwander	Quinn	Skoglund	

Those who voted in the negative were:

Anderson, R.	DenOuden	Kvam	Piepho	Thorson
Backlund	Frederick	Levi	Poppenhagen	Tjornhom
Becklin	Frederickson	Marsh	Quist	Tomlinson
Bennett	Frerichs	McDonald	Redalen	Tompkins
Blatz	Gutknecht	McKasy	Rees	Uphus
Boerboom	Hartinger	Metzen	Richter	Valan
Boo	Hartle	Miller	Schafer	Valento
Brinkman	Haukoos	Olsen, S.	Seaberg	Voss
Burger	Heap	Omann	Shaver	Waltman
Carlson, D.	Himle	Onnen	Sherman	Welle
Carlson, J.	Kalis	Osthoff	Stanius	Wenzel
Clausnitzer	Kiffmeyer	Ozment	Sviggum	Zaffke
Dempsey	Krueger	Pauly	Thiede	Spk. Jennings, D.

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. 345, the first engrossment, as amended, and the roll was called. There were 85 yeas and 44 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Erickson	Krueger	Poppenhagen	Stanius
Backlund	Fjoslien	Kvam	Price	Sviggum
Beard	Forsythe	Levi	Quist	Thiede
Becklin	Frederick	Lieder	Riedalen	Thorson
Bennett	Frederickson	Marsh	Rees	Tjornhom
Blatz	Frerichs	McDonald	Richter	Tomlinson
Boerboom	Gruenes	McEachern	Rodosovich	Tompkins
Boo	Gutknecht	McKasy	Rose	Uphus
Brinkman	Hartinger	Metzen	Sarna	Valan
Burger	Hartle	Miller	Schafer	Valento
Carlson, D.	Haukoos	Olsen, S.	Scheid	Vanasek
Carlson, J.	Heap	Omann	Schreiber	Voss
Carlson, L.	Himle	Onnen	Seaberg	Waltman
Clausnitzer	Kalis	Osthoff	Shaver	Welle
Dempsey	Kelly	Ozment	Sherman	Wenzel
DenOuden	Kiffmeyer	Pauly	Simoneau	Zaffke
Dyke	Kostohryz	Piepho	Solberg	Spk. Jennings, D.

Those who voted in the negative were:

Anderson, G.	Cohen	Jennings, L.	McPherson	Neuenschwander
Battaglia	Elioff	Johnson	Minne	Norton
Begich	Ellingson	Kahn	Munger	O'Connor
Bishop	Greenfield	Knuth	Murphy	Olson, E.
Brandl	Halberg	Long	Nelson, D.	Otis
Brown	Jacobs	McLaughlin	Nelson, K.	Pappas

Peterson	Rest	Schoenfeld	Sparby	Vellenga
Piper	Rice	Segal	Staten	Wynia
Quinn	Riveness	Skoglund	Tunheim	

The motion prevailed.

### MOTIONS AND RESOLUTIONS

Fjoslien moved that the name of Gutknecht be stricken and the name of Wenzel be added as an author on H. F. No. 317. The motion prevailed.

Frerichs moved that the name of Sparby be added as an author on H. F. No. 581. The motion prevailed.

Anderson, R., moved that the name of Krueger be added as an author on H. F. No. 694. The motion prevailed.

Pappas moved that the name of Rest be added as an author on H. F. No. 919. The motion prevailed.

Clausnitzer moved that the name of Kelly be added as an author on H. F. No. 1031. The motion prevailed.

Blatz moved that the names of Pappas, Valento and Kelly be added as authors on H. F. No. 1107. The motion prevailed.

Dempsey moved that the name of Pappas be added as an author on H. F. No. 1112. The motion prevailed.

Carlson, L., moved that the name of Beard be added as an author on H. F. No. 1121. The motion prevailed.

Stanius moved that the names of Blatz and Olsen, S., be added as authors on H. F. No. 1135. The motion prevailed.

Minne moved that the name of Solberg be added as an author on H. F. No. 1140. The motion prevailed.

Bennett moved that the name of Sarna be added as second author on H. F. No. 1145. The motion prevailed.

Dempsey moved that the name of Clark be added as an author on H. F. No. 1164. The motion prevailed.

Rose moved that H. F. No. 1139 be recalled from the Committee on Environment and Natural Resources and be re-referred to the Committee on Crime and Family Law. The motion prevailed.

Onnen moved that S. F. No. 147 be recalled from the Committee on Health and Human Services and be re-referred to the Committee on Appropriations. The motion prevailed.

Bennett moved that H. F. No. 913 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Commerce and Economic Development. The motion prevailed.

McLaughlin, Kahn, Jaros, Shaver and Clark introduced :

House Concurrent Resolution No. 6, A house concurrent resolution expressing the sense of the Senate and House of Representatives that voluntary departure status should be granted to Central American refugees.

The concurrent resolution was referred to the Committee on Rules and Legislative Administration.

House Resolution No. 11 was reported to the House.

#### HOUSE RESOLUTION NO. 11

A house resolution proclaiming the week of June 9 to 15, 1985, as Compassionate Friends Awareness Week in Minnesota.

*Whereas*, the death of a child is always devastating but especially to the child's parents; and

*Whereas*, the Compassionate Friends, Inc. is a national organization of parents who have experienced the death of a child; and

*Whereas*, the Compassionate Friends offers support and friendship to any sorrowing parents; and

*Whereas*, the Compassionate Friends provides assistance regardless of race, faith, or financial status; and

*Whereas*, the Compassionate Friends provide an important and needed public service that should be brought to the attention of those needing their help; *Now, Therefore,*

*Be It Resolved* by the House of Representatives of the State of Minnesota that it congratulates the Compassionate Friends for their devotion to those very much in need of assistance. It proclaims the week of June 9 to 15, 1985, to be Compassionate Friends Awareness Week in Minnesota. It urges all Minnesotans to take note of the service provided by the Compassionate Friends and to assist them in their work.

*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 by his signature and that of the

Speaker, and present them to the national headquarters and Minnesota chapters of the Compassionate Friends.

Dempsey moved that House Resolution No. 11 be now adopted. The motion prevailed and House Resolution No. 11 was adopted.

Levi introduced:

House Resolution No. 16, A house resolution recognizing the HRD Selects for their outstanding achievement in the WCCO Radio/Minneapolis Star and Tribune Sports Trivia Bowl.

#### SUSPENSION OF RULES

Levi moved that the rules be so far suspended that House Resolution No. 16 be now considered and be placed upon its adoption. The motion prevailed.

#### HOUSE RESOLUTION NO. 16

A house resolution recognizing the HRD Selects for their outstanding achievement in the WCCO Radio/Minneapolis Star and Tribune Sports Trivia Bowl.

*Whereas*, the HRD Selects, comprised of House Research Department Legislative Analysts John Helland, Stephen D. Hinze, Mark Shepard, and John Williams have qualified for the second consecutive year to compete on the air in the WCCO Radio/Minneapolis Star and Tribune Sports Trivia Bowl; and

*Whereas*, in the 1985 WCCO Radio/Minneapolis Star and Tribune Sports Trivia Bowl, the HRD Selects, through vigorous training, determined effort, teamwork, competitive spirit, and no small amount of luck, have from a field of over 220 teams attained First Runner Up; and

*Whereas*, the HRD Selects have repeatedly demonstrated that they have a depth of knowledge of facts, both trivial and non-trivial, in the areas of environmental law, local government finance, transportation law, and governmental operations, as well as baseball, boxing, football, basketball, and bocce ball; and

*Whereas*, the HRD Selects have demonstrated ingenuity and determination in their ability to take time from their already very busy schedules during the legislative session in order to compete in the WCCO Radio/Minneapolis Star and Tribune Sports Trivia Bowl; and

*Whereas*, the House of Representatives of the State of Minnesota recognizes the importance of recreational pursuits, both trivial and nontrivial, to the personal and professional development of its staff; and

*Whereas*, knowledge of trivia, and the pursuit thereof, develops sharp minds and sharp bodies; and

*Whereas*, the House of Representatives has provided the HRD Selects with extensive experience in dealing with trivia; and

*Whereas*, the legislature recognizes the importance of memory and recall of trivial knowledge to at least some of the activities of its research staff; and

*Whereas*, the HRD Selects, among them, have over 131 years of avid devotion to acquiring sports knowledge; and

*Whereas*, the HRD Selects' performance reflects on the entire House of Representatives which shares in their triumphs and has little tolerance for their losses; and

*Whereas*, the HRD Selects, among them, have over 46 years of devoted public service to the Minnesota House of Representatives and the citizens of Minnesota; *Now, Therefore*,

*Be It Resolved* by the House of Representatives of the State of Minnesota that it congratulates the HRD Selects for their achievement in the WCCO Radio/Minneapolis Star and Tribune Sports Trivia Bowl.

*Be It Further Resolved* that the House of Representatives extends its thanks to John Helland, Stephen D. Hinze, Mark Shepard, and John Williams for their unselfish service to this august body over the years.

*Be It Further Resolved* that the Chief Clerk of the House of Representatives is directed to prepare four enrolled copies of this resolution, to be authenticated by his signature and that of the Speaker, and present them to John Williams, Captain of the HRD Selects, and to John Helland, Stephen D. Hinze, and Mark Shepard.

Levi moved that House Resolution No. 16 be now adopted. The motion prevailed and House Resolution No. 16 was adopted.

#### ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, March 28, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, March 28, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTY-FOURTH SESSION - 1985

## THIRTIETH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 28, 1985

The House of Representatives convened at 2:00 p.m. and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Reverend Orville L. Olson, Assistant to the Bishop, South Eastern Minnesota District of the American Lutheran Church, Christ Lutheran Church, St. Paul, Minnesota.

The roll was called and the following members were present:

Anderson, G.	Ellingson	Krueger	Otis	Sherman
Anderson, R.	Erickson	Kvam	Ozment	Simoneau
Backlund	Fjoslien	Levi	Pappas	Skoglund
Battaglia	Forsythe	Lieder	Pauly	Solberg
Beard	Frederick	Long	Peterson	Sparby
Becklin	Frederickson	Marsh	Piepho	Stanius
Begich	Frerichs	McDonald	Piper	Staten
Bennett	Greenfield	McEachern	Poppenhagen	Sviggum
Bishop	Gruenes	McKasy	Price	Thiede
Blatz	Gutknecht	McLaughlin	Quinn	Thorson
Boerboom	Halberg	McPherson	Quist	Tjornhom
Boo	Hartinger	Metzen	Redalen	Tomlinson
Brandl	Hartle	Miller	Rees	Tompkins
Brinkman	Haukoos	Minne	Rest	Tunheim
Brown	Heap	Munger	Rice	Upphus
Burger	Himle	Murphy	Richter	Valan
Carlson, D.	Jacobs	Nelson, D.	Riveness	Valento
Carlson, J.	Jaros	Nelson, K.	Rodosovich	Vanasek
Carlson, L.	Jennings, L.	Neuenschwander	Rose	Vellenga
Clark	Johnson	Norton	Sarna	Voss
Clausnitzer	Kahn	O'Connor	Schafer	Waltman
Cohen	Kalis	Ogren	Scheid	Welle
Dempsey	Kelly	Olsen, S.	Schoenfeld	Wenzel
DenOuden	Kiffmeyer	Olson, E.	Schreiber	Wynia
Dimler	Knickerbocker	Omann	Seaberg	Zaffke
Dyke	Knuth	Onnen	Segal	Spk. Jennings, D.
Elioff	Kostohryz	Osthoff	Shaver	

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Gutknecht 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. 186, 533, 565, 674, 701, 702, 738, 825, 446, 470, 586, 604, 633, 648, 102, 698, 771, 779, 835, 256, 263, 401, 850 and 345 and S. F. Nos. 19, 89, 228, 247, 483, 43 and 230 have been placed in the members' files.

S. F. No. 483 and H. F. No. 263, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Tunheim moved that the rules be so far suspended that S. F. No. 483 be substituted for H. F. No. 263 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 21, 1985

The Honorable David M. Jennings  
Speaker of the House  
The State of Minnesota

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House File:

H. F. No. 68, relating to trusts; eliminating the requirement of qualifying trustees in certain cases; amending Minnesota Statutes 1984, section 524.3-913.

Sincerely,

RUDY PERPICH  
Governor

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

March 21, 1985

The Honorable David M. Jennings  
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 1985 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 1985</i>	<i>Date Filed 1985</i>
106		7	March 21	March 21
333		8	March 21	March 21
102		9	March 21	March 21
	68	10	March 21	March 21

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

### REPORTS OF STANDING COMMITTEES

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 58, A bill for an act relating to the town of Moorhead; allowing the town certain powers.

Reported the same back with the following amendments:

Page 1, line 9, delete everything after "*subdivision 1*"

Page 1, line 10, 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.



Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 145, A bill for an act relating to real property; local and metropolitan government; transportation; providing for acquisition and relocation assistance in cases of hardship to owners of homestead property located in a proposed state highway corridor; amending Minnesota Statutes 1984, sections 117.52, by adding a subdivision; and 473.167, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 473.167, is amended by adding a subdivision to read:

*Subd. 2a. [HARDSHIP ACQUISITION AND RELOCATION.] (a) The council may make hardship loans to acquiring authorities within the metropolitan area to purchase homestead property located in a proposed state trunk highway rights-of-way or project, and to provide relocation assistance. Acquiring authorities are authorized to accept the loans and to acquire the property. Except as provided in this subdivision, the loans shall be made as provided in subdivision 2. Loans shall be in the amount of the appraised fair market value of the homestead property plus relocation costs and less salvage value. Before construction of the highway begins, the acquiring authority shall convey the property to the commissioner of transportation at the same price it paid, plus relocation costs and less its salvage value. Acquisition and assistance under this subdivision must conform to sections 117.50 to 117.56.*

*(b) The council may make hardship loans only when:*

*(1) the owner of affected homestead property requests acquisition and relocation assistance from an acquiring authority;*

*(2) federal or state financial participation is not available;*

*(3) the owner is unable to sell the homestead property at its appraised market value because the property is located in a proposed state trunk highway rights-of-way or project as indicated on an official map or plat adopted under section 160.385, 394.361, or 462.359;*

*(4) the appraisal of the fair market value of the homestead property has been approved by the council. The council's approval shall not be unreasonably withheld; and*

*(5) the owner of the homestead property is burdened by circumstances that constitute a hardship, such as catastrophic*

*medical expenses; a transfer of the homestead owner by his or her employer to a distant site of employment; or inability of the owner to maintain the property due to physical or mental disability or the permanent departure of children from the homestead.*

*(c) For purposes of this subdivision, the following terms have the meanings given them.*

*(1) "Acquiring authority" means counties, towns, and statutory and home rule charter cities in the metropolitan area.*

*(2) "Homestead property" means a single-family dwelling occupied by the owner, and the surrounding land, not exceeding a total of ten acres.*

*(3) "Salvage value" means the probable sale price of the dwelling and other property that is severable from the land if offered for sale on the condition that it be removed from the land at the buyer's expense, allowing a reasonable time to find a buyer with knowledge of the possible uses of the property, including separate use of serviceable components and scrap when there is no other reasonable prospect of sale.*

Sec. 2. Minnesota Statutes 1984, section 473.167, subdivision 3, is amended to read:

Subd. 3. [TAX.] The council may levy a tax on all taxable property in the metropolitan area, as defined in section 473.121, to provide funds for loans made pursuant to (SUBDIVISION) subdivisions 2 and 2a. The tax shall be certified by the council, levied, and collected in the manner provided by section 473.08. The tax shall be in addition to that authorized by section 473.249 and any other law and shall not affect the amount or rate of taxes which may be levied by the council or any metropolitan agency or local governmental unit. The amount of the levy shall be as determined and certified by the council, except as otherwise provided in this subdivision. The tax shall not be levied at a rate higher than five one-hundredths of one mill. The tax shall not be levied at a rate higher than that determined by the council to be sufficient, considering the other anticipated revenues of and disbursements from the loan fund, to produce a balance in the loan fund at the end of the next calendar year equal to twice the amount that a tax levy of five one-hundredths of a mill would raise in that year.

Sec. 3. [AFFECTED COUNTIES.]

*Sections 1 and 2 are effective only in the counties of Anoka, Carver, Dakota excluding the city of Northfield, Hennepin excluding the city of Hanover, Ramsey, Scott excluding the city of New Prague, and Washington."*

Delete the title and insert:

“A bill for an act relating to real property; local and metropolitan government; transportation; providing for acquisition and relocation assistance in cases of hardship to owners of homestead property located in a proposed state highway rights-of-way; amending Minnesota Statutes 1984, section 473.167, subdivision 3, and by adding a subdivision.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 230, A bill for an act relating to state lands; authorizing the sale of certain surplus state land in Dakota county to the city of Hastings.

Reported the same back with the following amendments:

Page 1, line 7, after “CERTAIN” insert “DEPARTMENT OF”

Page 1, line 7, delete “ADMINISTRATION” and insert “AFFAIRS”

Page 1, line 11, delete “September 1, 1985” and insert “January 1, 1986”

Page 1, line 12, delete “may” and insert “must”

Page 1, line 15, after “appraised” insert “in the manner provided in Minnesota Statutes, section 94.10”

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Kvam from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 255, A bill for an act relating to courts; practice and procedure in dram shop actions; amending Minnesota Statutes 1984, sections 340.95 and 340.951.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 260, A bill for an act relating to game and fish; discharge of firearms and access to agricultural lands; amending Minnesota Statutes 1984, section 100.273, subdivisions 5 and 7.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 100.273, subdivision 3, is amended to read:

Subd. 3. No person (SHALL) *may* enter upon (ANY) *agricultural or nonagricultural* land not his *or her* own (REGARDLESS IF IT IS AGRICULTURAL LAND) with intent to take (ANY) wild animals after being notified not to do so (,). *Notification may be made either orally by the owner, occupant or lessee, or by signs erected (PURSUANT TO) under* subdivision 6.

Sec. 2. Minnesota Statutes 1984, section 100.273, subdivision 5, is amended to read:

Subd. 5. No person shall take any wild animal with a firearm without the written permission of the owner or occupant of the premises on any private agricultural land not his own or any public right-of-way *when the person or animal is within (500) 1,000* feet of any building occupied by a human being or by livestock, or within (500) *1,000* feet of any stockade or corral containing livestock, nor shall any person take any wild animal with a firearm *when the person or animal is within 200* feet of any building occupied by a human being on any land other than agricultural land without the oral permission of the owner or occupant of the premises, or within (500) *1,000* feet of any burning area.

Sec. 3. Minnesota Statutes 1984, section 100.273, subdivision 7, is amended to read:

Subd. 7. In taking raccoon, bobcat, coyote or fox when treed or at bay on private land with the aid of dogs, a person while on foot may, without permission of the landowner, enter such private land to retrieve any dogs and then shall immediately leave the premises. (DURING THE SEASON FOR TAKING BIG OR SMALL GAME,) *Unless notified not to do so, either orally by the owner, occupant, or lessee, or by signs erected pursuant to subdivision 6, a hunter may on foot retrieve a wounded big or small game animal from agricultural land of*

another (WHICH IS NOT POSTED PURSUANT TO SUBDIVISION 6,) without permission of the landowner, and shall then leave as soon as possible.”

Amend the title as follows:

Page 1, line 4, after “subdivisions” insert “3,” and after “5” insert a comma

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.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 315, A bill for an act relating to local government; removing the restriction on the number of mills certain towns may levy to provide fire protection for special fire protection districts; amending Minnesota Statutes 1984, section 368.85, subdivision 6.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 368, A bill for an act relating to crimes; requiring notice of dishonor for issuing a worthless check to cite laws creating civil and criminal liability; amending Minnesota Statutes 1984, sections 332.50, subdivisions 2 and 3; and 609.535, subdivision 3.

Reported the same back with the following amendments:

Page 1, line 22, after “was” insert “*contained in a written agreement between the drawer and the holder of the dishonored check or was*”

With the recommendation that when so amended the bill pass.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 397, 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.

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.

Erickson from the Committee on Education to which was referred:

H. F. No. 399, A bill for an act relating to education; the permanent school fund; requiring exchange or compensation to the fund for land in state parks and waysides; requiring an inventory of other permanent school fund lands; stating the goal of the permanent school fund; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 92 and 120.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [92.121] [PERMANENT SCHOOL FUND LANDS.]

*Subdivision 1. [EXCHANGE.] The department of natural resources shall exchange permanent school fund land as defined in the Minnesota Constitution, article XI, section 8, located in state parks or state waysides for other lands as allowed by the Minnesota Constitution, article XI, section 10, and section 94.343, subdivision 1, that are compatible with the goal of the permanent school fund lands in section 2.*

*Subd. 2. [INVENTORY.] The department of natural resources shall inventory permanent school fund land located in state parks or state waysides not exchanged under subdivision 1 and any other permanent school fund lands whose present use is not compatible with the goal of permanent school fund lands in section 2. By January 15, 1986, the department shall report this information along with its recommendations for providing for compatibility of the land use and the goal of the permanent school fund land to the education, agriculture and natural resources, and finance committees of the senate and the education, environment and natural resources, and appropriations committees of the house.*

Sec. 2. [120.85] [GOAL OF THE PERMANENT SCHOOL FUND.]

*The legislature intends that it is the goal of the permanent school fund to secure the maximum long-term economic return from the school trust lands consistent with the fiduciary responsibilities imposed by the trust relationship established in the state constitution, with sound natural resource conservation and management principles, and with other specific policy provided in state law."*

Amend the title as follows :

Page 1, line 3, delete "or compensation to the fund"

Page 1, line 7, delete "appropriating money ;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 405, A bill for an act relating to courts; providing for interest rates on arbitration awards; amending Minnesota Statutes 1984, section 549.09, by adding a subdivision.

Reported the same back with the following amendments :

Page 2, delete section 2

With the recommendation that when so amended the bill pass.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 414, A bill for an act relating to retirement; providing postretirement annuity or benefit increases for certain retired or disabled public employees.

Reported the same back with the following amendments :

Delete everything after the enacting clause and insert:

"Section 1. [POSTRETIREMENT ADJUSTMENT; LUMP SUM PAYMENTS.]

*Subdivision 1. [ENTITLEMENT.] Any person who is receiving a retirement annuity, a disability benefit or a surviving spouse's annuity or benefit from a retirement fund specified in subdivision 3, clauses (1) to (5), which was computed under the laws in effect prior to June 1, 1973, if the person is receiving an annuity or benefit from the retirement fund specified in subdivision 3, clause (4), or prior to July 1, 1973, if the person is receiving an annuity or benefit from a retirement fund specified in subdivision 3, clause (1), (2), (3), or (5), and any person who is receiving a "\$2 bill and annuity" annuity from the retirement fund specified in subdivision 3, clause (6), and any person who is receiving a retirement annuity, a disability benefit or a surviving spouse's annuity or benefit from the retirement fund specified in subdivision 3, clause (5), which was computed under the metropolitan transit commission-transit operating division employees retirement fund plan document in effect on or prior to December 31, 1977, shall be entitled to receive a postretirement adjustment from the applicable retirement fund in the amount specified in subdivision 2.*

*Subd. 2. [AMOUNT OF POSTRETIREMENT ADJUSTMENT; PAYMENT.] For any person receiving an annuity or benefit on November 30, 1985, or on November 30, 1986, and entitled to receive a postretirement adjustment pursuant to subdivision 1, the postretirement adjustment shall be a lump sum payment in an amount equal to \$19 during 1985 and \$20 during 1986 for each full year of allowable service credited to the person by the respective retirement fund. The postretirement adjustment provided for in this section shall be payable for those persons receiving an annuity or benefit on November 30, 1985, on December 1, 1985, and for those persons receiving an annuity or benefit on November 30, 1986, on December 1, 1986. Nothing in this section shall authorize the payment of a postretirement adjustment to an estate. Notwithstanding Minnesota Statutes, section 356.18, the postretirement adjustment provided for in this section shall be paid automatically unless the intended recipient files a written notice with the retirement fund requesting that the postretirement adjustment not be paid.*

*Subd. 3. [COVERED RETIREMENT FUNDS.] The postretirement adjustment provided for in this section shall apply to the following retirement funds:*

- (1) public employees retirement fund;*
- (2) public employees police and fire fund;*
- (3) teachers retirement fund;*
- (4) state patrol retirement fund;*
- (5) state employees retirement fund of the Minnesota state retirement system; and*



(6) *Minneapolis employees retirement fund.*

*Subd. 4. [TERMINAL AUDIT.] Each covered retirement fund as specified in subdivision 3 shall, as soon as is practical following the payment of the December 1, 1986, postretirement adjustment, calculate the amount of any appropriation apportioned to it which is in excess of the amounts required to pay the postretirement adjustments provided for in this act. The calculations required by this paragraph shall be reported to and verified by the commissioner of finance and amounts equal to these reported excess appropriation amounts shall be returned to the general fund.*

*Subd. 5. [BENEFIT ADJUSTMENT STUDY.] In order to provide the legislature in 1987 with sufficient data to make an informed decision concerning the costs of revising the benefits paid to certain retirees, each covered retirement fund specified in subdivision 3 shall review the file of each person entitled to receive a postretirement adjustment pursuant to subdivision 1.*

*As part of the review, each retirement fund is to prepare calculations of the benefit amount each person would receive if the benefit were recomputed under the laws in effect after July 1, 1973, for funds specified in subdivision 3, clauses (1) to (5) and after March 5, 1974, for the fund specified in subdivision 3, clause (6). As part of that calculation, each fund shall be prepared to adjust that recomputed benefit by the percentage increases granted by the appropriate postretirement investment fund since 1977.*

*In addition, each retirement fund shall prepare to compute a second benefit amount to be based on a minimum benefit amount per year of service.*

*If a retirement fund cannot prepare calculations of either the recomputation or of the minimum benefit, or both, for certain types of benefit recipients, the legislative commission on pensions and retirement is to determine procedures to be followed.*

## Sec. 2. [APPROPRIATION.]

*There is hereby appropriated during the 1986-87 biennium, the amount of \$10,897,563 for the purpose of funding the postretirement adjustments provided for in this section. The appropriation shall be apportioned to the retirement funds paying the postretirement adjustment as follows:*

	FY 1986	FY 1987
<i>public employees retirement fund . . . . .</i>	<i>\$1,952,668</i>	<i>\$1,917,320</i>
<i>public employees police and fire fund . . . . .</i>	<i>80,579</i>	<i>80,580</i>

<i>teachers retirement fund</i> . . . . .	1,656,211	1,648,500
<i>state patrol retirement fund</i> . . . . .	62,624	62,620
<i>state employees retirement fund</i> . . . . .	1,389,888	1,389,880
<i>Minneapolis employees retirement fund</i> . . . . .	328,073	328,620

*There is hereby appropriated during the 1986-1987 biennium, the amount of \$593,800 for the purpose of defraying the cost of the review of the files required by section 1, subdivision 5. The appropriation shall be apportioned as follows:*

	FY 1986	FY 1987
<i>public employees retirement fund</i> . . . . .	\$227,720	0
<i>public employees police and fire fund</i> . . . . .	10,240	0
<i>teachers retirement fund</i> . . . . .	146,680	0
<i>state patrol retirement fund</i> . . . . .	5,160	0
<i>state employees retirement fund</i> . . . . .	127,920	0
<i>Minneapolis employees retirement fund</i> . . . . .	76,080	0

**Sec. 3. [MEDICAL AND HOSPITAL COVERAGE FOR RETIRED PERA EMPLOYEES.]**

*The public employees retirement association shall provide identical medical and hospital coverage for all retired employees of the association, as distinguished from retired members, who retired before June 30, 1985.*

**Sec. 4. [EFFECTIVE DATE.]**

*Sections 1 to 3 are effective July 1, 1985."*

Delete the title and insert:

**"A bill for an act relating to retirement; providing postretirement annuity or benefit increases for certain retired or disabled public employees; providing for a study of benefit adjustments; providing medical and hospital coverage for retired employees of the public employees retirement association; 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.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 418, A bill for an act relating to local government; excluding firefighters and peace officers from a political subdivisions job evaluation system; amending Minnesota Statutes 1984, sections 471.994; and 471.998, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 43A.05, is amended by adding a subdivision to read:

*Subd. 7. [APPLICABILITY.] Sections 43A.01, subdivision 3, and 43A.05, subdivisions 5 and 6 do not apply to firefighter and peace officer job classes in state employment. An arbitrator in an interest arbitration pursuant to section 179A.16 shall not consider a study done pursuant to section 43A.05, subdivision 5 in reaching a decision on wages.*

Sec. 2. [471.9999] [EXCLUSIONS.]

*Sections 471.991 to 471.999 do not apply to a political subdivision's firefighter and peace officer job classes or to hospitals or nursing homes operated by political subdivisions.*

Sec. 3. Laws 1984, chapter 456, section 1, is amended to read:

Section 1. [COMPENSATION COMPARABILITY STUDY.]

The legislature requests the regents of the University of Minnesota to conduct an objective job evaluation study to determine the extent to which comparability of the value of work is reflected in the salaries of its nonacademic employees, including hospital employees. The study is to include an analysis of compensation comparability for male-dominated, female-dominated, and balanced classes of employees as those classes are defined in Minnesota Statutes, section 43A.02; *except that, the study shall not include police officer job classes.*

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 state and local government; excluding firefighters, peace officers, and certain hospitals and nursing homes from the government job evaluation systems; clarifying interest arbitration for firefighters and peace officers

in state employment; excluding police officers from the University of Minnesota job evaluation study; amending Minnesota Statutes 1984, section 43A.05, by adding a subdivision; and Laws 1984, chapter 456, section 1; proposing coding for new law in Minnesota Statutes, chapter 471."

With the recommendation that when so amended the bill pass.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 449, A bill for an act relating to attachments; providing procedures for the prejudgment seizure of property; amending Minnesota Statutes 1984, sections 570.01; 570.02; 570.08; 570.11; 570.12; and 570.14; repealing Minnesota Statutes 1984, sections 570.013; 570.03; 570.04; 570.05; 570.06; 570.07; 570.09; 570.093; and 570.13; proposing coding for new law in Minnesota Statutes, chapter 570.

Reported the same back with the following amendments:

Page 10, line 18, after "is" insert "not"

Page 11, line 9, delete "unless" and insert "or"

Page 11, line 10, after the period insert "*In establishing the amount of the bond, the court shall take into consideration the value of the property attached, the nature of the property attached, the methods of retention or storage of the property, the potential harm to the respondent or any party, and any other factor which the court deems appropriate.*"

Page 11, line 21, after "cash," insert "a letter of credit,"

Page 13, line 26, delete "reorder" and insert "recorder"

With the recommendation that when so amended the bill pass.

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 476, A bill for an act relating to education; vocational; removing a restriction for awarding associate degrees; amending Minnesota Statutes 1984, section 136C.042, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 123.33, subdivision 14, is amended to read:

Subd. 14. (THE) A school board (OF ANY SCHOOL DISTRICT OF THIS STATE), *including a school board as defined in section 136C.02, subdivision 8*, by a two-thirds vote may become a member of (AN ASSOCIATION OF) a vocational (SCHOOLS) *association* 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.

Sec. 2. Minnesota Statutes 1984, section 136C.04, subdivision 9, is amended to read:

Subd. 9. [LICENSURE.] The state board may promulgate rules, according to the provisions of chapter 14, for licensure of teaching, support, and supervisory personnel in post-secondary and adult vocational education. *The state board may adopt emergency licensure rules, according to sections 14.29 to 14.36, when necessary for continuous programs approved by the board and when the board determines that appropriate licensure standards do not exist.*

Sec. 3. Minnesota Statutes 1984, section 136C.04, subdivision 12, is amended to read:

Subd. 12. [PROGRAMS.] The state board shall approve, disapprove, and coordinate programs. *The state board shall adopt policies that include at least minimum class sizes and placement ratios.* After consultation with affected school boards, the state board may add, eliminate, transfer, or change programs as it determines advisable. The state board shall consider the integrated services of secondary, post-secondary, and adult vocational education when it reviews intermediate district programs.

In the case of intermediate districts, the state board may apply the following criteria when adding, eliminating, transferring, or changing programs:

(a) the school board may be allowed to continue offering integrated secondary, post-secondary, and adult programs; and

(b) the school board may determine the use of facilities and equipment for secondary, post-secondary, adult, and special education programs and educational services for low incidence populations.

Sec. 4. Minnesota Statutes 1984, section 136C.042, subdivision 1, is amended to read:

Subdivision 1. [BOARD APPROVAL.] The state board may approve, disapprove, or modify a plan for awarding associate degrees at an area vocational technical institute. The (STATE BOARD SHALL APPROVE A) plan (ONLY WHEN AN ASSOCIATE DEGREE IS REQUIRED BY A LICENSING AUTHORITY AND IS OFFERED IN) *shall include cooperation with a collegiate institution unless cooperation is not practicable.* (THE STATE BOARD MAY APPROVE AN AREA VOCATIONAL TECHNICAL INSTITUTE PLAN FOR AWARDING AN ASSOCIATE DEGREE WHICH IS NOT OFFERED IN COOPERATION WITH A COLLEGIATE INSTITUTION ONLY IF COOPERATION IS NOT PRACTICABLE.) All associate degree plans approved by the state board shall be presented to the higher education coordinating board for review and recommendation pursuant to section 136A.04, subdivision 1, clause (d) and in accordance with the provisions of this section.

Sec. 5. Minnesota Statutes 1984, section 136C.26, subdivision 1, is amended to read:

Subdivision 1. [APPLICABILITY.] (FOR THE 1983-1984 AND 1984-1985 SCHOOL YEARS,) For the purposes of sections 136C.26 to 136C.37, and 136C.41, the following terms have the meanings given them.

Sec. 6. Minnesota Statutes 1984, section 136C.28, subdivision 1, is amended to read:

Subdivision 1. [BUDGET SUBMISSION.] Before January 1 (, 1984,) 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.

Sec. 7. Minnesota Statutes 1984, section 136C.31, is amended to read:

136C.31 [DISTRIBUTION OF MONEY.]

*Subdivision 1.* [ALLOCATE BY LAW.] All money, whether state, federal, or from other sources, which may be made available to the state board for carrying out the purposes of post-secondary vocational technical education shall be allocated by the state board to districts in accordance with law.

*Subd. 2. [NO CONTRACT APPROVAL.] State and federal aids and discretionary or entitlement grants distributed by the state board are not subject to chapter 16B or to the contract approval procedures of the commissioner of administration. The state board shall adopt internal procedures to administer and monitor aids and grants.*

Sec. 8. [REVISOR REQUEST.]

*The revisor of statutes is requested to change the heading of Minnesota Statutes, section 136C.26, to read "[VOCATIONAL AID DEFINITIONS]."*

Sec. 9. [REPEALER.]

*Minnesota Statutes 1984, sections 125.055 and 136C.27, subdivision 1, are repealed.*

Sec. 10. [EFFECTIVE DATE.]

*This act is effective July 1, 1985."*

Delete the title and insert:

*"A bill for an act relating to education; increasing the hours for a person in a part-time vocational program to be exempt from licensure; requiring the state board of vocational technical education to adopt policies about minimum class size and placement ratios; exempting certain monetary distributions from certain contract procedures; amending Minnesota Statutes 1984, sections 123.33, subdivision 14; 136C.04, subdivisions 9 and 12; 136C.042, subdivision 1; 136C.26, subdivision 1; 136C.28, subdivision 1; and 136C.31; repealing Minnesota Statutes 1984, sections 125.055 and 136C.27, subdivision 1."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 484, A bill for an act relating to corrections; authorizing the commissioner of corrections to prescribe the conditions under which persons on work release may retain and expend their earnings; providing for inmate contribution to funds for programs to aid victims of crime; clarifying the provisions relating to the use of force by correctional officers in preventing escape; providing preference to county employees displaced when counties change over and request probation services for county courts from the state; removing obsolete language; amending Minnesota Statutes 1984, sections 241.26, subdivisions 1 and 5;

243.23, subdivision 3; 243.52; 260.311, subdivisions 1 and 5; 401.01, subdivision 1; 401.02, subdivisions 1 and 4; and 401.11.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 499, A bill for an act relating to housing; regulating powers of the Minnesota housing finance agency; setting limits on loan authority, terms and amounts; providing for administrative changes in various loan programs; amending Minnesota Statutes 1984, sections 462A.03, subdivisions 13 and 14; 462A.05, subdivisions 11, 12, 14a, 15a, 23, and by adding subdivisions; 462A.07, subdivisions 14 and 15; 462A.08, subdivision 3; 462A.20, subdivision 3; 462A.21, subdivision 6, and by adding a subdivision; 462A.22, subdivision 1; and 462C.09, 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.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 506, A bill for an act relating to state lands; conveying lands to the federal government for Voyageurs National Park; appropriating money; amending Minnesota Statutes 1984, section 84B.03, subdivision 4.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 507, A bill for an act relating to Hennepin county; setting the form in which county board members' salaries must be stated; amending Laws 1982, chapter 577, section 14.

Reported the same back with the recommendation that the bill pass.

The report was adopted.



Valento from the Committee on Local and Urban Affairs to which was referred :

H. F. No. 558, A bill for an act relating to metropolitan government; providing conditions for the disposal of certain sports facilities property; amending Minnesota Statutes 1984, section 473.556, subdivision 6.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred :

H. F. No. 571, A bill for an act relating to the legislature; establishing a commission to review metropolitan government; proposing coding for new law in Minnesota Statutes, chapter 3.

Reported the same back with the following amendments :

Delete everything after the enacting clause and insert :

“Section 1. [3.867] [LEGISLATIVE COMMISSION ON METROPOLITAN GOVERNANCE.]

*Subdivision 1. [CREATION; PURPOSE.] The legislative commission on metropolitan governance is established to oversee regional governmental institutions, activities, and affairs in the metropolitan area defined in section 473.121.*

*Subd. 2. [DUTIES.] The primary responsibility of the commission is to provide regular and continuing legislative monitoring and oversight of the metropolitan agencies created by or under chapter 473. In fulfilling this responsibility the commission shall regularly review and evaluate:*

*(a) metropolitan financial affairs, including the budgets, annual financial reports, and short- and long-range financing plans of the metropolitan agencies;*

*(b) the internal management and operations of the metropolitan agencies;*

*(c) the efficiency and effectiveness of the services provided by the metropolitan agencies;*

*(d) the authority, functions, and structure of the metropolitan agencies and the relationships among the agencies and between the agencies and local governments.*

*Subd. 3. [OTHER POWERS.] The commission may conduct hearings, studies, and investigations as it deems appropriate on matters within its jurisdiction. The commission may advise and make recommendations to assist the legislature in evaluating and formulating legislation.*

*Subd. 4. [MEMBERS.] The commission consists of five members of the house of representatives, three appointed by the speaker and two by the minority leader, and five members of the senate, three appointed by the majority leader and two by the minority leader. Members must serve on committees in their respective houses that have jurisdiction over matters of metropolitan governance. The members must be appointed within 30 days of the effective date of this section for terms lasting until June 30, 1987. Vacancies are filled, for the unexpired term, in the same manner as an original appointment.*

*Subd. 5. [OFFICERS.] The commission shall elect a chair and a vice-chair from among its members and may elect other officers it deems necessary. The term of the chair is one year and alternates between a member of the senate and a member of the house. The vice-chair must be a house member when the chair is a senate member and a senate member when the chair is a house member.*

*Subd. 6. [STAFF.] The commission shall use existing legislative staff offices for legal counsel, research, and secretarial and clerical assistance. The legislative audit commission, the state auditor, and other state and metropolitan agencies shall provide assistance and information when requested.*

*Subd. 7. [EXPENSES; COMPENSATION.] Members of the commission shall receive compensation and reimbursement for expenses as for other legislative work.*

*Subd. 8. [TERMINATION.] The commission is abolished on June 30, 1987.*

## **Sec. 2. [APPROPRIATION.]**

*The following amounts are appropriated from the general fund to the legislative coordinating commission for expenditure by the commission established by section 1: \$ . . . . . for the fiscal year ending June 30, 1986, and \$ . . . . . for the fiscal year ending June 30, 1987.*

## **Sec. 3. [EFFECTIVE DATE.]**

*Section 1 is effective June 1, 1985, or the day after final enactment, whichever is later."*

Delete the title and insert:

"A bill for an act relating to the legislature; establishing a commission on metropolitan governance; providing a termination date; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 590, A bill for an act relating to legal services; repealing the sunset provision of the law providing for surcharges on civil filing fees; repealing Laws 1982, chapter 489, section 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.

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 618, A bill for an act relating to partition fences; changing certain responsibilities and procedures; amending Minnesota Statutes 1984, sections 344.02; 344.03, subdivision 1, and by adding a subdivision; and 344.13; proposing coding for new law in Minnesota Statutes, chapter 344.

Reported the same back with the following amendments:

Page 2, after line 35, insert:

*"If one or both of the adjoining landowners objects to town supervisors serving as fence viewers to determine the benefit each adjoining landowner will derive from a proposed partition fence, the county commissioners of the county shall be fence viewers under the same terms and conditions as specified in section 344.19. An adjoining landowner who objects to town supervisors serving as fence viewers must notify the supervisors and the county commissioners of the objection prior to the date on which the town supervisors examine the need for the proposed fence."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 619, A bill for an act relating to education; Minnesota Education Computing Corporation; removing some limits on its powers; amending Minnesota Statutes 1984, sections 119.04, subdivision 2; and 119.05, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 17, after the period insert "*The board of directors may form wholly-owned subsidiaries. A subsidiary shall be under the management control of the MECC board of directors.*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Redalen from the Committee on Regulated Industries and Energy to which was referred:

H. F. No. 626, A bill for an act relating to energy; delaying the effective date of energy efficiency ratings for certain devices sold in Minnesota; amending Minnesota Statutes 1984, section 116J.19, subdivision 13.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 636, A bill for an act relating to crimes; providing for forfeitures of communications devices and proceeds derived from commission of designated offenses; amending Minnesota Statutes 1984, section 609.531.

Reported the same back with the following amendments:

Page 6, line 6, after "(ii)" insert "sell"

Page 6, line 9, strike "may be sold"

Page 6, line 12, after "agency" insert "*with jurisdiction over the criminal offense or the agency*"

Page 6, line 13, after "proceedings" insert "*at the request of the prosecuting agency*"

Page 6, line 19, delete "(iii)" and insert "*(3) property which has been forfeited pursuant to this subdivision and which consists of*"

Page 6, line 19, delete "*which are*"

Page 6, line 20, after "*applied*" insert "*first, to payment of seizure, storage, and sale expenses and to satisfy valid liens against the property, and second,*"

Page 6, line 20, delete "*claims*" and insert "*court-ordered*"

Page 6, line 21, delete the first "*of*"

Page 6, after line 25, insert:

"Sec. 2. Minnesota Statutes 1984, section 152.19, subdivision 5, is amended to read:

Subd. 5. Property shall be forfeited after a conviction deemed to be a felony according to the following procedure:

(1) A separate complaint shall be filed against the property describing it, charging its use in the specified violation, and specifying the time and place of its unlawful use.

(2) If the person arrested is acquitted, the court shall dismiss the complaint against any property seized pursuant to the preceding subdivisions and order the property returned to the persons legally entitled to it.

(3) If after conviction the court finds that the property, or any part thereof, was used in any violation as specified in the complaint, it shall order that the property unlawfully used be sold, destroyed, or disposed of by the appropriate agency in the following manner:

(a) The appropriate agency and prosecuting agency that handled the forfeiture may retain the property for official use but shall not use any motor vehicle required to be registered pursuant to chapter 168A until title is properly transferred pursuant to chapter 168A;

(b) Sell that which is not required to be destroyed by law and which is not harmful to the public;

(c) Require the commissioner of administration to take custody of the property and remove it for disposition in accordance with law; or

(d) Forward it to the federal drug enforcement administration.

Any property retained pursuant to clause (3)(a) of this subdivision shall be used only in the performance of official duties of the appropriate agency, and shall not be used for any other purpose. All proceeds from property retained under clause (3)(a) of this subdivision which is later sold shall be disbursed as provided in clause (4) of this subdivision.

(4) One-third of the proceeds from the sale of forfeited property, after payment of seizure, storage, and sale expenses and satisfaction of valid liens against the property, shall be forwarded to the state drug abuse authority for distribution among licensed hospitals and licensed drug treatment facilities of this state for the care and treatment of patients with drug related physical and psychological disorders, and licensed drug analysis centers. The remaining two-thirds of net proceeds shall be shared equally between the (AGENCIES PROSECUTING THE FORFEITURE PROCEEDING AND) *prosecuting agency with jurisdiction over the criminal offense or the agency handling the forfeiture proceeding at the request of the prosecuting agency, and the agency investigating the offense involved in the forfeiture, except that if the forfeiture proceeding was prosecuted by a county attorney whose position is not full time as provided in section 388.21, the (PROSECUTOR'S) prosecuting agency's share of net proceeds shall be forwarded to the county board."*

Amend the title as follows:

Page 1, line 5, delete "section" and insert "sections 152.19, subdivision 5; and"

With the recommendation that when so amended the bill pass.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 650, A bill for an act relating to judgments; clarifying the procedure and cost for filing foreign judgments; clarifying the procedure to be used in securing a judgment and execution; amending Minnesota Statutes 1984, sections 548.27; 548.30; 549.09; and 550.04.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 654, A bill for an act relating to crimes; establishing mandatory minimum terms of imprisonment for the crimes of residential burglary, burglary of an occupied dwelling, and selling cocaine, heroin, and hallucinogens; amending Minnesota Statutes 1984, sections 152.15, by adding subdivisions; and 609.582, by adding subdivisions.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 152.15, is amended by adding a subdivision to read:

*Subd. 1a. [MANDATORY MINIMUM SENTENCE FOR SELLING COCAINE.] Notwithstanding the provisions of subdivision 1, clause (1) to the contrary, a person convicted of a first or subsequent violation of section 152.09, subdivision 1, clause (1) with respect to selling cocaine must be committed to the commissioner of corrections for a mandatory minimum term of imprisonment of not less than one year and one day, and not more than the maximum sentence provided by subdivision 1, clause (1).*

Sec. 2. Minnesota Statutes 1984, section 152.15, is amended by adding a subdivision to read:

*Subd. 1b. [MANDATORY MINIMUM SENTENCE FOR SELLING HEROIN.] Notwithstanding the provisions of subdivision 1, clause (1) to the contrary, a person convicted of a first or subsequent violation of section 152.09, subdivision 1, clause (1) with respect to selling heroin must be committed to the commissioner of corrections for a mandatory minimum term of imprisonment of not less than 21 months, and not more than the maximum sentence provided by subdivision 1, clause (1).*

Sec. 3. Minnesota Statutes 1984, section 152.15, is amended by adding a subdivision to read:

*Subd. 1c. [MANDATORY MINIMUM SENTENCE FOR SELLING HALLUCINOGENS OR PHENCYCLIDINE.] Notwithstanding the provisions of subdivision 1, clause (2) to the contrary, a person convicted of a first or subsequent violation of section 152.09, subdivision 1, clause (1) with respect to selling hallucinogens listed in section 152.02, subdivision 2, clause (3), or Minnesota Rules, part 6800.4210, item C, or phencyclidine must be committed to the commissioner of corrections for a mandatory minimum term of imprisonment of not less than 21 months, and not more than the maximum sentence provided by subdivision 1, clause (2).*

Sec. 4. Minnesota Statutes 1984, section 152.15, is amended by adding a subdivision to read:

*Subd. 1d. [NO EARLY RELEASE.] A defendant convicted and sentenced as required by subdivision 1a, 1b, or 1c is not eligible for probation, parole, discharge, or supervised release until that person has served the full mandatory minimum term of imprisonment as provided by the subdivision under which he or she is sentenced, notwithstanding the provisions of sections 242.19, 243.05, 244.04, and 609.12. A court may not stay imposition or execution of any mandatory minimum sentence required by subdivision 1a, 1b, or 1c, notwithstanding the provisions of section 609.135.*

Sec. 5. Minnesota Statutes 1984, section 609.245, is amended to read:

**609.245 [AGGRAVATED ROBBERY.]**

*Subdivision 1. [SENTENCE.] Whoever, while committing a robbery, is armed with a dangerous weapon or inflicts bodily harm upon another is guilty of aggravated robbery and may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$35,000, or both.*

*Subd. 2. [AGGRAVATED ROBBERY OF PHARMACIES.] A person convicted of aggravated robbery in a building or portion of a building which contains a pharmacy or other lawful business or practice in which controlled substances are routinely held or stored must be committed to the commissioner of corrections for a mandatory minimum term of imprisonment of not less than two years, and not more than the maximum sentence provided by subdivision 1.*

*Subd. 3. [NO EARLY RELEASE.] A defendant convicted and sentenced as required by subdivision 2 is not eligible for probation, parole, discharge, or supervised release until that person has served the full mandatory minimum term of imprisonment as provided by subdivision 2, notwithstanding the provisions of sections 242.19, 243.05, 244.04, 609.12, and 609.135.*

Sec. 6. Minnesota Statutes 1984, section 609.582, is amended by adding a subdivision to read:

*Subd. 1a. [MANDATORY MINIMUM SENTENCE FOR BURGLARY OF OCCUPIED DWELLING.] A person convicted of committing burglary of an occupied dwelling, as defined in subdivision 1, clause (a), who has a prior conviction for burglary of an occupied dwelling under subdivision 1, clause (a) must be committed to the commissioner of corrections for a mandatory minimum term of imprisonment of not less than 26 months, and not more than the maximum sentence provided by subdivision 1.*



*A defendant convicted and sentenced as required by this subdivision is not eligible for probation, parole, discharge, or supervised release until that person has served the full mandatory minimum term of imprisonment as provided by this subdivision, notwithstanding the provisions of sections 242.19, 243.05, 244.04, and 609.12. A court may not stay imposition or execution of any mandatory minimum sentence required by this subdivision, notwithstanding the provisions of section 609.135.*

Sec. 7. Minnesota Statutes 1984, section 609.582, is amended by adding a subdivision to read:

*Subd. 2a. [MANDATORY MINIMUM SENTENCE FOR CERTAIN BURGLARIES.] A person convicted of committing residential burglary, as defined in subdivision 2, clause (a), who has two prior convictions for residential burglary under subdivision 2, clause (a) must be committed to the commissioner of corrections for a mandatory minimum term of imprisonment of not less than 27 months, and not more than the maximum sentence provided by subdivision 2.*

*A person convicted of committing burglary, as defined in subdivision 2, clause (c), who has two prior convictions for burglary under subdivision 2, clause (c), must be committed to the commissioner of corrections for a mandatory minimum term of imprisonment of not less than 18 months, and not more than the maximum sentence provided by subdivision 2.*

*A defendant convicted and sentenced as required by this subdivision is not eligible for probation, parole, discharge, or supervised release until that person has served the full mandatory minimum term of imprisonment as provided by this subdivision, notwithstanding the provisions of sections 242.19, 243.05, 244.04, and 609.12. A court may not stay imposition or execution of any mandatory minimum sentence required by this subdivision, notwithstanding the provisions of section 609.135.*

Sec. 8. [EFFECTIVE DATE.]

*Sections 1 to 7 are effective August 1, 1985, and apply to crimes committed on or after that date."*

Delete the title and insert:

*"A bill for an act relating to crimes; establishing mandatory minimum terms of imprisonment for the crimes of residential burglary, burglary of an occupied dwelling, aggravated robbery of a pharmacy, and selling cocaine, heroin, and hallucinogens;*

amending Minnesota Statutes 1984, sections 152.15, by adding subdivisions; 609.245; and 609.582, by adding subdivisions.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 718, A bill for an act relating to environment; requiring the commissioner of health to monitor the quality of water in private water wells in the metropolitan area; amending Minnesota Statutes 1984, section 473.845, subdivision 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 725, A bill for an act relating to environment; providing for state grants for the construction of collector sewers in totally unsewered cities; amending Minnesota Statutes 1984, section 116.16, subdivision 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 730, A bill for an act relating to petroleum products; setting standards for heating fuel, diesel fuel, and kerosene; providing testing authority for the weights and measures division of the department of public service; amending Minnesota Statutes 1984, sections 296.01, subdivision 4, and by adding subdivisions; and 296.05, subdivisions 2 and 4; repealing Minnesota Statutes 1984, section 296.05, subdivision 3a.

Reported the same back with the following amendments:

Page 1, line 25, before the period insert “*as amended through August 1, 1985*”

Page 2, line 7, before the period insert "*as amended through August 1, 1985*"

Page 2, line 16, before the period insert "*as amended through August 1, 1985*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 792, A bill for an act relating to vocational technical education; allowing some budget, allocation, aid, and grant procedures to be set by state board policy; correcting and eliminating definitions; changing a fund for the deposit of parking fees; amending Minnesota Statutes 1984, sections 136C.08, subdivision 2; 136C.26; 136C.28, subdivisions 1 and 2; 136C.31; 136C.33, subdivision 1; and 136C.34; proposing coding for new law in Minnesota Statutes, chapter 136C; repealing Minnesota Statutes 1984, sections 136C.26, subdivisions 2 and 8; 136C.27, subdivision 1; 136C.28, subdivisions 3, 4, 5, 6, and 7; and 136C.33, subdivisions 3 and 4; 136C.37; and 136C.38.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 136.04, subdivision 15, is amended to read:

Subd. 15. [PUBLIC HEARINGS.] The state board shall conduct public hearings when merging or reorganizing institutions (AND WHEN ALLOCATING MONEY). Notice shall be given to affected persons in the manner determined by the state board. All affected persons shall be given the opportunity to be heard, but the state board may impose reasonable restrictions on time. The state board shall take final action at a meeting held at least seven days after the public hearing.

Sec. 2. Minnesota Statutes 1984, section 136C.08, subdivision 2, is amended to read:

Subd. 2. Any fee established by the board pursuant to the authority granted in subdivision 1 shall not exceed \$1 per day per vehicle. Parking fees collected shall be deposited in the general or (CAPITAL EXPENDITURE) *repair and betterment* fund of the school district or joint school district.

Sec. 3. Minnesota Statutes 1984, section 136C.26, subdivision 4, is amended to read:

Subd. 4. [COMPONENT ACTIVITIES.] "Component activities" means regular instruction, special needs instruction, *part-time instruction*, research, instructional administration, media/library, pupil personnel services, health services, director's office, instructional services, fixed costs, work (STUDY/FINANCIAL) *study, financial aid, physical plant, and repair and betterment.*

Sec. 4. Minnesota Statutes 1984, section 136C.26, subdivision 5, is amended to read:

Subd. 5. [INSTRUCTIONAL AID.] "Instructional aid" means state money, exclusive of (REPAIR AND BETTERMENT AID AND) debt service aid, allocated by the state board of vocational technical education to districts for post-secondary *and part-time* vocational technical education instructional costs.

Sec. 5. Minnesota Statutes 1984, section 136C.28, subdivision 2, is amended to read:

Subd. 2. [RECOMMENDED ALLOCATIONS.] After reviewing each budget, the state director (OF VOCATIONAL TECHNICAL EDUCATION) shall recommend aid allocations to the state board for the following fiscal year (IN EACH EXPENDITURE CATEGORY FOR EACH PROGRAM AND COMPONENT ACTIVITY).

The state director shall recommend instructional aid allocations sufficient to maintain or improve special needs instruction.

(NOTWITHSTANDING ANY LAWS OR RULES TO THE CONTRARY, THE RECOMMENDATIONS FOR ALLOCATIONS OF INSTRUCTIONAL AID, TO THE EXTENT POSSIBLE, SHALL BE BASED ON AVERAGE SYSTEMWIDE ADM TO TEACHER RATIOS OF 12 TO 1 FOR HEALTH PROGRAMS AND 17 TO 1 FOR NONHEALTH PROGRAMS.)

(THE ANNUAL STUDENT PLACEMENT RATE OF EACH PROGRAM SHALL BE TAKEN INTO CONSIDERATION BY THE DEPARTMENT IN RECOMMENDING INSTRUCTIONAL AID ALLOCATIONS.)

Each AVTI's tuition revenues in the fiscal year for which aid is allocated shall be taken into consideration by the department in recommending instructional aid allocations.

Each AVTI's unappropriated (CAPITAL) balance of the equipment (ACCOUNT IN THE CAPITAL) expenditure fund, as of June 30 of the fiscal year during which allocations are

made, shall be taken into consideration by the state director in recommending instructional aid allocations for the purposes listed in section 136C.29, subdivision 3, clauses (a), (b), (c), and (d). In recommending instructional aid allocations for all other purposes, the department shall take into consideration each AVTI's net positive unappropriated general fund balance, as of June 30 of the fiscal year during which allocations are made, which exceeds ten percent of the AVTI's operating expenditures, as defined by UFARS, for the fiscal year during which allocations are made.

(EACH AVTI'S ACTUAL EXPENDITURES WHICH EXCEED THE AMOUNTS ORIGINALLY BUDGETED FOR EXPENDITURE DURING THE FOURTH QUARTER OF THE FISCAL YEAR IN WHICH AIDS ARE ALLOCATED SHALL BE TAKEN INTO CONSIDERATION BY THE STATE DIRECTOR IN RECOMMENDING INSTRUCTIONAL AID ALLOCATIONS.)

(ALLOCATIONS OF REPAIR AND BETTERMENT AID SHALL BE RECOMMENDED FOR EACH PROJECT PROPOSED BY AN AVTI.) In recommending repair and betterment aid allocations, the state director shall take into consideration each AVTI's net positive unappropriated (CAPITAL) balance of the repair and betterment (ACCOUNT OF THE CAPITAL EXPENDITURE) fund, as of June 30 of the fiscal year during which allocations are made. *The recommendations must follow procedures for aid allocations set by the state board.*

Sec. 6. Minnesota Statutes 1984, section 136C.33, subdivision 1, is amended to read:

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, *according to policies adopted by the state board.*

Sec. 7. Minnesota Statutes 1984, section 136C.34, is amended to read:

136C.34 [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, *according to policies adopted by the state board.* The AVTI shall grant a request it receives from the pupil.

Sec. 8. [136C.361] [100 PERCENT PAYMENT.]

*Subdivision 1. Notwithstanding any law to the contrary, the final adjustment paid to each district for the 1984-1985 school*

*year according to section 136C.36 shall be paid on or before June 30 of the fiscal year of entitlement.*

*Subd. 2. For the 1985-1986 school year, and later school years, 100 percent of the estimated post-secondary vocational instructional aid entitlement for each district shall be paid during the fiscal year of entitlement in 24 uniform payments on the first business day before the 15th of each month and the first business day before the last day of each month.*

**Sec. 9. [REPEALERS.]**

*Subdivision 1. Minnesota Statutes 1984, sections 136C.26, subdivisions 2 and 8; 136C.28, subdivisions 3, 4, 5, 6, and 7; 136C.33, subdivisions 3 and 4; 136C.37; and 136C.38, are repealed.*

*Subd. 2. Minnesota Statutes 1984, section 136C.36, is repealed.*

**Sec. 10. [EFFECTIVE DATE.]**

*This act, except for section 8, subdivision 1, is effective July 1, 1985. Section 8, subdivision 1, is effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to vocational technical education; allowing some budget, allocation, aid, and grant procedures to be set by state board policy; correcting and eliminating definitions; changing a fund for the deposit of parking fees; amending Minnesota Statutes 1984, sections 136C.04, subdivision 15; 136C.08, subdivision 2; 136C.26, subdivisions 4 and 5; 136C.28, subdivision 2; 136C.33, subdivision 1; and 136C.34; proposing coding for new law in Minnesota Statutes, chapter 136C; repealing Minnesota Statutes 1984, sections 136C.26, subdivisions 2 and 8; 136C.28, subdivisions 3, 4, 5, 6, and 7; 136C.33, subdivisions 3 and 4; 136C.36; 136C.37; and 136C.38."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 812, A bill for an act relating to local government; extending deadlines for reporting on and complying with laws

requiring equitable compensation relationships; amending Minnesota Statutes 1984, sections 471.992; 471.996; 471.997; 471.9975; 471.998, subdivision 1; and 471.999.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Heap from the Committee on Labor-Management Relations to which was referred:

H. F. No. 847, A bill for an act relating to unemployment compensation; altering the public policy statement; changing the taxable wage base; defining credit week; providing for employer charging; increasing the eligibility requirement; eliminating certain tax rate limitations; changing the weekly benefit amount; capping the maximum weekly benefit; providing for the duration of benefits; increasing the duration of benefits for claimants in counties with high unemployment; providing for seasonal employees; making the waiting week nonreimbursable; amending the benefit offset for severance pay; increasing the period of time and earnings necessary for requalification after disqualification; changing the definition of suitable work; transferring duties to the office of administrative hearings; amending Minnesota Statutes 1984, sections 14.03, subdivision 2; 14.51; 268.03; 268.04, subdivisions 25 and 29; 268.06, subdivisions 5, 8, 18, 19, and 20; 268.07, subdivisions 2 and 2a; 268.08, subdivisions 1 and 3; 268.09, subdivisions 1 and 2; 268.10, subdivisions 2, 3, 4, 5, 6, and 9; 268.12, subdivisions 8, 9, 10, and 13; and 268.18, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 268.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

#### “ARTICLE 1

#### UNEMPLOYMENT COMPENSATION

Section 1. Minnesota Statutes 1984, section 268.03, is amended to read:

#### 268.03 [DECLARATION OF PUBLIC POLICY.]

As a guide to the interpretation and application of sections 268.03 to 268.24, the public policy of this state is declared to be as follows: Economic insecurity due to unemployment is a serious menace to the health, morals, and welfare of the people of this state. Involuntary unemployment is therefore a subject of

general interest and concern which requires appropriate action by the legislature to prevent its spread and to lighten its burdens. This can be provided by encouraging employers to provide more stable employment and by the systematic accumulation of funds during periods of employment to provide benefits for periods of unemployment, thus maintaining purchasing power and limiting the serious social consequences of poor relief assistance. The legislature, therefore, declares that in its considered judgment the public good and the general welfare of the citizens of this state will be promoted by providing, under the police powers of the state for the (COMPULSORY SETTING ASIDE OF UNEMPLOYMENT RESERVES TO BE USED FOR THE BENEFIT OF PERSONS UNEMPLOYED THROUGH NO FAULT OF THEIR OWN) *establishment of an unemployment insurance fund. The reserves of the unemployment insurance fund are to be used to provide a temporary replacement of a portion of lost wages to individuals with a permanent attachment to the work force, who become involuntarily unemployed through no fault of their own, and who are actively seeking, and are willing and available to accept, suitable reemployment.*

Sec. 2. Minnesota Statutes 1984, section 268.04, subdivision 25, is amended to read:

Subd. 25. [WAGES.] "Wages" means all remuneration for services, including commissions and bonuses, back pay as of the date of payment, and tips and gratuities paid to an employee by a customer of an employer and accounted for by the employee to the employer, and the cash value of all remuneration in any medium other than cash, except that such term shall not include:

(a) For the purpose of determining contributions payable under section 268.06, subdivision 2, that part of the remuneration which exceeds, for each calendar year, (THE GREATER OF \$7,000 OR THAT PART OF THE REMUNERATION WHICH EXCEEDS 60 PERCENT OF THE AVERAGE ANNUAL WAGE ROUNDED TO THE NEAREST \$100 COMPUTED IN ACCORDANCE WITH THE PROVISIONS OF CLAUSE (F)) \$10,300 for the calendar year 1985; \$10,900 for the calendar year 1986; and \$11,400 for the calendar year 1987 and all calendar years thereafter, paid to an individual by an employer with respect to covered employment in this state, or with respect to employment under the unemployment compensation law of any other state during any calendar year paid to such individual by such covered employer or his predecessor during such calendar year; provided, that if the term "wages" as contained in the Federal Unemployment Tax Act is amended to include remuneration in excess of the amount required to be paid hereunder to an individual by an employer under the federal act for any calendar year, wages for the purposes of sections 268.03 to 268.24 shall include remuneration paid in a calendar year up to an amount equal to the dollar limitation specified in the Federal Unemployment Tax Act. For the pur-



poses of this clause, the term "employment" shall include service constituting employment under any employment security law of another state or of the federal government;

(b) The amount of any payment made to, or on behalf of, an employee under a plan or system established by an employer which makes provision for his employees generally or for a class or classes of his employees (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment), on account of (1) retirement or (2) sickness or accident disability or (3) medical and hospitalization expenses in connection with sickness or accident disability, or (4) death, provided the employee has not the option to receive, instead of provision for such death benefit, any part of such payment, or if such death benefit is insured, any part of the premium (or contributions to premiums) paid by his employer and has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive a cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer;

(c) The payment by an employer (without deduction from the remuneration of the employee) (1) of the tax imposed upon an employee under section 3101 of the federal Internal Revenue Code, or (2) of any payment required from an employee under a state unemployment compensation law, with respect to remuneration paid to an employee for domestic service in a private home of the employer or for agricultural labor;

(d) Any payments made to a former employee during the period of active military service in the armed forces of the United States by such employer, whether legally required or not;

(e) Any payment made to, or on behalf of, an employee or his beneficiary (1) from or to a trust described in section 401(a) of the federal Internal Revenue Code which is exempt from tax under section 501(a) of such code at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as an employee and not as a beneficiary of the trust, or (2) under or to an annuity plan which, at the time of such payment is a plan described in section 403(a) of the federal Internal Revenue Code, or (3) under or to a bond purchase plan which, at the time of such payment, is a qualified bond purchase plan described in section 405(a) of the federal Internal Revenue Code (;

((F) ON OR BEFORE JULY 1 OF EACH YEAR THE COMMISSIONER SHALL DETERMINE THE AVERAGE ANNUAL WAGE PAID BY EMPLOYERS SUBJECT TO SECTIONS 268.03 TO 268.24 IN THE FOLLOWING MANNER:)

(1) THE SUM OF THE TOTAL MONTHLY EMPLOYMENT REPORTED FOR THE PREVIOUS CALENDAR YEAR SHALL BE DIVIDED BY 12 TO DETERMINE THE AVERAGE MONTHLY EMPLOYMENT;)

(2) THE SUM OF THE TOTAL WAGES REPORTED FOR THE PREVIOUS CALENDAR YEAR SHALL BE DIVIDED BY THE AVERAGE MONTHLY EMPLOYMENT TO DETERMINE THE AVERAGE ANNUAL WAGE.)

(THE AVERAGE ANNUAL WAGE DETERMINED SHALL BE EFFECTIVE FOR THE CALENDAR YEAR NEXT SUCCEEDING THE DETERMINATION).

Sec. 3. Minnesota Statutes 1984, section 268.04, subdivision 29, is amended to read:

Subd. 29. "Credit week" is any week for which wages or back pay, actually or constructively paid, wages overdue and delayed beyond the usual time of payment, and back pay by or from one or more employers to an employee for insured work equal or exceed 30 (PERCENT OF THE AVERAGE WEEKLY WAGE) *times the adult minimum wage in effect under section 177.24, subdivision 1, on December 31 of the year two years before the year in which the claim is made. The product shall be computed to the nearest whole dollar.* (ON OR BEFORE JUNE 30 OF EACH YEAR THE COMMISSIONER SHALL DETERMINE THE AVERAGE WEEKLY WAGE PAID BY EMPLOYERS SUBJECT TO SECTIONS 268.03 TO 268.24 IN THE FOLLOWING MANNER:)

((A) THE SUM OF THE TOTAL MONTHLY EMPLOYMENT REPORTED FOR THE PREVIOUS CALENDAR YEAR SHALL BE DIVIDED BY 12 TO DETERMINE THE AVERAGE MONTHLY EMPLOYMENT;)

((B) THE SUM OF THE TOTAL WAGES REPORTED FOR THE PREVIOUS CALENDAR YEAR SHALL BE DIVIDED BY THE AVERAGE MONTHLY EMPLOYMENT TO DETERMINE THE AVERAGE ANNUAL WAGE; AND)

((C) THE AVERAGE ANNUAL WAGE SHALL BE DIVIDED BY 52 TO DETERMINE THE AVERAGE WEEKLY WAGE.)

(THE AVERAGE WEEKLY WAGE AS SO DETERMINED COMPUTED TO THE NEAREST WHOLE DOLLAR SHALL APPLY TO CLAIMS FOR BENEFITS WHICH ESTABLISH A BENEFIT YEAR WHICH BEGINS SUBSEQUENT TO DECEMBER 31 OF THE YEAR OF THE COMPUTATION.)

Sec. 4. Minnesota Statutes 1984, section 268.06, subdivision 5, is amended to read:

Subd. 5. [BENEFITS CHARGED AS AND WHEN PAID.] Benefits paid to an individual pursuant to a valid claim shall be charged against the account of his employer as and when paid, except that benefits paid to an individual who earned base period wages for part-time employment shall not be charged to an employer that is liable for payments in lieu of contributions or to the experience rating account of an employer if the employer: (1) provided weekly base period part-time employment; (2) continues to provide weekly employment equal to at least 90 percent of the part-time employment provided in the base period; and (3) is an interested party because of the individual's loss of other employment.

*For the purpose of this subdivision, an employer is deemed to satisfy clause (2) if:*

*(a) the weekly employment in the base period was on an on call as needed basis; and*

*(b) the employer continues to employ the individual on the same basis and provides employment substantially equal to the employment provided in the base period.*

The amount of benefits so chargeable against each base period employer's account shall bear the same ratio to the total benefits paid to an individual as the base period wage credits of the individual earned from such employer bear to the total amount of base period wage credits of the individual earned from all his base period employers.

In making computations under this provision, the amount of wage credits if not a multiple of \$1, shall be computed to the nearest multiple of \$1.

Benefits shall not be charged to an employer that is liable for payments in lieu of contributions or to the experience rating account of an employer for unemployment that is directly caused by a major natural disaster declared by the president pursuant to section 102(2) of the Disaster Relief Act of 1974 (42 United States Code 5122(2)), if the unemployed individual would have been eligible for disaster unemployment assistance with respect to that unemployment but for the individual's receipt of unemployment insurance benefits.

Sec. 5. Minnesota Statutes 1984, section 268.06, subdivision 8, is amended to read:

Subd. 8. [DETERMINATION OF CONTRIBUTION RATES.] For each calendar year the commissioner shall determine the contribution rate of each employer by adding the min-

imum rate to the experience ratio (, EXCEPT THAT IF THE RATIO FOR THE CURRENT CALENDAR YEAR INCREASES OR DECREASES THE EXPERIENCE RATIO FOR THE PRECEDING CALENDAR YEAR BY MORE THAN ONE AND ONE-HALF PERCENTAGE POINTS FOR 1982; AND 2-1/2 PERCENTAGE POINTS FOR 1983 AND EACH YEAR THEREAFTER, THE INCREASE OR DECREASE FOR THE CURRENT YEAR SHALL BE LIMITED TO ONE AND ONE-HALF PERCENTAGE POINTS FOR 1982; AND 2-1/2 PERCENTAGE POINTS FOR 1983 AND EACH YEAR THEREAFTER, PROVIDED THAT A SMALL BUSINESS EMPLOYER SHALL BE ELIGIBLE, UPON APPLICATION, FOR A REDUCTION IN THE LIMITATION TO 1-1/2 PERCENTAGE POINTS FOR 1983 AND EACH YEAR THEREAFTER. "SMALL BUSINESS EMPLOYER" FOR THE PURPOSE OF THIS SUBDIVISION MEANS AN EMPLOYER WITH AN ANNUAL COVERED PAYROLL OF \$250,000 OR LESS, OR FEWER THAN 20 EMPLOYEES IN THREE OF THE FOUR QUARTERS ENDING JUNE 30, OF THE PREVIOUS CALENDAR YEAR).

The minimum rate for all employers shall be one percent if the amount in the unemployment compensation fund is less than \$80,000,000 on June 30 of the preceding calendar year; or nine-tenths of one percent if the fund is more than \$80,000,000 but less than \$90,000,000; or eight-tenths of one percent if the fund is more than \$90,000,000 but less than \$110,000,000; or seven-tenths of one percent if the fund is more than \$110,000,000 but less than \$130,000,000; or six-tenths of one percent if the fund is more than \$130,000,000 but less than \$150,000,000; or five-tenths of one percent if the fund is more than \$150,000,000 but less than \$170,000,000; or three-tenths of one percent if the fund is more than \$170,000,000 but less than \$200,000,000; or one-tenth of one percent if the fund is \$200,000,000 or more; provided that no employer shall have a contribution rate of more than 7.5 percent.

For the purposes of this section the unemployment compensation fund shall not include any moneys advanced from the Federal Unemployment Account in the unemployment trust fund in accordance with Title XII of the Social Security Act, as amended. (NO EMPLOYER FIRST ASSIGNED AN EXPERIENCE RATIO IN ACCORDANCE WITH SUBDIVISION 6, SHALL HAVE HIS CONTRIBUTION RATE INCREASED OR DECREASED BY MORE THAN ONE AND ONE-HALF PERCENTAGE POINTS FOR 1982; AND 2-1/2 PERCENTAGE POINTS FOR 1983 AND EACH YEAR THEREAFTER OVER THE CONTRIBUTION RATE ASSIGNED FOR THE PRECEDING CALENDAR YEAR IN ACCORDANCE WITH SUBDIVISION 3A, PROVIDED THAT A SMALL BUSINESS EMPLOYER SHALL BE ELIGIBLE, UPON APPLICATION, FOR A REDUCTION IN THE LIMITATION TO 1-1/2 PERCENTAGE POINTS FOR 1983 AND EACH YEAR THEREAFTER.)

Sec. 6. Minnesota Statutes 1984, section 268.07, subdivision 2, is amended to read:

Subd. 2. [WEEKLY BENEFIT AMOUNT AND DURATION.] If the commissioner finds that an individual has earned (15) 20, or more, credit weeks within the base period of employment in insured work with one or more employers, benefits shall be payable to such individual during his benefit year as follows:

(1) Weekly benefit amount shall be equal to (60) one percent of the (FIRST \$85, 40 PERCENT OF THE NEXT \$85 AND 50 PERCENT OF THE REMAINDER OF THE AVERAGE WEEKLY WAGE OF SUCH INDIVIDUAL) *individual's total base period wage credits*. The amount so computed if not a whole dollar shall be rounded down to the next lower dollar amount. (THE MAXIMUM WEEKLY BENEFIT AMOUNT OF CLAIMS FOR BENEFITS WHICH ESTABLISH A BENEFIT YEAR SUBSEQUENT TO JULY 1, 1979 SHALL BE 66-2/3 PERCENT OF THE AVERAGE WEEKLY WAGE, EXCEPT AS PROVIDED IN CLAUSE (D).)

(ON OR BEFORE JUNE 30 OF EACH YEAR THE COMMISSIONER SHALL DETERMINE THE AVERAGE WEEKLY WAGE PAID BY EMPLOYERS SUBJECT TO SECTIONS 268.03 TO 268.24 IN THE FOLLOWING MANNER:)

((A) THE SUM OF THE TOTAL MONTHLY EMPLOYMENT REPORTED FOR THE PREVIOUS CALENDAR YEAR SHALL BE DIVIDED BY 12 TO DETERMINE THE AVERAGE MONTHLY EMPLOYMENT.)

((B) THE SUM OF THE TOTAL WAGES REPORTED FOR THE PREVIOUS CALENDAR YEAR SHALL BE DIVIDED BY THE AVERAGE MONTHLY EMPLOYMENT TO DETERMINE THE AVERAGE ANNUAL WAGE.)

((C) THE AVERAGE ANNUAL WAGE SHALL BE DIVIDED BY 52 TO DETERMINE THE AVERAGE WEEKLY WAGE.)

(THE MAXIMUM WEEKLY BENEFIT AMOUNT AS SO DETERMINED COMPUTED TO THE NEAREST WHOLE DOLLAR SHALL APPLY TO CLAIMS FOR BENEFITS WHICH ESTABLISH A BENEFIT YEAR WHICH BEGINS SUBSEQUENT TO JUNE 30 OF EACH YEAR.)

((D) THE MAXIMUM WEEKLY BENEFIT AMOUNT FOR CLAIMS FOR BENEFITS WHICH ESTABLISH A BENEFIT YEAR SUBSEQUENT TO JUNE 30, 1982, AND PRIOR TO JULY 1, 1983, SHALL BE \$184.)

(THE MAXIMUM WEEKLY BENEFIT AMOUNT FOR CLAIMS FOR BENEFITS WHICH ESTABLISH A BENEFIT YEAR SUBSEQUENT TO JUNE 30, 1983, AND PRIOR TO JULY 1, 1984, SHALL BE \$191.)

*The minimum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1985, shall be \$56.*

The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1984, and prior to July 1, 1985, shall be \$198.

*The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1985, and prior to July 1, 1986, shall be \$200.*

*The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1986, and prior to July 1, 1987, shall be \$208.*

*The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1987, shall be \$216.*

(2) An individual's maximum amount of regular benefits payable in a benefit year shall not exceed the lesser of (a) 26 times his weekly benefit amount or (b) (70)  $66\frac{2}{3}$  percent of the number of credit weeks earned by such an individual computed to the nearest whole week times his weekly benefit amount.

(3) Each eligible individual who is unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less that part of his earnings, including holiday pay, payable to him with respect to such week which is in excess of \$25 or \$200 for earnings from service in the national guard or a United States military reserve unit. Jury duty pay is not considered as earnings and shall not be deducted from benefits paid. Such benefit, if not a whole dollar amount shall be rounded down to the next lower dollar amount.

(4) The provisions of clauses (1) and (2) shall apply to claims for benefits which establish a benefit year subsequent to June 30, 1983.

Sec. 7. Minnesota Statutes 1984, section 268.07, subdivision 2a, is amended to read:

Subd. 2a. [(EXCEPTION) SEASONALITY EXCEPTIONS.] Notwithstanding the provisions of subdivision 2, the following seasonality exceptions shall apply:

(a) If the commissioner finds that an individual has earned credit weeks in seasonal employment, benefits shall be payable only if the commissioner finds that the individual has earned (15) 20 credit weeks in employment which is not seasonal, in addition to any credit weeks in seasonal employment. For the purposes of this (SUBDIVISION) clause, "seasonal employment" means employment with a single employer in the recreation or tourist industry which is available with the employer for (15) 20 consecutive weeks or less each calendar year.

(b) If the commissioner finds that an individual has been paid for weeks of regular unemployment compensation benefits in the same calendar quarter in the previous two years: (1) regular benefits shall not be payable to that individual during that same calendar quarter for a number of weeks equal to the mean number of weeks the individual received regular benefits during that calendar quarter in the previous two years; and (2) the individual's duration of regular benefits shall be reduced by the mean number of weeks the individual received regular benefits during that calendar quarter in the previous two years or the number of weeks left in the calendar quarter, whichever is less. The mean number of weeks the individual received regular benefits during that calendar quarter in the previous two years shall be computed by taking the total number of weeks the individual received regular benefits during that calendar quarter in the previous two years, dividing by two, and rounding up to the nearest whole number of weeks. For the purposes of this clause, the calendar quarter shall be based on calendar weeks with a 53rd calendar week periodically to adjust for leap year and deviation of the calendar weeks from the calendar year.

Sec. 8. [268.073] [STATE EXTENDED BENEFITS.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given them:

(a) "State insured unemployment rate" means the percentage derived by dividing the average weekly number of individuals filing claims for regular benefits in this state under chapter 268 for weeks of unemployment with respect to the most recent 13 consecutive week period, as determined by the commissioner on the basis of his or her reports to the United States Secretary of Labor, by the average monthly employment covered under this law for the first four of the most recent six completed calendar quarters ending before the end of the 13-week period.

(b) "County insured unemployment rate" means the percentage derived by dividing the average weekly number of individuals, who reside in the given Minnesota county, filing claims for regular benefits in this state under chapter 268 for weeks of unemployment with respect to the most recent 13 consecutive week period, as determined by the commissioner on the basis of

*his or her reports to the United States Secretary of Labor, by the average monthly employment covered under this law, in the county, for the first four of the most recent six completed calendar quarters ending before the end of the 13-week period.*

*Subd. 2. [ELIGIBILITY AND AMOUNT.] In addition to all other benefits under this chapter, an individual shall be eligible for up to four weeks of state extended benefits if:*

*(1) the individual has exhausted his or her regular benefits under section 268.07 and the individual has exhausted or is not eligible for federal extended benefits, federal supplemental benefits, or any other unemployment compensation benefits under federal or other state law;*

*(2) the individual resides in a county which has had within the eight-week period preceding the current calendar week, a county insured unemployment rate equal to twice the state insured unemployment rate; and*

*(3) the individual would be eligible for regular benefits under this chapter during the week in which he or she receives state extended benefits except that the individual has exhausted his or her regular benefits.*

*State extended benefits for a week shall be equal to the individual's regular benefit amount under section 268.07.*

Sec. 9. Minnesota Statutes 1984, section 268.08, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY CONDITIONS.] An individual shall be eligible to receive benefits with respect to any week of unemployment only if the commissioner finds that the individual:

(1) has registered for work at and thereafter has continued to report to an employment office, or agent of the office, in accordance with rules the commissioner may adopt; except that the commissioner may by rule waive or alter either or both of the requirements of this clause as to types of cases or situations with respect to which the commissioner finds that compliance with the requirements would be oppressive or would be inconsistent with the purposes of sections 268.03 to 268.24;

(2) has made a claim for benefits in accordance with rules as the commissioner may adopt; and

(3) was able to work and was available for work, and was actively seeking work. The individual's weekly benefit amount shall be reduced one-fifth for each day the individual is unable



to work or is unavailable for work. Benefits shall not be denied by application of this clause to an individual who is in training with the approval of the commissioner or in training approved pursuant to section 236 of the Trade Act of 1974, as amended ;

An individual is deemed unavailable for work with respect to any week which occurs in a period when the individual is a full-time student in attendance at, or on vacation from an established school, college or university unless a majority of the credit weeks earned in the base period were for services performed during weeks in which the student was attending school as a full-time student.

An individual serving as a juror shall be considered as available for work and actively seeking work on each day the individual is on jury duty.

(4) has been unemployed for a waiting period of one week during which the individual is otherwise eligible for benefits under sections 268.03 to 268.24. (HOWEVER, PAYMENT FOR THE WAITING WEEK SHALL BE MADE TO THE INDIVIDUAL AFTER THE INDIVIDUAL HAS QUALIFIED FOR AND BEEN PAID BENEFITS FOR FOUR WEEKS OF UNEMPLOYMENT IN A BENEFIT YEAR WHICH PERIOD OF UNEMPLOYMENT IS TERMINATED BECAUSE OF THE INDIVIDUAL'S RETURN TO EMPLOYMENT.) No individual is required to serve a waiting period of more than one week within the one year period subsequent to filing a valid claim and commencing with the week within which the valid claim was filed.

Sec. 10. Minnesota Statutes 1984, section 268.08, subdivision 3, is amended to read:

Subd. 3. [NOT ELIGIBLE.] An individual shall not be eligible to receive benefits for any week with respect to which he is receiving, has received, or has filed a claim for remuneration in an amount equal to or in excess of his weekly benefit amount in the form of

(1) termination, severance, or dismissal payment or wages in lieu of notice whether legally required or not; provided that if a termination, severance, or dismissal payment is made in a lump sum, the employer may allocate such lump sum payment over a period equal to the lump sum divided by the employee's regular pay while employed by such employer; provided any such payment shall be applied for a period immediately following the last day of work (BUT NOT TO EXCEED 28 CALENDAR DAYS); or

(2) vacation allowance paid directly by the employer for a period of requested vacation, including vacation periods assigned

by the employer under the provisions of a collective bargaining agreement, or uniform vacation shutdown; or

(3) compensation for loss of wages under the workers' compensation law of this state or any other state or under a similar law of the United States, or under other insurance or fund established and paid for by the employer except that this does not apply to an individual who is receiving temporary partial compensation pursuant to section 176.101, subdivision 3k; or

(4) 50 percent of the pension payments from any fund, annuity or insurance maintained or contributed to by a base period employer including the armed forces of the United States if the employee contributed to the fund, annuity or insurance and all of the pension payments if the employee did not contribute to the fund, annuity or insurance; or

(5) 50 percent of a primary insurance benefit under title II of the Social Security Act as amended, or similar old age benefits under any act of congress or this state or any other state.

Provided, that if such remuneration is less than the benefits which would otherwise be due under sections 268.03 to 268.24, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration; provided, further, that if the appropriate agency of such other state or the federal government finally determines that he is not entitled to such benefits, this provision shall not apply. If the computation of reduced benefits, required by this subdivision, is not a whole dollar amount, it shall be rounded down to the next lower dollar amount.

Sec. 11. Minnesota Statutes 1984, section 268.09, subdivision 1, is amended to read:

Subdivision 1. [DISQUALIFYING CONDITIONS.] An individual separated from employment under clauses (1), (2), or (3) shall be disqualified for waiting week credit and benefits. For separations under clauses (1) and (2), the disqualification shall continue until (FOUR) *ten* calendar weeks have elapsed following his separation and the individual has earned (FOUR) *ten* times his weekly benefit amount in insured work.

(1) [VOLUNTARY LEAVE.] The individual voluntarily and without good cause attributable to the employer discontinued his employment with such employer. For the purpose of this clause, a separation from employment by reason of its temporary nature or for inability to pass a test or for inability to meet performance standards necessary for continuation of employment or based solely on a provision in a collective bargaining agreement by which an individual has vested discretionary authority in another to act in behalf of the individual shall not be deemed voluntary.

A separation shall be for good cause attributable to the employer if it occurs as a consequence of sexual harassment. Sexual harassment means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other conduct or communication of a sexual nature when: (1) the employee's submission to such conduct or communication is made a term or condition of the employment, (2) the employee's submission to or rejection of such conduct or communication is the basis for decisions affecting employment, or (3) such conduct or communication has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment and the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

(2) [DISCHARGE FOR MISCONDUCT.] The individual was discharged for misconduct, not amounting to gross misconduct connected with his work or for misconduct which interferes with and adversely affects his employment.

An individual shall not be disqualified under clauses (1) and (2) of this subdivision under any of the following conditions:

(a) The individual voluntarily discontinued his employment to accept work offering substantially better conditions of work or substantially higher wages or both;

(b) The individual is separated from employment due to his own serious illness provided that such individual has made reasonable efforts to retain his employment;

An individual who is separated from his employment due to his illness of chemical dependency which has been professionally diagnosed or for which he has voluntarily submitted to treatment and who fails to make consistent efforts to maintain the treatment he knows or has been professionally advised is necessary to control that illness has not made reasonable efforts to retain his employment.

(c) The individual accepts work from a base period employer which involves a change in his location of work so that said work would not have been deemed to be suitable work under the provisions of subdivision 2 and within a period of 13 weeks from the commencement of said work voluntarily discontinues his employment due to reasons which would have caused the work to be unsuitable under the provision of said subdivision 2;

(d) The individual left employment because he had reached mandatory retirement age and was 65 years of age or older;

(e) The individual is terminated by his employer because he gave notice of intention to terminate employment within 30 days.

This exception shall be effective only through the calendar week which includes the date of intended termination, provided that this exception shall not result in the payment of benefits for any week for which he receives his normal wage or salary which is equal to or greater than his weekly benefit amount;

(f) The individual is separated from employment due to the completion of an apprenticeship program, or segment thereof, approved pursuant to chapter 178;

(g) The individual voluntarily leaves part-time employment with a base period employer while continuing full-time employment if the individual attempted to return to part-time employment after being separated from the full-time employment, and if substantially the same part-time employment with the base period employer was not available for the individual.

(3) [DISCHARGE FOR GROSS MISCONDUCT.] The individual was discharged for gross misconduct connected with his work or gross misconduct which interferes with and adversely affects his employment. For a separation under this clause, the commissioner shall impose a total disqualification for the benefit year and cancel all of the wage credits from the last employer from whom he was discharged for gross misconduct connected with his work.

For the purpose of this clause "gross misconduct" is defined as misconduct involving assault and battery or the malicious destruction of property or arson or sabotage or embezzlement or any other act, including theft, the commission of which amounts to a felony or gross misdemeanor. For an employee of a health care facility, gross misconduct also includes misconduct involving an act of patient or resident abuse as defined in section 626.557, subdivision 2, clause (d).

If an individual is convicted of a felony or gross misdemeanor for the same act or acts of misconduct for which the individual was discharged, the misconduct is conclusively presumed to be gross misconduct if it was connected with his work.

(4) [LIMITED OR NO CHARGE OF BENEFITS.] Benefits paid subsequent to an individual's separation under any of the foregoing clauses, excepting clauses (2)(c) and (2)(e), shall not be used as a factor in determining the future contribution rate of the employer from whose employment such individual separated.

Benefits paid subsequent to an individual's failure, without good cause, to accept an offer of suitable re-employment shall not be used as a factor in determining the future contribution rate of the employer whose offer of re-employment he failed to accept or whose offer of re-employment was refused solely due to the dis-

tance of the available work from his residence, the individual's own serious illness or his other employment at the time of the offer.

(5) An individual who was employed by an employer shall not be disqualified for benefits under this subdivision for any acts or omissions occurring after his separation from employment with the employer.

(6) [DISCIPLINARY SUSPENSIONS.] An individual shall be disqualified for waiting week credit and benefits for the duration of any disciplinary suspension of 30 days or less resulting from his own misconduct. Disciplinary suspensions of more than 30 days shall constitute a discharge from employment.

Sec. 12. Minnesota Statutes 1984, section 268.09, subdivision 2, is amended to read:

Subd. 2. [FAILURE TO APPLY FOR OR ACCEPT SUITABLE WORK OR RE-EMPLOYMENT.] An individual shall be disqualified for waiting week credit and benefits during the week of occurrence and until (FOUR) *ten* calendar weeks have elapsed following his refusal or failure and he has earned (FOUR) *ten* times his weekly benefit amount in insured work if the commissioner finds that he has failed, without good cause, either to apply for available, suitable work of which he was advised by the employment office, or the commissioner or to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the commissioner, or to accept a base period employer's offer of re-employment offering substantially the same or better hourly wages and conditions of work as were previously provided by that employer in his base period.

(a) In determining whether or not any work is suitable for an individual, the commissioner shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience, his length of unemployment and prospects of securing local work in his customary occupation, (AND) the distance of the available work from his residence, *and how the work's wage compares with the wage the individual received at his previous employment. With respect to the work's wage, the work shall be deemed suitable if the work is otherwise suitable and the work's wage is at least: 85 percent of the individual's former wage when the individual has not received more than six weeks of benefits during his or her current period of unemployment; 75 percent of the individual's former wage when the individual has received more than six weeks of benefits, but not more than 14 weeks during his or her current period of unemployment; and 65 percent of the individual's former wage when the individual has received more than 14 weeks of benefits during his or her current period of unemployment.*

(b) Notwithstanding any other provisions of sections 268.03 to 268.24, no work shall be deemed suitable, and benefits shall not be denied thereunder to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(1) if the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(2) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(3) if as a condition of being employed the individual would be required to join a union or to resign from or refrain from joining any bona fide labor organization;

(4) if the individual is in training with the approval of the commissioner.

#### Sec. 13. [EFFECTIVE DATE.]

*Section 8 of this article is effective October 1, 1985. Clause (b) of section 7 of this article shall apply to claims made on or after July 1, 1987.*

#### Sec. 14. [REPEALER.]

*Minnesota Statutes 1984, section 268.04, subdivision 30, is repealed.*

## ARTICLE 2

### TRANSFER OF AUTHORITY TO OFFICE OF ADMINISTRATIVE HEARINGS

#### Section 1. [TRANSFER FROM DEPARTMENT OF ECONOMIC SECURITY.]

*Subdivision 1. [PURPOSE.] It is the purpose and intent of this article to transfer all unemployment compensation hearing responsibilities and related functions except for appeal hearings before the commissioner or his or her authorized representative from the department of economic security to the office of administrative hearings.*

*Subd. 2. [PERSONNEL; EQUIPMENT.] All unemployment compensation referees at the department of economic security are transferred to the office of administrative hearings. Notwithstanding any laws to the contrary, all unemployment*

*compensation referees employed by the department of economic security at the time of this transfer are deemed to meet all requirements to be eligible for appointment as administrative law judges under the laws of this state, and shall be appointed as such on transfer. All personnel at the department of economic security presently providing support to the hearing related functions transferred pursuant to this article, including those involved in the scheduling of hearings, processing, and mailing of hearing notices, preparation and serving of referees' decisions or correspondence, travel coordination, accounting, answering of telephones, and preparation of transcripts are transferred to the office of administrative hearings.*

*All equipment and supplies used solely by the transferred personnel in the performance of their duties are transferred to the office of administrative hearings.*

*Subd. 3. [COOPERATION.] Commencing with the passage and signing of this act, the commissioner, the commissioners of administration, finance, and employee relations and the chief administrative law judge shall cooperate in assuring a smooth transfer of the referees and related personnel and equipment in order to carry out the purposes of this article. The commissioner shall provide office space at the department of economic security for the chief administrative law judge to use prior to the transfer in order to complete a review of the existing hearing system and personnel prior to the effective date of the transfer. The commissioner of administration, after consultation with the commissioner of economic security, the commissioner of finance, and the chief administrative law judge, shall determine the appropriate location of office space for the transferred personnel. The commissioner shall continue to provide space for the conduct of hearings in the same facilities and locations which are presently utilized for that purpose.*

*Subd. 4. [RULES.] The chief administrative law judge may make emergency rules for the purpose of adopting procedural rules for unemployment compensation hearings. The rules shall not conflict with any provisions of chapter 268 and shall comply with any applicable federal laws, rules, or regulations.*

*Subd. 5. [TIMELINESS.] To satisfy United States Department of Labor funding requirements the office of administrative hearings shall meet or exceed timeliness standards under federal regulation in the conduct of unemployment compensation hearings.*

**Sec. 2.** Minnesota Statutes 1984, section 14.03, subdivision 2, is amended to read:

**Subd. 2. [CONTESTED CASE PROCEDURE.]** The contested case procedures of the administrative procedure act provided in sections 14.57 to 14.70 do not apply to (a) the Minnesota

municipal board, (b) the commissioner of corrections, (c) the unemployment insurance program, *except for those hearings held by an administrative law judge of the office of administrative hearings*, and the social security disability determination program in the department of economic security, (d) the director of mediation services, (e) the workers' compensation division in the department of labor and industry, (f) the workers' compensation court of appeals, (g) the board of pardons, or (h) the public employment relations board.

Sec. 3. Minnesota Statutes 1984, section 14.51, is amended to read:

#### 14.51 [PROCEDURAL RULES FOR HEARINGS.]

The chief administrative law judge shall adopt rules to govern the procedural conduct of all hearings, relating to both rule adoption, amendment, suspension or repeal hearings, contested case hearings, (AND) workers' compensation hearings, and *unemployment compensation hearings*. (TEMPORARY) *Emergency* rulemaking authority is granted to the chief administrative law judge for the purpose of (IMPLEMENTING LAWS 1981, CHAPTER 346, SECTIONS 2 TO 6, 103 TO 122, 127 TO 135, AND 141) *the adoption of procedural rules for unemployment compensation hearings*. The procedural rules for hearings shall be binding upon all agencies and shall supersede any other agency procedural rules with which they may be in conflict. The procedural rules for hearings shall include in addition to normal procedural matters provisions relating to recessing and reconvening new hearings when the proposed final rule of an agency is substantially different from that which was proposed at the public hearing. The procedural rules shall establish a procedure whereby the proposed final rule of an agency shall be reviewed by the chief administrative law judge to determine whether or not a new hearing is required because of substantial changes or failure of the agency to meet the requirements of sections 14.13 to 14.18. Upon his own initiative or upon written request of an interested party, the chief administrative law judge may issue a subpoena for the attendance of a witness or the production of books, papers, records or other documents as are material to the matter being heard. The subpoenas shall be enforceable through the district court in the district in which the subpoena is issued.

Sec. 4. Minnesota Statutes 1984, section 14.53, is amended to read:

#### 14.53 [COSTS ASSESSED.]

In consultation with the commissioner of administration the chief administrative law judge shall assess agencies the cost of services rendered to them in the conduct of hearings. All agencies shall include in their budgets provisions for such assessments. *The chief administrative law judge shall assess all costs*



*associated with unemployment compensation hearings to the department of economic security, but shall be limited to funds provided to the department for such purposes by the federal government.*

Sec. 5. Minnesota Statutes 1984, section 268.06, subdivision 18, is amended to read:

Subd. 18. [NOTICE TO EMPLOYER.] The commissioner shall at least twice each year notify each employer of the benefits as determined by the department which have been charged to his account subsequent to the last notice. Unless reviewed in the manner hereinafter provided, charges set forth in such notice, or as modified by a redetermination, a decision of (A REFEREE) *an administrative law judge*, or the commissioner, shall be final and shall be used in determining the contribution rates for all years in which the charges occur within the employer's experience period and shall not be subject to collateral attack by way of review of a rate determination, application for adjustment or refund, or otherwise.

Sec. 6. Minnesota Statutes 1984, section 268.06, subdivision 19, is amended to read:

Subd. 19. [NOTICE OF RATE.] The commissioner shall mail to each employer notice of his rate of contributions as determined for any calendar year pursuant to this section. Such notice shall contain the contribution rate, factors used in determining the individual employer's experience rating, and such other information as the commissioner may prescribe. Unless reviewed in the manner hereinafter provided, the rate as determined or as modified by a redetermination, a decision of (A REFEREE) *an administrative law judge*, or the commissioner shall be final except for fraud and shall be the rate upon which contributions shall be computed for the calendar year for which such rate was determined, and shall not be subject to collateral attack for any errors, clerical or otherwise, whether by way of claim for adjustment or refund, or otherwise. If the legislature changes any of the factors used to determine the contribution rate of any employer for any year subsequent to the original mailing of such notice for the year, the earlier notice shall be void. The notice based on the new factors shall be deemed to be the only notice of rate of contributions for that year and shall be subject to the same finality, redetermination and review procedures as provided above.

Sec. 7. Minnesota Statutes 1984, section 268.06, subdivision 20, is amended to read:

Subd. 20. [PROTEST, REVIEW, REDETERMINATION, APPEAL.] A review of the charges made to an employer's account as set forth in the notice of charges referred to in subdivision 18 and a review of an employer's contribution rate as

set forth in the notice of his rate for any calendar year as provided in subdivision 19, may be had by the employer if he files with the commissioner a written protest setting forth his reasons therefor within 30 days from the date of the mailing of the notice of charges or contribution rate to him. The date shall appear on the notice. Upon receipt of the protest, the commissioner shall refer the matter to an official designated by him to review the charges appearing on the notice appealed from or the computations of the protesting employer's rate, as the case may be, to determine whether or not there has been any clerical error or error in computation in either case. The official shall either affirm or make a redetermination rectifying the charges or rate as the case may be, and a notice of the affirmation or redetermination shall immediately be mailed to the employer. If the employer is not satisfied with the affirmation or redetermination, he may appeal by filing a notice with the department within ten days after the date of mailing appearing upon the redetermination. Upon the receipt of the appeal, the commissioner shall refer the matter to (A REFEREE) *the office of administrative hearings* for a hearing and after opportunity for a fair hearing, the (REFEREE) *administrative law judge* shall affirm, modify or set aside the original determination with its affirmation or the redetermination, as appears just and proper. The commissioner may at any time upon his own motion correct any clerical error of the department resulting in charges against an employer's account or any error in the computation of an employer's contribution rate. The (REFEREE) *administrative law judge* may order the consolidation of two or more appeals whenever, in his judgment, consolidation will not be prejudicial to any interested party. At any hearing a written report of any employee of the department which has been authenticated shall be admissible in evidence. Appeals from the decision of the (REFEREE) *administrative law judge* shall be provided by section 268.10, subdivision 5.

Sec. 8. Minnesota Statutes 1984, section 268.10, subdivision 2, is amended to read:

Subd. 2. [EXAMINATION OF CLAIMS; DETERMINATION; APPEAL.] (1) An official, designated by the commissioner, shall promptly examine each claim for benefits filed to establish a benefit year pursuant to this section, and, on the basis of the facts found, shall determine whether or not such claims are valid, and if valid, the weekly benefit amount payable, the maximum benefit amount payable during the benefit year, and the date the benefit year terminates, and this determination shall be known as the determination of validity. Notice of the determination of validity or any redetermination as provided for in clause (4) shall be promptly given the claimant and all other interested parties. If within the time limits for filing a protest an employer notifies the department that an individual's weekly benefit amount as determined under section 268.07 exceeds the individual's weekly wages earned with the employer,

the individual's weekly benefit amount shall be the lesser of (1) the weekly benefit amount as determined under section 268.07, or (2) the weekly benefit amount which is 50 percent of the quotient derived by dividing the total wage credits earned in the individual's base period credit weeks from all employers in insured work by the number of base period credit weeks. If within the time specified for the filing of wage and separation information as provided in subdivision 1, clause (2), the employer makes an allegation of disqualification or raises an issue of the chargeability to his account of benefits that may be paid on such claim, if the claim is valid, the issue thereby raised shall be promptly determined by said official and a notification of the determination delivered or mailed to the claimant and the employer. If an initial determination or an (APPEAL TRIBUNAL) *administrative law judge* decision or the commissioner's decision awards benefits, the benefits shall be paid promptly regardless of the pendency of any appeal period or any appeal or other proceeding which may thereafter be taken. Except as provided in clause (6), if an (APPEAL TRIBUNAL) *administrative law judge* decision modifies or reverses an initial determination awarding benefits, or if a commissioner's decision modifies or reverses an (APPEAL) *administrative law judge* decision awarding benefits, any benefits paid under the award of such initial determination or (APPEAL TRIBUNAL) *administrative law judge* decision shall be deemed erroneous payments.

(2) At any time within 24 months from the date of the filing of a valid claim for benefits by an individual, an official of the department or any interested party or parties raises an issue of claimant's eligibility for benefits for any week or weeks in accordance with the requirements of the provisions of sections 268.03 to 268.24 or any official of the department or any interested party or parties or benefit year employer raises an issue of disqualification in accordance with the regulations of the commissioner, a determination shall be made thereon and a written notice thereof shall be given to the claimant and such other interested party or parties or benefit year employer. A determination issued under this clause which denies benefits for weeks for which the claimant has previously been paid benefits is an overpayment of those benefits subject to section 268.18.

(3) A determination issued pursuant to clauses (1) and (2) shall be final unless an appeal therefrom is filed by a claimant or employer within 15 days after the mailing of the notice of the determination to his last known address or personal delivery of the notice. Every notice of determination shall contain a prominent statement indicating in clear language the method of appealing the determination, the time within which such an appeal must be made, and the consequences of not appealing the determination. A timely appeal from a determination of validity in which the issue is whether an employing unit is an employer within the meaning of this chapter or whether services performed for an employer constitute employment within the mean-

ing of this chapter shall be subject to the provisions of section 268.12, subdivision 13.

(4) At any time within 24 months from the date of the filing of a valid claim for benefits by an individual, the commissioner on his own motion may reconsider a determination of validity made thereon and make a redetermination thereof if he finds that an error in computation or identity or the crediting of wage credits has occurred in connection therewith or if the determination was made as a result of a nondisclosure or misrepresentation of a material fact. A determination or redetermination issued under this clause which denies benefits for weeks for which the claimant has previously been paid benefits is an overpayment of those benefits subject to section 268.18.

(5) However, the commissioner may in his discretion refer any disputed claims directly to (A REFEREE) *the office of administrative hearings* for hearing and determination in accordance with the procedure outlined in subdivision 3 and the effect and status of such determination in such a case shall be the same as though the matter had been determined upon an appeal to the (TRIBUNAL) *administrative law judge* from an initial determination.

(6) If (A REFEREE'S) *an administrative law judge's* decision affirms an initial determination awarding benefits or the commissioner affirms an (APPEAL TRIBUNAL) *administrative law judge* decision awarding benefits, the decision, if finally reversed, shall not result in a disqualification and benefits paid shall neither be deemed overpaid nor shall they be considered in determining any individual employer's future contribution rate under section 268.06.

Sec. 9. Minnesota Statutes 1984, section 268.10, subdivision 3, is amended to read:

Subd. 3. [APPEAL; HEARING.] *Upon receipt of an appeal from an initial determination made under subdivision 2, the commissioner shall immediately forward the appeal and all necessary documents to the chief administrative law judge for assignment of an administrative law judge to hear the case and the scheduling of a date, time, and place for the hearing. Unless an appeal is withdrawn, the date for hearing before (A REFEREE) an administrative law judge shall be set and notice of the hearing shall be mailed to the last known address of all interested parties at least ten days prior to the date set for the hearing. The notice shall be mailed by the office of administrative hearings. The hearing may be conducted by means of a conference telephone call except that the appellant may request that the hearing be conducted in person. The hearing shall be a trial de novo, and, upon the evidence presented, the (REFEREE) administrative law judge shall affirm, modify, or set aside the initial determination. Where the same or substantially*

similar evidence is relevant and material to the issues in appeals by more than one individual or in appeals by one individual with respect to two or more weeks of unemployment, the appeals may be consolidated into one hearing *pursuant to the procedural rules adopted by the chief hearing examiner*. The (REFEREE) *administrative law judge* shall exclude from any consolidated hearing the appeal of an individual who may be prejudiced because of the consolidation. (A REFEREE) *An administrative law judge* shall not hear any appeal in which the (REFEREE) *administrative law judge* has a direct interest. The parties *and the commissioner* shall be notified of the (REFEREE'S) *administrative law judge's* decision and the reason for it. The (REFEREE'S) *administrative law judge's* decision is deemed to be the final decision unless a further appeal is initiated pursuant to subdivision 5.

Sec. 10. Minnesota Statutes 1984, section 268.10, subdivision 4, is amended to read:

Subd. 4. [(REFEREES) *TRANSCRIPTS; REVIEW OF DECISIONS.*] (IN ORDER TO ASSURE THE PROMPT DISPOSITION OF ALL CLAIMS FOR BENEFITS, THE COMMISSIONER SHALL APPOINT ONE OR MORE IMPARTIAL REFEREES. THE COMMISSIONER SHALL BY RULE ADOPT A PROCEDURE BY WHICH REFEREES HEAR AND DECIDE DISPUTED CLAIMS, SUBJECT TO APPEAL TO THE COMMISSIONER. NO PERSON SHALL PARTICIPATE ON BEHALF OF THE COMMISSIONER IN ANY CASE IN WHICH THAT PERSON IS AN INTERESTED PARTY. THE COMMISSIONER MAY DESIGNATE ALTERNATES TO SERVE IN THE ABSENCE OR DISQUALIFICATION OF A REFEREE) *The office of administrative hearings shall cause a transcript to be prepared of all cases heard by an administrative law judge from which an appeal is made to the commissioner, or in any case to be reviewed by motion of the commissioner where the commissioner requests a transcript.* There shall be no charges, fees, transcript costs, or other cost imposed upon the employee in prosecuting an appeal. All decisions of (REFEREES) *administrative law judges* shall be made available to the public in accordance with rules the commissioner may prescribe, except that names of interested parties may be deleted.

Sec. 11. Minnesota Statutes 1984, section 268.10, subdivision 5, is amended to read:

Subd. 5. [REVIEW BY COMMISSIONER.] Within 30 days after mailing or personal delivery of the notice of (A REFEREE'S) *an administrative law judge's* decision to the claimant or employer at the last known address, a party may appeal from the decision and obtain a review of it by the commissioner or an authorized representative. *An appeal from an administrative law judge's decision must be filed with the chief administrative law judge. Upon receipt of an appeal, the chief administrative law*

*judge shall notify the commissioner of the appeal and shall cause a transcript of the hearing to be prepared. Upon completion of the transcript, the entire file shall be transmitted to the commissioner.* The commissioner within the same period of time may on the commissioner's own motion order a review of a decision. Upon review, the commissioner or authorized representative may affirm, modify, or set aside any finding of fact or decision, or both, of the (REFEREE) *administrative law judge* on the basis of the evidence previously submitted in the case, or remand the matter back to the (REFEREE) *administrative law judge* for the taking of additional evidence and new findings and decision based on all of the evidence before the (REFEREE) *administrative law judge*. Notice of all hearings on review shall be given to all interested parties in the same manner as provided for by subdivision 3. (THE COMMISSIONER OR AUTHORIZED REPRESENTATIVE MAY REMOVE TO HIMSELF OR HERSELF OR TRANSFER TO ANOTHER REFEREE THE PROCEEDINGS ON ANY CLAIM PENDING BEFORE A REFEREE. ANY PROCEEDINGS REMOVED TO THE COMMISSIONER OR AUTHORIZED REPRESENTATIVE SHALL BE HEARD UPON NOTICE IN ACCORDANCE WITH THE REQUIREMENTS OF SUBDIVISION 3.) The department of economic security shall mail to all interested parties a notice of the filing of and a copy of the findings and decision of the commissioner or his representative.

Sec. 12. Minnesota Statutes 1984, section 268.10, subdivision 6, is amended to read:

Subd. 6. [COMMISSIONER.] The manner in which disputed claims are presented, the reports required from the claimant and from employers, and the conduct of (HEARINGS AND) appeals shall be in accordance with the rules adopted by the commissioner (FOR DETERMINING THE RIGHTS OF THE PARTIES, WHETHER OR NOT THE REGULATIONS). *Rules relating to the conduct of hearings before administrative law judges shall be adopted by the chief administrative law judge. The rules of the commissioner and the chief administrative law judge need not conform to common law or statutory rules of evidence and other technical rules of procedure. A full and complete record shall be kept of all proceedings in connection with a disputed claim. All testimony at any hearing shall be recorded, but need not be transcribed unless the disputed claim is further appealed.*

Sec. 13. Minnesota Statutes 1984, section 268.10, subdivision 9, is amended to read:

Subd. 9. [REPRESENTATION BY ATTORNEY.] In any proceeding under these sections before (A REFEREE) *an administrative law judge* or the commissioner, a party may be represented by an agent or attorney, but no individual claiming benefits shall be charged fees of any kind in a proceeding before

(A REFEREE) *an administrative law judge*, the commissioner, commissioner's representatives, or by any court or any officers thereof. Any individual claiming benefits in any proceedings before the commissioner or his representatives or a court may be represented by counsel or other duly authorized agent, except that said agent in any court proceedings under these sections, must be an attorney at law; but no counsel shall either charge or receive for the services more than an amount approved by the commissioner and no fees shall be collected from an individual claiming benefits by any agent unless he is an attorney at law.

Sec. 14. Minnesota Statutes 1984, section 268.12, subdivision 8, is amended to read:

Subd. 8. [RECORDS; REPORTS.] (1) Each employing unit shall keep true and accurate work records for such periods of time and containing such information as the commissioner may prescribe. Such records shall be open to inspection, audit, and verification, and be subject to being copied by any authorized representative of the commissioner at any reasonable time and as often as may be necessary. The commissioner, (APPEAL REFEREE) *administrative law judge*, or any other duly authorized representative of the commissioner, may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which the commissioner, (APPEAL REFEREE) *administrative law judge*, or any other duly authorized representative of the commissioner deems necessary for the effective administration of sections 268.03 to 268.24, provided that quarterly contribution and wage report forms shall include the employee's name, social security number, and total wages paid to the employee.

(2) The commissioner may cause to be made such summaries, compilations, photographs, duplications, or reproductions of any records, reports, or transcripts thereof as he may deem advisable for the effective and economical preservation of the information contained therein, and such summaries, compilations, photographs, duplications or reproductions, duly authenticated, shall be admissible in any proceeding under sections 268.03 to 268.24, if the original record or records would have been admissible therein. Notwithstanding any restrictions contained in section 16B.50, except restrictions as to quantity, the commissioner is hereby authorized to duplicate, on equipment furnished by the federal government or purchased with funds furnished for that purpose by the federal government, records, reports, summaries, compilations, instructions, determinations, or any other written matter pertaining to the administration of the Minnesota economic security law.

(3) Notwithstanding any inconsistent provisions elsewhere, the commissioner may provide for the destruction or disposition of any records, reports, transcripts, or reproductions thereof, or other papers in his custody, which are more than two years

old, the preservation of which is no longer necessary for the establishment of contribution liability or benefit rights or for any purpose necessary to the proper administration of sections 268.03 to 268.24, including any required audit thereof, provided, that the commissioner may provide for the destruction or disposition of any record, report, or transcript, or other paper in his custody which has been photographed, duplicated, or reproduced in the manner provided in clause (2).

(4) Notwithstanding the provisions of the Minnesota State Archives Act the commissioner shall with the approval of the legislative auditor destroy all benefit checks and benefit check authorization cards that are more than two years old and no person shall make any demand, bring any suit or other proceeding to recover from the state of Minnesota any sum alleged to be due him on any claim for benefits after the expiration of two years from the date of filing such claim.

Sec. 15. Minnesota Statutes 1984, section 268.12, subdivision 9, is amended to read:

Subd. 9. [TESTIMONIAL POWERS.] (1) In the discharge of the duties imposed by sections 268.03 to 268.24, the commissioner, (APPEAL REFEREE) *administrative law judge*, or any duly authorized representative of the commissioner, shall have power to administer oaths and affirmations, take depositions, certify to official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with a disputed claim or the administration of these sections;

(2) Witnesses, other than interested parties or officers and employees of an employing unit which is an interested party, subpoenaed pursuant to this subdivision or sections 268.03 to 268.24, shall be allowed fees the same as witness fees in civil actions in district court, which fees need not be paid in advance of the time of giving of testimony, and such fees of witnesses so subpoenaed shall be deemed part of the expense of administering these sections;

(3) In case of contumacy by, or refusal to obey, a subpoena issued to any person, any court of this state within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which such person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the commissioner, or (REFEREE) *administrative law judge*, or any duly authorized representative of the commissioner, shall have jurisdiction to issue to such person an order requiring such person to appear before the commissioner, (THE CHAIRMAN OF AN APPEAL TRIBUNAL, REFEREE) *administrative law judge*, or any duly authorized representative of the commissioner, there to produce evidence if so ordered or there to give testi-



mony relative to the matter under investigation or in question; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

Sec. 16. Minnesota Statutes 1984, section 268.12, subdivision 10, is amended to read:

Subd. 10. [SELF-INCRIMINATION.] No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, and other records before the commissioner, (THE CHAIRMAN OF AN APPEAL TRIBUNAL, REFEREE) *administrative law judge*, or any duly authorized representative of the commissioner, or in obedience to the subpoena of any of them in any cause or proceeding before the commissioner, (AN APPEAL TRIBUNAL, REFEREE) *administrative law judge*, or any duly authorized representative of the commissioner on the grounds that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or an account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Sec. 17. Minnesota Statutes 1984, section 268.12, subdivision 13, is amended to read:

Subd. 13. [DETERMINATIONS.] (1) An official, designated by the commissioner, upon his own motion or upon application of an employing unit, shall determine if an employing unit is an employer within the meaning of this chapter or as to whether services performed for it constitute employment within the meaning of this chapter, and shall notify the employing unit of the determination. The determination shall be final unless the employing unit, within 30 days after the mailing of notice of the determination to the employing unit's last known address, files a written appeal from it.

(2) (THE COMMISSIONER SHALL DESIGNATE ONE OR MORE REFEREES TO CONDUCT HEARINGS ON APPEALS) *Upon receipt of an appeal under clause (1), the commissioner shall refer the matter to the office of administrative hearings for a hearing. The employing unit and any claimant whose filed claim for benefits may be affected by a determination issued under clause (1) shall be interested parties to an appeal. The (REFEREE) administrative law judge shall fix a time and place within this state for the hearing and give interested parties written notice of it, by mail, not less than ten days prior to the time of the hearing. In the discharge of the duties imposed by this subdivision, the (REFEREE) administrative law judge may*

administer oaths and affirmations, take depositions, certify to official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with the subject matter of the hearing. The written report of any employee of the department of economic security, made in the regular course of the performance of the employee's duties, shall be competent evidence of the facts contained in it and shall be prima facie correct, unless refuted by other credible evidence.

(3) Upon the conclusion of the hearing, the (REFEREE) *administrative law judge* shall serve upon the interested parties by mail findings of fact and decision. The decision of the (REFEREE) *administrative law judge*, together with his findings of fact and reasons in support of them, is final unless an interested party, within 30 days after the mailing of a copy of it to the interested parties' last known addresses, files an appeal with the (COMMISSIONER) *chief administrative law judge*, or unless the commissioner, within 30 days after mailing of the decision, on his own motion orders the matter certified to him for review. Appeal from and review by the commissioner of the decision of the (REFEREE) *administrative law judge* shall be in the manner provided by rule. The commissioner may without further hearing affirm, modify, or set aside the findings of fact or decision, or both, of the (REFEREE) *administrative law judge* on the basis of the evidence previously submitted in the case, or direct the taking of additional evidence. The commissioner may disregard the findings of fact of the (REFEREE) *administrative law judge* and examine the testimony taken and make any findings of fact as the evidence taken before the (REFEREE) *administrative law judge* may, in the judgment of the commissioner, require, and make any decision as the facts found by him require. The commissioner shall notify the employing unit of his findings and decision by mail, mailed to the interested parties' last known addresses. The decision of the commissioner is final unless judicial review of it is sought as provided by this subdivision. Any interested party to a proceeding before the commissioner may obtain a transcript of the testimony taken before the (REFEREE) *administrative law judge* upon payment to the commissioner of the cost of the transcript at the rate of ten cents per 100 words.

(4) The court of appeals may, by writ of certiorari to the commissioner, review all questions of law and fact presented by the record in accordance with chapter 14. The commissioner shall not be required to certify the record to the court unless the party commencing the proceedings for review pays to the commissioner the cost of certification of the record at the rate of ten cents per 100 words less any amount previously paid by the party for a transcript. The commissioner shall, upon receipt of the payment, prepare and certify to the court a true and correct typewritten copy of all matters contained in the record. The costs collected by

the commissioner shall be deposited in the economic security administration fund provided for in section 268.15.

(5) A final decision of the commissioner or referee, in the absence of appeal, is conclusive for all the purposes of sections 268.03 to 268.24 except as otherwise provided, and, together with the records therein made, shall be admissible in any subsequent judicial proceeding involving liability for contributions. A final decision of the commissioner or referee may be introduced in any proceeding involving a claim for benefits.

(6) In the event a final decision of the commissioner or (REFEREE) *administrative law judge* determines the amount of contributions due under sections 268.03 to 268.24, then, if the amount, together with interest and penalties, is not paid within 30 days after the decision, the provisions of section 268.161 shall apply. The commissioner shall proceed thereunder, substituting a certified copy of the final decision in place of the contribution report.

Sec. 18. Minnesota Statutes 1984, section 268.18, subdivision 1, is amended to read:

Subdivision 1. [ERRONEOUS PAYMENTS.] Any claimant for benefits who, by reason of his own mistake or through the error of any individual engaged in the administration of sections 268.03 to 268.24 or because of a determination or redetermination issued pursuant to section 268.10, subdivision 2, has received any sum as benefits to which he was not entitled under these sections, shall promptly return such benefits in cash to the nearest office of the Minnesota department of economic security. If such claimant fails to return such benefits, the department of economic security shall, as soon as it discovers such erroneous payment, determine the amount thereof and notify said individual to return the same. Unless the claimant files a written appeal with the department of economic security within 15 days after the mailing of the notice of determination to his last known address or personal delivery of the notice, the determination shall become final. If the claimant files an appeal with the department in writing within the time aforesaid the matter shall be set for hearing before (A REFEREE OF THE DEPARTMENT) *an administrative law judge of the office of administrative hearings* and heard as other benefit matters are heard in accordance with section 268.10 with the same rights of review as outlined for benefit cases in that section. The commissioner of the department of economic security is hereby authorized to deduct from any future benefits payable to the claimant under these sections in either the current or any subsequent benefit year an amount equivalent to the overpayment determined or the overpayment may be collected without interest by civil action in the name of the commissioner. If a claimant has been overpaid benefits under the law of another state and that state certifies to the department the facts involved and that the

individual is liable under its law to repay the benefits and requests the department to recover the overpayment, the commissioner is authorized to deduct from future benefits payable to the claimant in either the current or any subsequent benefit year an amount equivalent to the amount of overpayment determined by that state. Benefits paid for weeks more than three years prior to the discovery of error are not erroneous payments.

Sec. 19. Minnesota Statutes 1984, section 268.18, subdivision 2, is amended to read:

Subd. 2. [FRAUD.] Any claimant who files a claim for or receives benefits by knowingly and willfully misrepresenting or misstating any material fact or by knowingly and willfully failing to disclose any material fact which would make him ineligible for benefits under sections 268.03 to 268.24 is guilty of fraud. After the discovery of facts by the commissioner indicating fraud in claiming or obtaining benefits under sections 268.03 to 268.24, he is hereby authorized to make a determination that the claimant was ineligible for each week with reference to which benefits were claimed or obtained by fraud for the amount as was in excess of what the claimant would have been entitled to had he not made the fraudulent statements or failed to disclose any material facts. The commissioner also may disqualify an individual from benefits for one to 52 weeks in which the claimant is otherwise eligible for benefits following the week in which the fraud was determined. A disqualification imposed for fraud shall not be removed by subsequent insured work or the expiration of a benefit year but shall not apply to any week more than 104 weeks after the week in which the fraud was determined. The claimant shall promptly repay in cash to the department of economic security any benefits fraudulently obtained. Unless the claimant files a written appeal with the department of economic security within 15 days after the mailing of the notice of determination to his last known address or personal delivery of the notice, the determination shall become final. If the claimant appeals from the determination within the time above specified the matter shall be referred to (A REFEREE) *an administrative law judge* for a hearing as in other benefit cases and thereafter the procedure for review shall be the same as set forth in section 268.10. The commissioner is hereby authorized to deduct from future benefits payable to the claimant in either the current or any subsequent benefit year an amount equivalent to the amount of overpayment determined or the overpayment may be collected without interest by civil action in the name of the commissioner. If a claimant has been overpaid benefits under the law of another state and that state certifies to the department the facts involved and that the individual is liable to repay the benefits and requests the department to recover the overpayment, the commissioner is authorized to deduct from future benefits payable to the claimant in either the current or any subsequent benefit year an amount equivalent to the amount of overpayment determined by that state. A determination of fraud may be made at any time."

Amend the title as follows:

Page 1, line 18, after "14.51;" insert "14.53;"

Page 1, line 25, before the period insert "; repealing Minnesota Statutes 1984, section 268.04, subdivision 30"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 878, A bill for an act relating to education; requiring the higher education coordinating board to send information relating to post-secondary education to all eighth graders; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136A.

Reported the same back with the following amendments:

Page 2, after line 13, insert:

"Sec. 3. [REPEALER.]

*Section 1 is repealed effective 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.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 882, A bill for an act relating to natural resources; authorizing the commissioner to enter into agreements with other states for forest fire prevention and suppression purposes; proposing coding for new law in Minnesota Statutes, chapter 88.

Reported the same back with the following amendments:

Page 1, delete lines 11 to 17 and insert:

*"The commissioner may enter into agreements with other states to cooperatively prevent and suppress forest fires."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 883, A bill for an act relating to unclaimed property; extending coverage to corporate stock and other ownership interests; amending Minnesota Statutes 1984, sections 345.35; 345.43; and 345.47.

Reported the same back with the following amendments:

Page 4, line 2, delete *"Unless the commissioner"*

Page 4, delete line 3

Page 4, line 4, delete *"otherwise,"*

Page 4, line 6, delete *"If the"*

Page 4, delete lines 7 to 11

Page 4, line 12, delete *"made, whichever amount is greater."*

Page 4, line 13, delete *"after the expiration of this period"*

Page 4, after line 21, insert:

*"Sec. 4. [APPLICATION.]*

*For purposes of determining whether stock or other intangible ownership interests in business associations are presumed abandoned, the seven-year period of abandonment includes any period of abandonment prior to the effective date of this act."*

Page 4, line 23, delete *"3"* and insert *"4"*

Renumber the remaining section

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 889, A bill for an act relating to local government; providing for the conduct of the business of towns; providing for certain town debt; authorizing certain towns to provide certain services; revising various other town laws; amending Minnesota Statutes 1984, sections 16B.62, by adding a subdivision; 160.17, subdivision 1; 160.25, subdivision 3; 163.11, subdivision 5a, and by adding a subdivision; 164.06; 365.10; 365.37; 365.44; 366.095; 367.03, subdivision 2; 367.10; 367.23; 444.075; and 471.56, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapters 365 and 379; repealing Minnesota Statutes 1984, section 375.18, subdivisions 4, 5, and 6.

Reported the same back with the following amendments:

Page 1, delete section 1

Page 3, line 6, delete "*five*" and insert "*two*"

Page 6, delete section 10

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "16B.62, by adding a subdivision;"

Page 1, line 13, delete "chapters 365 and" and insert "chapter"

With the recommendation that when so amended the bill pass.

The report was adopted.

Redalen from the Committee on Regulated Industries and Energy to which was referred:

H. F. No. 894, A bill for an act relating to utilities; defining independent telephone company; amending Minnesota Statutes 1984, section 237.01, subdivision 3.

Reported the same back with the following amendments:

Page 1, line 12, after "*303*" insert "*as of January 1, 1983*" and after "providing" insert "*local exchange*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 897, A bill for an act relating to education; establishing the state council on vocational technical education; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136C.

Reported the same back with the following amendments:

Page 1, line 21, delete everything after the period

Page 1, delete line 22

Page 2, line 27, delete everything before "The"

Pages 2 and 3, delete section 3

Amend the title as follows:

Page 1, lines 3 and 4, delete "appropriating money;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 916, A bill for an act relating to corporations; regulating corporate take-overs and control share acquisitions; defining terms; prescribing penalties; amending Minnesota Statutes 1984, sections 80B.01, subdivisions 6, 8, and 9; 80B.03, subdivisions 1, 2, 4a, 5, and 6; 80B.05; 80B.06, subdivision 7; 80B.07, subdivision 3; 80B.10, subdivisions 1, 4, and by adding a subdivision; 302A.011, subdivisions 37, 39, and by adding a subdivision; 302A.449, subdivision 7; and 302A.671; repealing Minnesota Statutes 1984, section 80B.06, subdivisions 3, 4, and 6.

Reported the same back with the following amendments:

Page 3, line 28, strike "by" and delete "*personal service*"

With the recommendation that when so amended the bill pass.

The report was adopted.



Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 928, A bill for an act relating to the registration of snowmobiles; correcting an erroneous repealer; amending Minnesota Statutes 1984, section 84.82, by adding a subdivision; repealing Minnesota Statutes 1984, section 84.82, subdivision 9.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 937, A bill for an act relating to wild animals; altering provisions relating to taking and possession of certain animals; amending Minnesota Statutes 1984, sections 98.48, subdivision 5; 100.27, subdivisions 1, 3, and 4; and 100.29, subdivisions 15 and 25.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 940, A bill for an act relating to wild animals; authorizing the commissioner of natural resources to permit, on an experimental basis, the taking of two deer by one hunter, under conditions and restrictions prescribed by order; proposing coding for new law in Minnesota Statutes, chapter 98.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 947, A bill for an act relating to commerce; regulating membership camping; prescribing the powers and duties of the commissioner; proposing coding for new law as Minnesota Statutes, chapter 82A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [82A.01] [CITATION.]

*This chapter may be cited as the "membership camping practices act."*

Sec. 2. [82A.02] [DEFINITIONS.]

*Subdivision 1. [ADVERTISEMENT OR ADVERTISING.] "Advertisement" or "advertising" means any written or printed communication or any communication transmitted on radio, television, electronic means, or similar communications media other than telephone, published in connection with the offer or sale of membership camping contracts or to induce prospective purchasers to visit or attend an offer or sales presentation.*

*Subd. 2. [AMENITY.] "Amenity" means any major recreational building, swimming pool, utility serviced camping sites, or similar facility which is represented as available for use by purchasers now or in the future. "Amenity" does not include a sports court or other minor facility.*

*Subd. 3. [AFFILIATE.] "Affiliate" of another person means any person directly or indirectly controlling, controlled by, or under common control with the other person.*

*Subd. 4. [BLANKET ENCUMBRANCE.] "Blanket encumbrance" means any mortgage, deed of trust, option to purchase, vendor's lien or interest under a contract or agreement of sale, judgment lien, federal or state tax lien, or any other material lien or encumbrance which secures or evidences the obligation to pay money or to sell or convey any campground located in this state, or any portion thereof, made available to purchasers by the membership camping operator, and which authorizes, permits, or requires the foreclosure or other disposition of the campground. "Blanket encumbrance" also includes the lessor's interest in a lease of a campground which is located in this state, or any portion thereof, and which is made available to purchasers by a membership camping operator. "Blanket encumbrance" does not include a lien for taxes or assessments levied by any public authority which are not yet due and payable.*

*Subd. 5. [BROKER.] "Broker" means a person who, for a fee or other valuable consideration, resells a membership camping contract to a new purchaser on behalf of a prior purchaser or who engages in the business of buying and selling membership camping contracts. "Broker" does not include a membership camping operator or a licensed salesperson acting on behalf of a membership camping operator or a licensed broker.*

**Subd. 6. [CAMPGROUND.]** "Campground" means real property owned or operated by a membership camping operator which is available for use by purchasers of membership camping contracts. Campground does not include:

(1) a recreational camping area as defined by section 327.14, subdivision 8, if the operator of the recreational camping area does not offer or sell membership camping contracts, but rather rents or licenses camping sites on the recreational camping area for a per use fee; or

(2) a manufactured home park as defined in section 327.14, subdivision 3.

**Subd. 7. [CAMPING SITE.]** "Camping site" means a space on a campground designed and promoted for the purpose of locating a trailer, tent, tent trailer, pickup camper, or other similar device used for camping.

**Subd. 8. [COMMISSIONER.]** "Commissioner" means the commissioner of commerce of the state of Minnesota or his or her authorized delegate.

**Subd. 9. [CONTROLLING PERSON.]** "Controlling person" of a membership camping operator means each director and officer and each owner of 25 percent or more of stock of the operator, if the operator is a corporation; and each general partner and each owner of 25 percent or more of the partnership or other interests, if the operator is a general or limited partnership or other person doing business as a membership camping operator.

**Subd. 10. [MEMBERSHIP CAMPING CONTRACT.]** "Membership camping contract" means an agreement offered or sold within this state evidencing a purchaser's right or license to use for more than three years a campground owned or operated by a membership camping operator and includes a membership which provides for this use.

**Subd. 11. [MEMBERSHIP CAMPING OPERATOR.]** "Membership camping operator" or "operator" means any person, other than one that is tax exempt under section 501(c)(3) of the Internal Revenue Code of 1954, as amended, that owns or operates a campground and offers or sells membership camping contracts paid for by a fee or periodic payments and has as one of its purposes camping or outdoor recreation including use of camping sites by purchasers. "Membership camping operator" does not include any person who engages in the business of arranging and selling reciprocal programs except to the extent such person owns or operates campgrounds.

*Subd. 12. [NONDISTURBANCE AGREEMENT.] "Non-disturbance agreement" means any instrument by which the holder of a blanket encumbrance agrees that:*

*(1) its rights in any campground located in this state made available to purchasers by the membership camping operator shall be subordinate to the rights of purchasers;*

*(2) the holder and all successors and assigns, and any person who acquires a campground located in this state through foreclosure or by deed in lieu of foreclosure of the blanket encumbrance, or by default or cancellation of a lease shall take the property subject to the rights of purchasers; and*

*(3) the holder or any successor acquiring a campground located in this state through the blanket encumbrance shall not use or cause the campground to be used in a manner which would materially prevent the purchasers from using or occupying the campground in the manner contemplated by the purchasers' membership camping contract; provided, however, the holder shall have no obligation or liability to assume the responsibilities or obligations of the membership camping operator under the membership camping contract.*

*The agreement may be in any form or language that reasonably evidences the foregoing.*

*Subd. 13. [OFFER.] "Offer" means every inducement, solicitation, or attempt to encourage a person to acquire a membership camping contract.*

*Subd. 14. [OWN, OWNED, OR OWNERSHIP.] "Own," "owned," or "ownership" means to hold title, either legal or equitable, in real property.*

*Subd. 15. [PERSON.] "Person" means an individual, corporation, business trust, estate, trust, partnership, unincorporated association, two or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity.*

*Subd. 16. [PURCHASER.] "Purchaser" means a person who enters into a membership camping contract with a membership camping operator and obtains the right to use the campground owned or operated by the membership camping operator.*

*Subd. 17. [RECIPROCAL PROGRAM.] "Reciprocal program" means any arrangements allowing purchasers to use campgrounds owned or operated by persons other than the membership camping operator with whom the purchaser has entered into a membership camping contract.*

*Subd. 18. [SALE OR SELL.] "Sale or sell" means entering into, or other disposition of, a membership camping contract for*

*value. "Value" does not include any fee charged by a membership camping operator to offset the reasonable costs of transfer of a membership camping contract from an existing purchaser to a new purchaser.*

*Subd. 19. [SALESPERSON.] "Salesperson" means an individual, other than a membership camping operator or broker, who offers or sells membership camping contracts, but does not include individuals who refer persons without receiving compensation of more than \$150 per referral. The limitation of \$150 per referral imposed in this subdivision herein shall increase each year by an amount equal to the increase in the United States city average consumer price index for all urban consumers issued by the United States Bureau of Labor Statistics or comparable index, should that be discontinued.*

### **Sec. 3. [82A.03] [REGISTRATION REQUIREMENT.]**

*It is unlawful for any person to offer or sell a membership camping contract in this state unless:*

*(1) the membership camping contract is registered in accordance with the provisions of this chapter; or*

*(2) the membership camping contract or the transaction is exempted under section 82A.06.*

### **Sec. 4. [82A.04] [APPLICATION FOR REGISTRATION.]**

*Subdivision 1. [FILING FEE.] A filing fee of \$500 shall accompany the application for registration of membership camping contracts.*

*Subd. 2. [APPLICATION CONTENTS.] The application for registration shall include:*

*(1) an irrevocable appointment of the commissioner to receive service of any lawful process as required by section 82A.22, subdivision 1;*

*(2) the membership camping operator's name and the address of its principal place of business, the form, date of organization, and jurisdiction of its organization; and the name and address of each of its offices in this state;*

*(3) a copy of the membership camping operator's articles of incorporation, partnership agreement, or joint venture agreement as contemplated or currently in effect;*

*(4) the name, address, and principal occupation for the past five years of the membership camping operator and of each con-*

*trolling person of the membership camping operator, and the extent and nature of each such person's interest in the membership camping operator as of a specified date within 30 days prior to the filing of the application;*

*(5) a statement indicating whether or not the membership camping operator, or any of the persons identified in clause (4), within the past ten years has been:*

*(i) convicted of a felony; or*

*(ii) enjoined or received any adverse administrative order relating to the sale of securities, land, or campgrounds or based on violations of any consumer protection statutes. If any of the above has occurred, the name of the person involved, the jurisdiction, offense, and date of the offense shall be listed;*

*(6) a legal description of each campground owned or operated in this state by the membership camping operator which is represented to be available for use by purchasers, and a map or maps showing the location of all campgrounds, wherever located, which are owned or operated by the membership camping operator and represented to be available for use by purchasers, and a statement identifying the existing amenities at each such campground and the planned amenities represented as to be available for use by purchasers in the future at each such campground;*

*(7) the states or jurisdictions in which an application for registration or similar document has been filed by the membership camping operator pursuant to any statute similar to this chapter regulating membership camping contracts and any adverse order, judgment, or decree entered against the operator in connection with membership camping contracts by any regulatory authority in any jurisdiction or by any court;*

*(8) a statement of the condition of the title to the campground owned or operated in this state by the membership camping operator and represented to be available for use by purchasers, including all encumbrances, deed restrictions, and covenants applicable thereto with data as to recording, as of a specified date within 30 days prior to the date of application, by a title opinion of a licensed attorney, by a title insurance policy, naming the operator or lender as beneficiaries and issued by an insurance company authorized to do business in this state, or by any evidence of title acceptable to the commissioner;*

*(9) copies of the instruments by which the membership camping operator's interest in the campgrounds in this state was acquired;*

*(10) copies of all recorded or unrecorded instruments, known to the membership campground operator, that evidence*

*blanket encumbrances that materially adversely affect the campgrounds in this state;*

*(11) if there is a blanket encumbrance which materially adversely affects the campgrounds located in this state, a legal description of the encumbrance, and a description of the steps taken to protect purchasers, in accordance with section 82A.14, clause (1), in case of failure to discharge the lien or encumbrance;*

*(12) evidence showing compliance with the zoning and other applicable environmental or land use laws, ordinances, and regulations affecting the use of the campgrounds located in this state;*

*(13) a statement of the existing and planned provisions for the following with respect to campgrounds located in this state:*

*(i) purchasers' access to the campgrounds;*

*(ii) the availability of sewage disposal facilities and other public utilities, including but not limited to water, electricity, gas, and telephone facilities in the campgrounds;*

*(iii) the proximity of community fire and police protection;*

*(iv) a statement of the amenities which will be represented to purchasers as guaranteed to be constructed or installed, whether the operator will be responsible for their cost, installation and maintenance and an estimated cost of and schedule for completion of the same; provided that the estimated completion dates need not be more precise than the year in which completion is estimated to occur, and may be extended for the period of any delays caused by or deferred due to the occurrence of events such as acts of God, strikes, and other causes outside the reasonable control of the membership camping operator; and assurance that such amenities will be completed by filing a bond or irrevocable letter of credit, depositing funds in an escrow account, or such other provision as the commissioner may by order allow. The amount of the bond or escrow account shall be reduced monthly in proportion to the amount paid for completion of the amenities during such period. The bond, letter of credit, or escrow account shall be issued or held by a bank or insurance or surety company authorized to do business in this state;*

*(v) a statement of the amenities to be represented to purchasers as planned for construction and installation, but not guaranteed, whether the operator will be responsible for their costs, installation, and maintenance, and an estimated cost of and schedule for completion of the same; provided that the estimated completion dates need not be more precise than the year in which completion is estimated to occur and may be extended for the period of any delays caused by or deferred due to the*

*occurrence of events such as acts of God, strikes, and other causes outside the reasonable control of the membership camping operator.*

*(14) a copy of each item of advertising materials which has been prepared for public distribution in this state after the effective date of this act. Advertising material for off-site distribution which is pictorial in nature, other than site and conceptual plans which are labeled as such, shall be limited to a depiction of the actual on-site condition of the campgrounds or other areas that are material to the offer or sale of membership camping contracts pursuant to this registration; site and conceptual plans shall disclose which facilities are and are not currently in existence;*

*(15) the proposed disclosure statement as required by section 82A.05, subdivision 1, and the proposed separate disclosure, if applicable, as required by section 82A.05, subdivision 6;*

*(16) a financial statement of the membership camping operator as of the end of the membership camping operator's most recent fiscal year, audited by an independent certified public accountant; and, if the fiscal year end of the membership camping operator is in excess of 120 days prior to the date of filing the application, a financial statement, which may be unaudited, as of a date within 120 days of the date of application;*

*(17) a statement of the applicable material permits, other than building permits, not yet obtained but required to be obtained from various federal, state, and local agencies to operate the campground in this state, stating which have been applied for. If any permit has been refused, the reasons for the refusal and the effect the refusal will have on subsequent development of the campgrounds must be disclosed;*

*(18) a copy of each type of membership camping contract to be sold in this state, the purchase price of each type and, if the price varies, the reason for the variance;*

*(19) the number of membership camping contracts proposed to be sold at each campground located in this state and a statement describing the method used to determine the number;*

*(20) rules or regulations of general applicability governing use and occupancy of the campgrounds; but not including any temporary or emergency rules or regulations, or any rules or regulations adopted in response to unique local or immediate needs;*

*(21) copies of applications for and contracts with any reciprocal program entity in which the membership camping operator is to participate and represents as available for use by purchasers;*



(22) information concerning purchase or lease costs, rules, forms, and any fees, other than the initial membership fee and annual dues, which are required for purchaser usage of in-park trailers, recreational vehicles, tents, or other overnight accommodations, provided by or through the membership camping operator, for purchasers as an alternative to using the purchaser's own mobile accommodations;

(23) any additional information the commissioner reasonably deems appropriate to administer the provisions of this chapter.

**Subd. 3. [SIGNING OF APPLICATION.]** *The application shall be signed by the membership camping operator, duly authorized signatory, or any person holding a power of attorney for this purpose from the membership camping operator. If the application is signed pursuant to a power of attorney, a copy of the power of attorney shall be included with the application.*

**Subd. 4. [EFFECTIVE DATE.]** *Unless an order denying registration under section 82A.12 is in effect, or unless declared effective by order of the commissioner prior thereto, the application for registration shall automatically become effective upon the expiration of 15 business days following filing with the commissioner, but an applicant may consent in writing to the delay of registration until the time the commissioner may issue an order of registration. If the commissioner requests additional information with respect to the application, the application shall become effective upon the expiration of 15 business days following the filing with the commissioner of the additional information unless an order denying registration under section 82A.12 is in effect or unless declared effective by order of the commissioner prior thereto.*

**Sec. 5. [82A.05] [DISCLOSURE STATEMENT.]**

**Subdivision 1. [DELIVERY.]** *A disclosure statement shall be delivered to each person to whom an offer is made before or concurrently with:*

(1) *the first written offer other than offer by means of an advertisement; or*

(2) *any payment pursuant to a sale, whichever occurs first.*

*Each person to whom an offer is made must be afforded a reasonable opportunity to examine the disclosure statement and must be permitted to retain the statement. The seller shall obtain a receipt, signed by the person, acknowledging that he or she has received a copy of the disclosure statement prior to the execution by the purchaser of any membership camping contract.*

*All receipts shall be kept in files which are in the possession of the membership camping operator or broker subject to inspection by the commissioner, for a period of three years from the date of the receipt.*

*Subd. 2. [CONTENTS.] A disclosure statement shall include the following information:*

*(1) the name, principal address, and telephone number of the membership camping operator and of its offices in this state;*

*(2) a brief description of the membership camping operator's experience in the membership camping business, including the number of years the membership camping operator has been in the membership camping business;*

*(3) a brief description of the campgrounds owned or operated by the membership camping operator and represented as available for use by purchasers, including identification of the amenities then available for use by purchasers, whether amenities will be available to nonpurchasers and, if so, the price to nonpurchasers therefor;*

*(4) a statement of whether or not the operator has obtained a bond, deposited funds in an escrow account, obtained an irrevocable letter of credit, or provided any other assurance securing the cost of the amenities which are represented as planned to be constructed or installed in the future for use by purchasers and, if so, the identity of the amenities and the year in which completion is estimated to occur;*

*(5) a description of the nature of the purchaser's title to, interest in, or right or license to use the campgrounds and amenities;*

*(6) a description of the membership camping operator's ownership of, or other right to use, the campground and amenities represented to be available for use by purchasers, together with a brief description of any material blanket or other material encumbrance on the campground, and the material provisions of any agreements which materially restrict a purchaser's use of the property, and a statement of the consequences to purchasers in the event of any conveyances of the campgrounds or foreclosure or other adverse action which can be taken with respect to the encumbrances.*

*(7) a statement or summary of what required material discretionary land use permits, the issuance of which is in the discretion of the issuing governmental authority, have not been obtained for each campground located in this state, and a description of the conditions that must be met to obtain the permits that have not yet been obtained;*

(8) a summary and copy of the articles, bylaws, rules, restrictions, or covenants regulating the purchaser's use of each campground and amenities on each campground in this state, including a statement of whether and how the articles, bylaws, rules, restrictions, or covenants may be changed; provided that the foregoing need not include any temporary or emergency rules or regulations or any rules or regulations adopted in response to unique local or immediate needs if the rules and regulations are posted at the campground;

(9) a description of all payments required of a purchaser under a membership camping contract, including initial fees and any further fees, charges or assessments, together with any provisions for changing the payments;

(10) a description of any restraints on the transfer of membership camping contracts;

(11) a statement of the assistance, if any, that the membership camping operator will provide to the purchaser in the resale of membership camping contracts;

(12) a description of the policies of the membership camping operator relating to the availability of camping sites and whether reservations are required;

(13) a description of the membership camping operator's right to change or withdraw from use all or a material portion of the campgrounds or amenities and the extent to which the operator is obligated to replace campgrounds or amenities withdrawn;

(14) a description of any grounds for forfeiture of a membership camping contract;

(15) a statement of the person's right to cancel the membership camping contract as provided in section 82A.11;

(16) a statement describing all material terms and conditions of any reciprocal program represented to be available to purchasers, including whether the purchaser's participation in the reciprocal program is dependent upon the continued participation of the membership camping operator in the reciprocal program and whether the membership camping operator reserves the right to terminate the participation; and

(17) such additional information as may be reasonably required by the commissioner to assure full and fair disclosure of all material facts to prospective purchasers.

Subd. 3. [USE.] The disclosure statement shall not be used for any promotional purpose before registration of the membership camping contracts and after registration, when required

to be delivered pursuant to subdivision 1 of this section, it shall be used only in its entirety. A person may not advertise or represent that the commissioner has approved or recommended the membership camping contracts or sale thereof. A portion of the disclosure statement may not be underscored, italicized, or printed in larger or heavier or different color type than the remainder of the statement if the effect is to render the statement misleading or deceptive.

**Subd. 4. [CONTRACT AS DISCLOSURE STATEMENT.]** A membership camping contract which contains all of the information required by subdivision 2 shall be deemed to be a disclosure statement within the meaning of this section. Delivery of such a membership camping contract shall be sufficient compliance with the requirements imposed by this section for delivery of a disclosure statement.

**Subd. 5. [OTHER LAW.]** Any disclosure statement which complies with the requirements of any federal law or the laws of any other state requiring substantially the same disclosure of information as is required by this section, may by rule or order of the commissioner be deemed to be in full or partial compliance with this section.

**Subd. 6. [SEPARATE DISCLOSURE.]** If the membership camping operator or that person's salespersons represents to a prospective purchaser that the operator plans to construct or install any amenities in the future, but the operator has not guaranteed to do so and has not provided assurances that the amenities will be installed pursuant to section 82A.04, subdivision 2, clause (13) (iv), the operator shall furnish a separate disclosure to the prospective purchaser. The separate disclosure shall be in 10-point bold type and shall state: **NOTICE: PURCHASE THIS MEMBERSHIP CAMPING CONTRACT ONLY ON THE BASIS OF EXISTING AMENITIES. CONSTRUCTION OF PLANNED AMENITIES IS NOT GUARANTEED. CONSTRUCTION MAY BE DEFERRED, REVISED, OR CANCELED FOR A VARIETY OF REASONS. THE PLANNED AMENITIES FOR THIS CAMPGROUND ARE** (Insert list of amenities, including estimated year of completion of each). **IF THE SALESPERSON DESCRIBES A SIGNIFICANT AMENITY WHICH IS NOT ON THIS LIST, TELEPHONE COLLECT OR TOLL FREE TO** (Insert headquarters telephone number) **TO VERIFY THE OPERATOR'S PLAN FOR SUCH A FACILITY.**

The separate disclosure shall be delivered to each person to whom an offer is made before or concurrently with:

(1) the first written offer other than offer by means of an advertisement; or

(2) any payment pursuant to a sale, whichever is first.

*The seller shall obtain a receipt, signed by the person, acknowledging that the person has received a copy of the separate disclosure required herein prior to the execution by the purchaser of any membership camping contract. All receipts shall be kept in files which are in the possession of the membership camping operator or broker subject to inspection by the commissioner for a period of three years from the date of the receipt.*

Sec. 6. [82A.06] [EXEMPTIONS.]

*Subdivision 1. The following transactions are exempt from the provisions of this chapter:*

*(1) an offer, sale, or transfer by any one person of not more than one membership camping contract in any 12-month period; unless the offer, sale, or transfer is effected by or through a broker;*

*(2) an offer or sale by a government or governmental agency;*

*(3) a bona fide pledge of a membership camping contract; and*

*(4) any transaction which the commissioner by rule or order exempts as not being within the purposes of this chapter and the registration of which he or she finds is not necessary or appropriate in the public interest or for the protection of purchasers.*

*Subd. 2. The following transactions are exempt from the provisions of sections 82A.03; 82A.04; 82A.05; 82A.07; 82A.08; 82A.11, subdivisions 2 and 4; 82A.14; 82A.16; and 82A.17: any sale which is made to a person who is not then physically present in this state, and any offer which invites an offeree to attend a sales presentation in another state if:*

*(1) the offeror has given at least ten days prior written notice to the commissioner of its intention to offer or sell membership camping contracts to residents of this state pursuant to this exemption and paid a fee of \$50;*

*(2) the offeror has demonstrated that the sales presentation will be made, and the sale will be consummated, in a state which specifically regulates the offer and sale of membership camping contracts;*

*(3) The offeror has demonstrated that it will deliver a disclosure statement to offerees who are residents of this state which contains substantially the same or greater disclosure as is required by section 82A.05; and (4) the offeror has filed a consent to service of process pursuant to section 82A.22.*

**Sec. 7. [82A.07] [AMENDMENT OF REGISTRATION.]**

*A person with a registration in effect, within 30 days after the person becomes aware of, or should have become aware of, the occurrence of any material change in the information on file with the commissioner, including the disclosure statement, which change could adversely affect purchasers, shall notify the commissioner in writing of the change by an application to amend the registration accompanied by a filing fee of \$25. If the amendment is approved by the commissioner, it shall become effective upon the issuance by the commissioner of an order approving the amendment. The amendment shall automatically become effective upon the expiration of 15 business days following filing with the commissioner unless the commissioner has prior thereto issued an order denying or approving the amendment.*

**Sec. 8. [82A.08] [ANNUAL REPORT.]**

*Subdivision 1. [REQUIREMENT.] During the period a registration is effective, the membership camping operator shall file an annual report in a format the commissioner may reasonably prescribe. Every annual report shall be due by the 120th day following the end of the operator's fiscal year, unless extended in writing by the commissioner for good cause. The annual report shall:*

*(1) specify the aggregate number of membership camping contracts sold in this state pursuant to the registration or any amendment thereof;*

*(2) specify the number of membership camping contracts and aggregate dollar amount of all sales of membership camping contracts in this state by the membership camping operator since the date the registration became effective, or since the last annual report was filed with the commissioner, whatever date is later;*

*(3) specify any exemption from registration claimed for any sale described in clause (2);*

*(4) list any changes in the information required to be filed under section 82A.04, subdivision 2, clause (4);*

*(5) include an audited or unaudited financial statement consisting of a balance sheet for the membership camping operator's last fiscal year end and an income statement for the 12 months next preceding the date of the balance sheet, both prepared by an independent certified public accountant; and*

*(6) provide such other information as the commissioner may by rule or order reasonably require to administer the provision*

of this chapter, including but not limited to, audited financial statements.

*Subd. 2. [FEE.] Every annual report filed pursuant to this section shall be accompanied by a fee of \$100.*

*Subd. 3. [CANCELLATION.] Failure to file the annual report shall be cause for cancellation of the registration. Cancellation shall occur ten days after mailing of the notice of cancellation to the operator or registrant. If canceled, the registration may be reinstated immediately following the filing of the report and payment of the appropriate fees.*

#### Sec. 9. [82A.09] [ADVERTISING.]

*Subdivision 1. [REQUIREMENTS.] No person shall publish or cause to be published in this state any advertisement offering a membership camping contract which is required to be registered pursuant to this chapter, or which is exempt from registration under section 82A.06, subdivision 2, unless an actual copy of a sample of the advertisement has been filed in the office of the commissioner at least ten days prior to the first publication thereof, or at such earlier time as the commissioner by rule or order may allow, or unless the advertisement has been exempted by rule of the commissioner.*

*Subd. 2. [RESTRICTIONS.] No person shall publish or cause to be published in this state any advertisement concerning any membership camping contract which is required to be registered pursuant to this chapter, or which is exempt from registration under section 82A.06, subdivision 2, after the commissioner has found that the advertisement contains any statement that is false or misleading, or omits to make any statement necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, and has so notified the person by written order. The order may be issued without prior notice or hearing. Up to 30 days after the issuance of the order, the person desiring to use the advertisement may in writing request a hearing on the order. Upon receipt of a written request, the matter shall be set for hearing to commence within 15 days after the receipt unless the person making the request consents to a later date. After the hearing, which shall be conducted in accordance with the provisions of chapter 14, the commissioner shall, by written order, either affirm, modify, or vacate the order.*

#### Sec. 10. [82A.10] [INSPECTION OF RECORDS.]

*All records of a membership camping operator and broker and their agents pertaining to the advertising or sale of membership camping contracts in this state shall be maintained by the membership camping operator or broker at that person's principal*

place of business and shall there be subject to inspection by the commissioner during normal business hours. The commissioner shall be promptly notified of any change of address affecting the location of the records of the membership camping operator or broker and that person's agents.

Sec. 11. [82A.11] [SALES CONTRACT; RESCISSION.]

Subdivision 1. [WRITING.] Every membership camping contract shall be in writing.

Subd. 2. [GENERALLY.] Any membership camping contract not exempt under section 82A.06, and entered into after the effective date of this chapter, is voidable at the discretion of the purchaser, for a period of three years from the date of the sale, if the contract was not registered under this chapter at the time of the sale, unless subsequently thereto the contract is registered under this chapter and in connection therewith, the purchaser has received a written offer to repurchase the contract for cash payable on closing of the repurchase, together with interest thereon from the date of the purchase at the legal rate or at the rate charged by the membership camping operator or lender to the purchaser, whichever is higher, and the purchaser has failed to accept the offer in writing within 30 days of its receipt. No offer of repurchase shall be effective unless a duplicate copy thereof has been filed with the commissioner at least 20 days prior to its delivery to the offeree and the commissioner has not objected to the offer within that time. The offer to repurchase shall be in the form and contain the information the commissioner by rule or order prescribes. If the purchaser no longer owns the membership camping contract, the purchaser shall be entitled to maintain an action at law, and the damages shall be the consideration paid for the membership camping contract, together with interest thereon as specified above from the date of acquisition to the date of disposition, plus costs and reasonable attorney's fees, less the value received by the purchaser upon disposition of the membership camping contract.

Subd. 3. [RIGHT OF RESCISSION.] A purchaser has an unconditional right to rescind any membership camping contract, or revoke any offer, at any time prior to or within three days after the date the purchaser actually receives a legible copy of the binding contract. Predating of a document does not affect the time in which the right to rescind may be exercised.

Subd. 4. [LABELING OF CONTRACT.] Each membership camping contract shall be prominently labeled and captioned that it is a document taken in connection with a sale of membership camping contracts under this chapter.

Subd. 5. [NOTICE.] Each membership camping contract shall contain the following notice which shall be in at least ten-point type, stating:



*"You are entitled to rescind this agreement for any reason within three calendar days from the day you actually receive a legible copy of this document signed by all parties. The rescission must be in writing and sent by certified mail to the membership camping operator along with this agreement and any membership card issued to you or your family at the address stated in this document. Upon rescission, you will receive a refund of all money paid within 30 days after the membership camping operator receives notice of your rescission."*

*The operator or broker may impose a fee of not more than \$25 for processing of a rescission. If the operator or broker does so, it shall add the following clause to the notice: "provided that the membership camping operator (or broker, if the seller is a broker) may retain a processing fee of \$ . . . .", and insert the amount of the charge to be imposed.*

*In the event the membership camping contract is sold by a broker or the broker's salesperson, the above notice shall be modified to substitute the name of the broker for "membership camping operator."*

*Subd. 6. [EFFECTIVE DATE.] Rescission occurs when the purchaser gives written notice of rescission, whether or not the membership camping contract or any membership card accompanies the notice, to the membership camping operator or the broker at the address stated in the contract. Notice of rescission, if given by mail, is effective when the purchaser deposits a certified letter properly addressed and postage prepaid in a mailbox. A notice of rescission given by the purchaser need not take a particular form and is sufficient if it indicates by any form of written expression the intention of the purchaser not to be bound by the membership camping contract.*

*Subd. 7. [NONWAIVER.] No act of a purchaser shall be effective to waive the right to rescind as provided in this section.*

**Sec. 12. [82A.12] [ENFORCEMENT; POWERS OF COMMISSIONER.]**

*Subdivision 1. [GENERALLY.] The commissioner may issue a cease and desist order and may issue an order denying, suspending, or revoking any registration, amendment renewal, or exemption if the commissioner finds any of the following:*

*(1) that the membership camping operator or registrant or any controlling person thereof has materially or intentionally violated or failed to comply with any provision of this chapter or any rule or order of the commissioner;*

*(2) that the offer or sale of the membership camping contract has constituted or would constitute a material misrepresent-*

sentation to purchasers, or has operated or would operate as a fraud or deceit upon purchasers;

(3) that the membership camping operator or registrant or any controlling person, agent, or employee thereof, is engaging or about to engage in false, fraudulent, or deceptive practices in connection with the offer and sale of a membership camping contract;

(4) that the membership camping operator or registrant or any controlling person or employee thereof, has engaged in any fraudulent or deceptive practice, whether or not in connection with the offer and sale of membership camping contracts, and the involvement of the person in the business of the membership camping operator or registrant creates a substantial risk of harm to prospective purchasers;

(5) that the financial condition of the membership camping operator materially adversely affects, or would materially adversely affect, the ability of the membership camping operator such that there is a reasonable likelihood that the membership camping operator will not be able to substantially fulfill its obligations under the membership camping contract, and no other financial security or assurance is provided by the membership camping operator to fulfill the obligations;

(6) that the membership camping operator's or registrant's enterprise or method of business with respect to the operation of a campground in this state includes or would include activities which are illegal or not in conformance with applicable statutes, ordinances, or regulations of any governmental entity;

(7) that the membership camping operator or registrant or any controlling person thereof has made material misrepresentations or concealed material facts in an application for registration;

(8) that any fee required by this chapter to be paid by the operator or registrant has not been paid; and

(9) that the membership camping operator or controlling person, agent, or employee thereof, has failed faithfully to perform any stipulation or agreement made with the commissioner as an inducement to grant any registration, to reinstate any registration, or to permit any disclosure statement; provided, however, that this clause shall not be deemed to require any stipulations or agreements.

*Subd. 2. [HEARING ON ORDER.] If the commissioner finds that there are reasonable grounds to believe that, unless an order is issued promptly, there is an immediate and significant risk of harm to purchasers, the commissioner may issue an order under subdivision 1 without a prior hearing. Upon the entry of*

such an order, the commissioner shall promptly serve a copy of the order upon the subject membership camping operator or other person. The order shall state the reasons for its issuance and shall either order a hearing, which shall be set for no later than 20 days from the date of the order, or specify that upon the written request of the membership camping operator, or other person, the matter will be set for hearing within 15 days after receipt of the request; provided that with the consent of the membership camping operator, or other person, a hearing may be held subsequent to the expiration of either period specified herein. If no hearing is requested within 30 days of service of the order and none is ordered by the commissioner, the order will remain in effect until it is modified or vacated by the commissioner. If a hearing is requested or ordered, the commissioner, after notice and hearing in accordance with the provisions of chapter 14, shall affirm, modify, or vacate the order.

Subd. 3. [ORDER TO SHOW CAUSE.] *If there are not grounds to employ the procedure prescribed in subdivision 2, the commissioner may issue an order to show cause setting a hearing on a date not later than ten days after its entry and requiring a membership camping operator or other person to appear and show cause why a cease and desist order should not be issued, or why an order denying, suspending, or revoking a registration, amendment, or exemption should not be issued. The order to show cause shall give reasonable notice of the time and place for hearing thereon, which shall be within ten days after entry of the order, unless the respondent agrees otherwise, and shall state the reasons for the entry of the order. The hearing 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.*

Subd. 4. [BURDEN OF PROOF.] *In any proceeding under this chapter, the burden of proving an exemption or an exception from a definition is upon the person claiming it.*

Subd. 5. [INVESTIGATIONS.] *The commissioner may make necessary public or private investigations within or outside of this state to determine whether any person has violated or is about to violate this chapter or any rule or order hereunder or to aid in the enforcement of this chapter or in the prescribing of rules and forms hereunder. For purposes of any investigation or proceeding under this chapter, the commissioner or any person designated by him or her may require or permit any person to file a statement in writing, under oath or otherwise as the commissioner determines, setting forth the facts and circumstances concerning the matter to be investigated; administer oaths or affirmations, and upon his or her own motion or upon request of any party may subpoena witnesses, compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books,*

*documents, or other tangible things and the identity and location of persons having knowledge of relevant facts, or any other matter reasonably calculated to lead to the discovery of material evidence. Upon failure to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the commissioner may apply to the district court for an order to compel compliance.*

Sec. 13. [82A.13] [PROHIBITED PRACTICES.]

*Subdivision 1. [UNTRUE STATEMENTS FILED IN DOCUMENTS.] No person shall make or cause to be made any untrue statement of a material fact in an application or other document filed with the commissioner under this chapter, or omit to state in the application or other document any material fact which is required to be stated therein, or fail to notify the commissioner of any material change as required by sections 82A.07 and 82A.16, subdivision 3.*

*Subd. 2. [FRAUD.] No person shall, in connection with the offer or sale of any membership camping contract, directly or indirectly:*

*(1) employ any device, scheme, or artifices to defraud;*

*(2) make any untrue statement of a material fact, or omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading; or*

*(3) engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.*

*Subd. 3. [MISREPRESENTATIONS.] No person may represent or cause to be represented to any prospective purchaser or a membership camping contract that the filing of any document under this chapter or the registration or exemption from registration of a membership camping contract constitutes a finding by the commissioner that any document filed under this chapter is true, complete, and not misleading, or that the commissioner has passed in any way upon the merits of any membership camping contract, and no person may represent that a membership camping contract is registered or exempted from registration when in fact, such is not the case.*

Sec. 14. [82A.14] [UNFAIR PRACTICES.]

*No membership camping operator shall:*

*(1) sell or offer to sell any membership camping contract with respect to a campground located in this state which is subject to a blanket encumbrance unless;*

(i) each person holding an interest in a blanket encumbrance shall have executed and delivered a nondisturbance agreement and recorded the agreement in the real estate records of the county in which the campground is located; or

(ii) a bond or irrevocable letter of credit has been issued, or cash or a certified check in an amount sufficient to cover payment of all amounts secured by the blanket encumbrance has been deposited, in the name of the state for the benefit and protection of purchasers of membership camping contracts and subject to terms as approved by the commissioner. Any interest accruing on amounts held in the account shall be payable, as and when earned, to the membership camping operator. Any bond shall be executed by an insurance company authorized to do business in this state, which has sufficient net worth to satisfy the indebtedness and which has given consent to be sued in this state. Any irrevocable letter of credit shall be issued by a bank or savings and loan association which has sufficient net worth to satisfy the indebtedness and which has given its consent to be sued in this state. The bond, cash, certified check, or irrevocable letter of credit shall be in an amount which is not less than 110 percent of the remaining principal balance of every indebtedness or obligation secured by a blanket encumbrance affecting the campground. The bond or agreement accompanying the cash, certified check, or irrevocable bank letter of credit shall provide for the payment of all amounts secured by the blanket encumbrance, including costs, expenses, and legal fees of the lien holder, if for any reason the blanket encumbrance is enforced. The bond, cash, certified check, or letter of credit may be reduced periodically in proportion to the reductions in the amount secured by the blanket encumbrance; or

(iii) the lender providing the major hypothecation loan to the membership camping operator (the "hypothecation lender"), and having a lien on or security interest in the membership camping operator's interest in the campground, shall have executed and delivered a nondisturbance agreement and recorded the agreement in the real estate records of the county in which the campground is located in this state. Each person holding an interest in a blanket encumbrance superior to the interest held by the hypothecation lender shall have executed, delivered, and recorded an instrument stating that the person shall give the hypothecation lender notice of, and at least 30 days' opportunity to cure, any default under the blanket encumbrance which entitles the person to foreclose upon the campground. The instrument shall state that the notice and opportunity to cure shall be given before the person commences any foreclosure action affecting the campground and in accordance with the instrument. The hypothecation lender shall have guaranteed that it will cure or arrange for the cure of the default. Any holder of a blanket encumbrance inferior to the hypothecation lender who acquires the campground in foreclosure shall take the campground subject to the hypothecation lender's nondisturbance agreement. For pur-

poses of this provision, a "hypothecation lender" is any lender extending a loan or line of credit to a membership camping operator secured by all or substantially all of the contract receivables arising from the membership camping operator's sale of membership camping contracts in this state. For purposes of this provision, "lender" means an insurance company or a federally or state chartered bank, savings and loan association, any other lending institution, the deposits of which are guaranteed or insured, by a federal agency, or any other person which has sufficient net worth to pay the obligations pursuant to this section if there are no reasonable grounds to believe that the lender will not be able to pay these obligations in the future; or

(iv) the operator can provide an alternative plan acceptable to the commissioner;

(2) sell any campground which is located in this state and available for use by purchasers, unless:

(i) the membership camping operator sells the campground to a person who takes the campground subject to all rights and interests of purchasers, and contractually agrees not to compromise the rights and interests of purchasers in regard to future conveyances of, or encumbrances placed on the campground;

(ii) the membership camping operator immediately substitutes for the use of purchasers another campground which is in the same general area and is at least as desirable for the purpose of camping and outdoor recreation as the previous campground. For purposes of this provision, "same general area" means a location within a 50-mile radius of the previous campground; or

(iii) the membership camping operator immediately substitutes for the use of purchasers another campground and the substitution is approved by two-thirds of all existing purchasers;

(3) substitute any campground located in this state and available for use by purchasers with a different campground, unless the substituted campground is in the same general area and is at least as desirable for the purpose of camping and outdoor recreation as the previous campground. For purposes of this provision, "same general area" means a location within a 50-mile radius of the previous campground;

(4) sell membership camping contracts with respect to any campground located in this state that is not owned by the membership camping operator or leased by the membership camping operator for a lease term at least equal to the term of the membership camping contract with respect to the campground;

(5) fail to disclose the circumstances, if any, under which any reciprocal program that has been offered as an inducement to purchasers may be terminated;

(6) materially modify any campground rules or regulations or modify purchasers' rights to or the scope and nature of an amenity in a manner which significantly degrades or diminishes the material rights of any purchaser without prior notice to purchasers resident in this state; or materially adversely modify any material campground rules or regulations or materially adversely modify purchaser's rights to or the scope and nature of an amenity in a manner which the purchaser proves:

(i) significantly degrades or diminishes any material rights of that purchaser; and

(ii) has no compensating benefit to any other purchaser or groups of purchasers;

(7) terminate or provide for termination of a membership camping contract, except for good cause. "Good cause" shall mean failure of the purchaser to substantially or consistently comply with reasonable requirements imposed upon him or her by the membership camping contract and campground rules and regulations;

(8) terminate a membership camping contract without first giving written notice setting forth all reasons for the termination to the purchaser at least 30 days prior to the termination becoming effective;

(9) increase a purchaser's membership dues after the sale of a contract in such a manner as to result in an increase thereof greater than whichever of the following increases is higher:

(i) the actual increase in costs of services or improvements for which the membership dues are imposed; or

(ii) the increase in the United States city average consumer price index for all urban consumers issued by the United States Bureau of Labor Statistics or such other federally prepared consumer price index or wage earner index as reasonably selected by the operator in its discretion;

(10) require purchaser to certify the absence of any misrepresentation or other violation of this chapter provided, however, that a purchaser's acknowledgment of receipt of a copy of the membership camping contract shall not be deemed to constitute such a certification;

(11) require the purchaser to waive the right to assert against the membership camping operator or any assignee any

*claim or defense the purchaser may have against the membership camping operator under the membership camping contract; or*

*(12) materially and repeatedly fail to maintain a campground in this state in the manner contractually agreed upon.*

**Sec. 15. [82A.15] [PRESERVATION OF PURCHASER'S CLAIMS AND DEFENSES.]**

*Any assignee of a membership camping contract or obligation relating to membership camping contracts shall be subject to all claims and defenses of the purchaser against the membership camping operator arising from the sale, notwithstanding any agreement to the contrary. An assignee who takes assignment of the membership camping contract without assumption of any obligations thereunder shall have no obligation or liability to assume the obligations or responsibilities of the membership camping operator under the membership camping contract. The assignee's liability under this section shall not exceed the amount owing to the assignee at the time the claim or defense is asserted against the assignee. The rights of the purchaser under this subdivision can only be asserted as a matter of defense to or set off against a claim by the assignee.*

**Sec. 16. [82A.16] [LICENSURE REQUIREMENT.]**

*Subdivision 1. [SALESPERSON OR BROKER.] A salesperson or broker may not offer or sell a membership camping contract until duly licensed under this chapter.*

*Subd. 2. [FEE AND CONTENTS.] A salesperson or broker may apply for a license by filing a fee of \$25 and an application with the commissioner which includes the following information:*

*(1) the applicant's name, age, residence address, and, in the case of a salesperson, the name and place of business of the membership camping operator or broker on whose behalf the salesperson will be acting;*

*(2) the applicant's date and place of birth;*

*(3) a statement whether or not the applicant within the past ten years has been convicted of a misdemeanor or felony involving theft, fraud, or dishonesty or whether or not the applicant within the past ten years has been enjoined from, had any civil penalty assessed for, or been found to have engaged in any violation of any securities, land sales, camping, or consumer protection statutes;*

*(4) a statement whether or not the applicant is named as a defendant in a pending criminal indictment or proceeding in-*



*volving fraud, theft, or dishonesty or is a defendant in a pending lawsuit arising out of alleged violations of securities, land sales, camping, or consumer protection statutes. A copy of the charge, complaint, or lawsuit shall be provided to the commissioner;*

*(5) a statement describing the applicant's employment history for the past five years and whether or not any termination of employment during the last five years was occasioned by a theft, fraud, or act of dishonesty;*

*(6) an affidavit certifying that the applicant is knowledgeable concerning the provisions of sections 82A.05, 82A.13, 82A.-14, and 82A.16 and any rules adopted under those sections;*

*(7) a statement whether or not the applicant has ever been licensed by this state or its political subdivisions to engage in any other business or profession; whether any such license has been denied, suspended, or revoked and, if so, the circumstances of the denial, suspension, or revocation;*

*(8) such other information as the commissioner may reasonably deem necessary to administer the provisions of this act, by rule or order.*

*Subd. 3. [AMENDMENTS.] Each licensee shall, within 15 days after the occurrence of any material change in the information contained in the initial application for license, file with the commissioner an amendment to the application setting forth the facts of change. The following shall be material changes requiring amendment:*

*(1) any termination of employment with a membership camping operator or broker;*

*(2) any new employment with a different membership camping operator or broker;*

*(3) upon any occasion when the salesperson or broker is named as a defendant in any criminal indictment or proceeding involving fraud, theft, or dishonesty or is a defendant in any pending lawsuit arising out of alleged violations of this chapter or any securities, land sales, or consumer protection statutes. A copy of the complaint or lawsuit shall be provided to the commissioner; and*

*(4) a change of name or address.*

*Subd 4. [SALESPERSONS.] A salesperson must be licensed to act on behalf of a registered membership camping operator or licensed broker and may not be licensed to act on behalf of more than one membership camping operator or broker in this state during the same period of time. The license of each*

*salesperson shall be mailed to and remain in the possession of the salesperson until canceled.*

*Subd. 5. [EXPIRATION.] Every license issued pursuant to this chapter shall expire on the February 28 next following the issuance of the license.*

*Subd. 6. [RENEWAL.] The license of a salesperson and broker shall be renewed annually by the filing of a form prescribed by the commissioner and payment of a fee of \$10.*

*Subd. 7. [ALTERNATIVE SYSTEM.] Notwithstanding the provisions of subdivisions 5 and 6, the commissioner may institute a system by rule pursuant to chapter 14 to provide three-year licenses from the date of issuance for any license prescribed by this section.*

*Subd. 8. [RESPONSIBILITY OF OPERATOR.] Each membership camping operator or broker shall be responsible for any violations of section 82A.13 or 82A.14 by any and all of its salespersons while acting as its agents in connection with the offer or sale of membership camping contracts. Unless the broker is liable for such violations pursuant to section 82A.19, subdivision 2, the operator's or broker's liability under this subdivision shall be limited to rescission and refund of the purchaser's payments for the membership camping contract.*

**Sec. 17. [82A.17] [DENIAL; SUSPENSION; REVOCATION OF LICENSES.]**

*Subdivision 1. [GROUNDS.] The commissioner may by order deny a license application, suspend or revoke any license, or may censure a licensee if he or she finds that the order is in the public interest, and that the applicant or licensee:*

*(1) has filed an application for a license which is incomplete in any material respect or contains any statement which, in light of the circumstances under which it is made, is false or misleading with respect to any material fact;*

*(2) has engaged in a fraudulent or deceptive practice;*

*(3) 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 membership camping contract business or any other statute designed to protect consumers; or*

*(4) has materially or intentionally violated or failed to comply with any provision of this chapter or any rule or order under this chapter.*

*Subd. 2. [ORDER TO SHOW CAUSE.] 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. If the commissioner finds that there are reasonable grounds to believe that, unless an order is issued promptly, there is an immediate and significant risk of harm to purchasers, 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 or she has been duly notified, the person shall be deemed in default, and the proceeding may be determined against him or her upon consideration of the order to show cause, the allegations of which may be deemed to be true.*

**Sec. 18. [82A.18] [ENFORCEMENT; PENALTIES AND REMEDIES.]**

*Subdivision 1. [CIVIL ACTION.] Whenever the commissioner has reasonable cause to believe that any person has engaged or is about to engage in any act or practice constituting a violation of any provisions of this chapter or any rule or order thereunder, he or she may, in addition to all other remedies, institute on behalf of the state of Minnesota a civil action seeking appropriate relief. In addition to all other penalties and remedies provided by this chapter, whether administrative or judicial in nature, the courts of this state shall have jurisdiction to grant such temporary, interlocutory, or permanent injunctive relief as is necessary to prevent and restrain violations of this chapter and may upon a proper showing appoint a receiver for the property, assets, business, and affairs of a membership camping operator.*

*Subd. 2. [CIVIL PENALTY.] Any person who materially or repeatedly violates section 82A.03, 82A.05, 82A.09, 82A.13, 82A.14, or 82A.16 shall be subject to a fine of not more than \$1,000 for each violation provided, however, that the total recovery arising from the same failure to comply, but involving different purchasers, shall be limited to \$5,000. A fine authorized by this subdivision may be imposed in a civil action brought by the attorney general on behalf of the state of Minnesota, and shall be deposited into the state treasury.*

*Subd. 3. [PENALTY FOR UNPAID FEES.] Any person who fails to pay the filing fees required by this chapter and con-*

*tinues to sell membership camping contracts, is liable civilly in an action brought by the attorney general on behalf of the commissioner for a penalty in an amount equal to treble the unpaid fees.*

Sec. 19. [82A.19] [CIVIL LIABILITY.]

*Subdivision 1. [GENERALLY.] A person who violates any provision of section 82A.05, 82A.13, or 82A.14 or any rule or order thereunder shall be liable to the purchaser who may sue for actual damages caused thereby, for rescission, or other relief as the court may deem appropriate.*

*Subd. 2. [JOINT AND SEVERAL LIABILITY.] Every person who materially aids in the act or a violation of section 82A.05, 82A.13, or 82A.14 is also liable jointly and severally with and to the same extent as the person, directly committing the violation unless the person who would otherwise be liable hereunder had no knowledge of or reasonable grounds to know of the existence of the facts by reason of which the liability is alleged to exist.*

*Subd. 3. [COSTS AND DISBURSEMENTS.] The prevailing party, in any suit authorized under this section or brought pursuant to section 82A.11, may recover costs and disbursements plus reasonable attorney's fees, in addition to any other relief granted.*

*Subd. 4. [REMEDIES ADDITIONAL.] The rights and remedies provided by this chapter shall be in addition to any and all other rights and remedies that may exist at law or in equity.*

*Subd. 5. [LIMITATIONS ON ACTIONS.] An action shall not be commenced pursuant to this section later than three years from the date the person enters into the contract.*

Sec. 20. [82A.20] [RULES AND OPINIONS.]

*Subdivision 1. [RULEMAKING POWER.] The commissioner may adopt rules to carry out the provisions of this chapter. For the purpose of rules and forms, the commissioner may classify membership camping contracts, persons, or matters within his or her jurisdiction, and prescribe different requirements for different classes insofar as they are consistent with this chapter. Rules shall be adopted in accordance with chapter 14, and shall not be inconsistent with the provisions of this chapter.*

*Subd. 2. [OPINIONS.] The commissioner, upon request and upon payment of a fee of \$50, may honor requests for interpretive opinions relating to this chapter.*

## Sec. 21. [82A.21] [SCOPE.]

*The provisions of this chapter concerning offers and sales of membership camping contracts apply when an offer or sale is made in this state.*

*For the purpose of this chapter, an offer or sale is made in this state when a sales presentation is made in this state. An offer or sale is also made in this state, whether or not either party is then present in this state, when:*

*(1) the offer originates from this state and is intended to induce the offeree to attend a sales presentation in this state; or*

*(2) the offer is directed by the offeror to this state, received by the offeree in this state and is intended to induce the offeree to attend a sales presentation in this or another state.*

*An offer or sale is not made in this state when a publisher circulates or there is circulated on the publisher's behalf in this state any bona fide newspaper or other publication of general, regular, and paid circulation which is not published in this state, or a radio or television program originating outside this state is received in this state.*

## Sec. 22. [82A.22] [SERVICE OF PROCESS.]

*Subdivision 1. [CONSENT TO SERVICE.] Every membership camping operator or broker, on whose behalf an application for registration or exemption is filed, shall file with the commissioner, in such form as the commissioner may prescribe, an irrevocable consent appointing the commissioner and the commissioner's successors in office to be the membership camping operator's or broker's attorney to receive service of any lawful process in any noncriminal suit, action, or proceeding against the membership camping operator or broker or his or her successor, executor, or administrator which arises under this chapter or any rule or order thereunder after the consent has been filed, with the same force and validity as if served personally on the membership camping operator or the operator's successor, executor, or administrator. Service may be made by leaving a copy of the process in the office of the commissioner, but it is not effective unless:*

*(1) the plaintiff, who may be the commissioner in a suit, action, or proceeding instituted by him or her, sends notice of the service and a copy of the process by certified mail to the defendant or respondent at that person's last address on file with the commissioner; and*

(2) *the plaintiff's affidavit of compliance with this section is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.*

**Subd. 2. [APPOINTMENT OF COMMISSIONER.]** *When any person, including any nonresident of this state, engages in conduct prohibited or made actionable by this chapter, or any rule or order thereunder, and the person has not filed a consent to service of process under subdivision 1 and personal jurisdiction over this person cannot otherwise be obtained in this state, that conduct shall be considered equivalent to the person's appointment of the commissioner or the commissioner's successor to be the person's attorney to receive service of any lawful process in any noncriminal suit, action, or proceeding against the person which grows out of that conduct and which is brought under this chapter or any rule or order thereunder, with the same force and validity as if served on the person personally. Service may be made by leaving a copy of the process in the office of the commissioner, and it is not effective unless:*

(1) *the plaintiff, who may be the commissioner in a suit, action, or proceeding instituted by the commissioner, forthwith sends notice of the service and a copy of the process by certified mail to the defendant or respondent at his or her last known address or takes other steps which are reasonably calculated to give actual notice; and*

(2) *the plaintiff's affidavit of compliance with this subdivision is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.*

**Subd. 3. [CONTINUANCES.]** *When process is served under this section, the court or the commissioner in a proceeding before him or her shall order such continuance as may be necessary to afford the defendant or respondent reasonable opportunity to defend.*

**Sec. 23. [82A.23] [WAIVERS VOID.]**

*Any condition, stipulation, or provision purporting to bind any person acquiring any membership camping contract to waive compliance with any provision of this chapter or any rule or order thereunder is void.*

**Sec. 24. [82A.24] [ADMINISTRATION.]**

**Subdivision 1. [GENERALLY.]** *This chapter shall be administered by the commissioner of commerce.*

**Subd. 2. [RESPONSIBILITIES OF DEPARTMENT.]** *It is unlawful for the commissioner or any of his or her officers or employees to use for personal benefit any information which*

*is filed with or obtained by the commissioner and which is not generally available to the public. Nothing in this chapter authorizes the commissioner or any of his or her officers or employees to disclose any confidential information except among themselves or to other administrators or regulatory authorities, or when necessary or appropriate in a proceeding or investigation under this chapter. No provision of this chapter either creates any privilege or derogates from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the commissioner or any of his or her officers or employees.*

*Subd. 3. [PUBLIC DOCUMENTS.] All applications and other documents filed with the commissioner under this chapter, except for loan or real estate agreements and building plans and specifications which have not otherwise been made public by the membership camping operator, shall be open to public inspection in accordance with rules prescribed by the commissioner. Loan or real estate agreements and building plans and specifications which have not otherwise been made public by the operator shall be classified as protected nonpublic data or private data on individuals. The commissioner may publish information filed with him or her or obtained by him or her if, in the judgment of the commissioner, such action is in the public interest.*

*Subd. 4. [DOCUMENT FILING.] A document is filed when it is received by the commissioner.*

*Subd. 5. [REGISTER OF FILING.] The commissioner shall keep a register of all filings which are or have ever been effective under this chapter and all denial, suspension, revocation, and other orders which have been entered under this chapter. The register shall be open for public inspection.*

*Subd. 6. [COPIES.] The commissioner upon request shall furnish to any person at a reasonable charge photostatic or others copies, certified under his or her seal of office if certification is requested, of any entry in the register or any order or other document on file in his or her office except for documents not available to the public pursuant to subdivision 3. Any copy so certified is admissible in evidence under section 600.13.*

*Subd. 7. [SERVICE OF ORDERS.] Orders of the commissioner shall be served by mailing a copy by certified mail to the most recent address of the recipient of the order as it appears in the files of the commissioner. Subpoenas shall be served in the same manner as provided in civil actions in the district courts.*

**Sec. 25. [82A.25] [CRIMINAL PENALTIES.]**

*Any person who willfully violates section 82A.03 by offering or selling unregistered, nonexempt membership camping con-*

*tracts or section 82A.13 or any order of the commissioner pursuant thereto of which that person has notice, may be fined not more than \$5,000 or imprisoned not more than five years or both. Each of the acts specified shall constitute a separate offense and a prosecution or conviction for any one of the offenses shall not bar prosecution or conviction for any other offense.*

Sec. 26. [82A.26] [NONAPPLICABILITY OF CERTAIN LAW.]

*Membership camping contracts registered pursuant to this chapter are exempt from the provisions of chapter 83. To the extent that licensed salespersons and licensed brokers engage in the offer or sale of membership camping contracts, those brokers and salespersons are exempt from the licensing requirements of chapter 82.*

Sec. 27. [EFFECTIVE DATE.]

*This act is effective January 1, 1986."*

Delete the title and insert:

*"A bill for an act relating to commerce; registering and regulating membership camping practices; providing for disclosure, rescission rights, civil liabilities, and criminal penalties; proposing coding for new law as Minnesota Statutes, chapter 82A."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 951, A bill for an act relating to the Minnesota historical society; authorizing local heritage preservation commission; amending Minnesota Statutes 1984, section 471.193.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Redalen from the Committee on Regulated Industries and Energy to which was referred:

H. F. No. 953, A bill for an act relating to local government; providing for the size of statutory city public utilities commis-



sions; amending Minnesota Statutes 1984, section 412.341, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

**"Section 1. [HERMANTOWN PUBLIC UTILITIES COMMISSION.]**

*The city of Hermantown may provide by ordinance that its public utilities commission shall consist of as many as seven members. Their terms shall be as provided by Minnesota Statutes, section 412.341 and, so far as possible, staggered so that an equal number expire in each year. If the city reduces the number of members, the incumbent members whose terms are cancelled shall be determined by lot, separately for each affected year's members.*

**Sec. 2. [LOCAL APPROVAL.]**

*Section 1 is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Hermantown."*

Delete the title and insert:

**"A bill for an act relating to the city of Hermantown; permitting the city to fix the size of its public utilities commission."**

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 991, A bill for an act relating to local government; regulating certain municipal dissolutions and annexations; amending Minnesota Statutes 1984, sections 412.091; 414.033, by adding subdivisions; and 414.061, 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.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 998, A bill for an act relating to natural resources; revising the boundaries of certain state forests; creating a new state forest; amending Minnesota Statutes 1984, section 89.021, subdivisions 18, 28, 33, and by adding a subdivision.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 1001, A bill for an act relating to courts; providing for reimbursement of residents required to testify in another state in criminal cases; amending Minnesota Statutes 1984, section 634.06.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 1004, A bill for an act relating to independent school district No. 347, Willmar; authorizing AVTI construction projects subject to certain conditions.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Appropriations, without recommendation.

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 1011, A bill for an act relating to education; authorizing the transfer of certain state land unneeded for community college purposes to certain cities to be used for student housing; authorizing the sale of certain community college land in Worthington; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136.

Reported the same back with the following amendments:

Page 1, line 12, delete everything before "At"

Page 2, delete line 1 and insert:

"Sec. 2. [WORTHINGTON.]

*Notwithstanding section 1 and"*

Page 2, line 6, after the period insert *"This section applies only to the sale of parcels of land, under the control of the state board for community colleges, that are numbered 10 through 14 and 16 through 20 located between Betty Avenue and West Lake Avenue and to parcels that are 150 feet deep located west of Thompson Avenue."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Redalen from the Committee on Regulated Industries and Energy to which was referred:

H. F. No. 1037, A bill for an act relating to utilities; exempting small, qualifying energy facilities from the certificate of need process; amending Minnesota Statutes 1984, section 216B.243, subdivision 8.

Reported the same back with the following amendments:

Page 1, line 10, delete the new language

Page 1, line 13, delete "(B)" and insert "(A)" and delete "(C)," and insert "(A)"

Page 1, line 13, before the first "or" insert *"and having a combined capacity at a single site of less than 80,000 kilowatts"*

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Schreiber from the Committee on Taxes to which was referred:

H. F. No. 1045, A bill for an act relating to taxation; making administrative and technical changes to income tax and property

tax refund provisions; amending Minnesota Statutes 1984, sections 80A.09, subdivision 1; 136D.28, subdivision 4; 136D.741, subdivision 7; 136D.89, subdivision 4; 270.67, by adding a subdivision; 270.75, subdivision 4; 290.06, subdivision 3d; 290.069, subdivision 5; 290.08, subdivision 8; 290.09, subdivision 4; 290.095, subdivisions 3 and 10; 290.101, subdivision 1; 290.172; 290.18, subdivision 2; 290.42; 290.50, subdivision 2; 290.523, subdivision 2; 290.92, subdivisions 5a, 6, 19, and 28; 290.97; 290.9726, subdivision 2; 290A.03, subdivisions 3 and 11; 290A.11, subdivision 2, and by adding a subdivision; 290A.19; repealing Laws 1983, chapters 213, section 2; and 247, section 122; and Laws 1984, chapter 514, article 2, section 13.

Reported the same back with the following amendments:

Page 3, line 9, after "*appeal*" insert "*to the tax court*"

Page 5, line 18, after "loss" insert "*apportioned to Minnesota in the loss year*"

Page 9, line 3, after "filed" insert "*and the commissioner and the taxpayer may agree to extend this period*"

Page 15, line 34, before "Any" insert "*Effective with payments made after April 1, 1988,*"

Page 16, line 4, after "individual" insert "*by the same person*"

Page 17, lines 35 and 36, and page 18, line 1, delete the new language

Page 18, line 28, delete "*For purposes of this*"

Page 18, line 29, delete "*chapter,*"

Page 20, line 11, delete "*commission*" and insert "*commissioner*"

Page 20, line 29, delete "*taxable*" and insert "*loss*"

Page 20, line 29, after "1984" insert "*and carry forward years beginning after December 31, 1984, arising from loss years beginning before January 1, 1985*"

Page 20, line 30, delete "*the day after final enactment, and applies to*" and insert "*for*"

Page 20, line 31, delete "*within two*"

Page 20, line 32, delete "*years of the day after final enactment*" and insert "*after January 1, 1983*"

Page 21, line 6, delete the new language

Page 21, line 7, delete "*which are allowed to*" and insert "*which may not*"

Page 23, line 15, reinstate everything before the stricken "a"

Page 23, line 16, after the stricken "in" insert "*an employee of*" and reinstate "the department of revenue."

Page 25, line 30, delete "*a tax imposed*" and insert "*an understatement of liability*"

Page 25, line 31, delete "*by this chapter*"

Page 27, line 7, after the period insert paragraph coding

With the recommendation that when so amended the bill pass.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1065, A bill for an act relating to local government; permitting the municipal board to require meetings to discuss disputed issues; amending Minnesota Statutes 1984, section 414.01, 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.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 1107, A bill for an act relating to children; requiring a new job classification in child protection; requiring continuing education; providing for a multidisciplinary education program; proposing coding for new law in Minnesota Statutes, chapter 626.

Reported the same back with the following amendments:

Page 1, line 19, delete "*children*" and insert "*child*"

Page 1, line 19, delete "*service*" and insert "*services*"

Page 1, line 22, delete "*multidisciplinary*"

Page 1, line 26, delete "MULTIDISCIPLINARY" and insert "JOINT"

Page 2, line 1, delete "develop" and insert "cooperate in the development of"

Page 2, line 2, delete "multidisciplinary educational" and insert "joint"

Page 2, line 14, delete "consideration" and insert "considerations"

Page 2, line 30, delete "chapter"

Page 2, delete line 31

Page 2, line 32, delete everything after "10b" and insert a period

Page 2, delete lines 33 and 34

Page 2, after line 34, insert:

*"Subd. 4. [REPORT.] By February 1, 1986, the commissioners of human services and public safety shall report to the legislature on the implementation of the joint training program established under subdivision 2. The report may include legislative recommendations on the establishment of a multidisciplinary training program for child abuse services professionals."*

Amend the title as follows:

Page 1, line 5, delete "multidisciplinary education" and insert "joint training"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kvam from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1216, A bill for an act relating to agriculture; clarifying the meaning of lender in the Minnesota emergency farm operating loans act; amending Laws 1985, chapter 4, section 3, subdivision 8.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

S. F. No. 196, A bill for an act relating to crimes; requiring the county attorney to prosecute failure to report child abuse or neglect; providing for the reporting of child abuse or neglect; defining certain terms; clarifying immunity from liability for reporting child abuse or neglect; providing for concise summaries of disposition of reports; making technical changes; prescribing penalties; amending Minnesota Statutes 1984, sections 388.051, subdivision 2; and 626.556, subdivisions 1, 2, 3, 4, 4a, 5, 6, 9, and 11.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 388.051, subdivision 2, is amended to read:

Subd. 2. [SPECIAL (PROVISION; GROSS MISDEMEANORS) PROVISIONS.] (a) In Anoka, Carver, Dakota, Hennepin, Scott, and Washington counties, only the county attorney shall prosecute gross misdemeanor violations of sections 290.53, subdivisions 4 and 8; 290.92, subdivision 15; 290A.11, subdivision 2; 297A.08; 297A.39, subdivisions 4 and 8; 297B.10; 609.255, subdivision 3; 609.377; 609.378; 609.41; and 617.247.

(b) *The county attorney shall prosecute failure to report physical or sexual child abuse or neglect as provided under section 626.556, subdivision 6.*

Sec. 2. Minnesota Statutes 1984, section 609.379, is amended to read:

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:

(a) 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; or

(b) *When used by a teacher or other member of the instructional, support, or supervisory staff of a public or nonpublic school upon or toward a child when necessary to restrain the child from hurting himself or any other person or property.*

Subd. 2. [APPLICABILITY.] This section applies to sections 260.315, 609.255, 609.376, 609.377, 609.378, and 626.556 (, SUBDIVISION 12).

Sec. 3. Minnesota Statutes 1984, 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 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 assessment and investigation of the reports; and to provide protective and counseling services in appropriate cases.

Sec. 4. Minnesota Statutes 1984, 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 a person responsible for the child's care, or by a person in a position of authority, as defined in section 609.341, subdivision 10, 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) (1) *an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or* (2) *an individual functioning outside the family unit and having responsibilities for the care of the child such as a 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 whether paid or unpaid, counseling, teaching, and coaching.*

(c) "Neglect" means failure by a 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 (1) 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, or (2) impose upon persons, not otherwise legally responsible for providing a child with necessary food, clothing, shelter or medical care, a duty to provide that care.

(d) "Physical abuse" means (: (1)) any physical injury inflicted by a person responsible for the child's care on a child other than by accidental means (;), or ((2)) any physical injury that cannot reasonably be explained by the child's history of injuries.

(e) "Report" means any report received by the local welfare agency, police department or county sheriff pursuant to this section.

(f) "Facility" means a day care facility, residential facility, agency, hospital, sanatorium, or other facility or institution required to be licensed pursuant to sections 144.50 to 144.58, 241.021, or 245.781 to 245.812.

(g) "Operator" means an operator or agency as defined in section 245.782.

(h) "Commissioner" means the commissioner of human services.

(i) "Assessment" includes authority to interview the child, the person or persons responsible for the child's care, the alleged perpetrator, and any other person with knowledge of the abuse or neglect for the purpose of gathering the facts, assessing the risk to the child, and formulating a plan.

Sec. 5. Minnesota Statutes 1984, section 626.556, subdivision 3, is amended to read:

Subd. 3. [PERSONS MANDATED TO REPORT.] (a) A professional or his delegate who is *an employee assistance counselor or who is* engaged in the practice 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) *knows or has reason* to believe a child is being neglected or physically or sexually abused shall immediately report the information to the local welfare agency, police department or the county sheriff. The police department or the county sheriff, (UPON) *within 24*

hours of receiving a report, shall (IMMEDIATELY) notify the local welfare agency orally and in writing. The local welfare agency, (UPON) within 24 hours of receiving a report, shall (IMMEDIATELY) notify the local police department or the county sheriff orally and in writing. The county sheriff and the head of every local welfare agency and police department shall each designate a person within their agency, department, or office who is responsible for ensuring that the notification duties of this paragraph and paragraph (b) are carried out. Nothing in this subdivision shall be construed to require more than one report from any institution, facility, school or agency.

(b) Any person (NOT REQUIRED TO REPORT UNDER THE PROVISIONS OF THIS SUBDIVISION) may voluntarily report to the local welfare agency, police department or the county sheriff if he (HAS KNOWLEDGE OF OR REASONABLE CAUSE TO BELIEVE) knows, has reason to believe, or suspects a child is being neglected or subjected to physical or sexual abuse. The police department or the county sheriff, (UPON) within 24 hours of receiving a report, shall (IMMEDIATELY) notify the local welfare agency orally and in writing. The local welfare agency, within 24 hours of receiving a report, shall notify the local police department or the county sheriff orally and in writing.

(c) A person mandated to report (SUSPECTED) physical or sexual child abuse or neglect occurring within a licensed facility shall report the information to the agency responsible for licensing the facility. A health or corrections agency receiving a report may request the local welfare agency to provide assistance pursuant to subdivisions 10, 10a, and 10b.

(d) Any person (WHO MAKES A) mandated to report shall, upon request to the local welfare agency, receive a (CONCISE) summary of the disposition of (THE) any report made by that reporter, unless release would be detrimental to the best interests of the child. Any person who is not mandated to report shall, upon request to the local welfare agency, receive a concise summary of the disposition of any report made by that reporter, unless release would be detrimental to the best interests of the child.

Sec. 6. Minnesota Statutes 1984, section 626.556, subdivision 4, is amended to read:

Subd. 4. [IMMUNITY FROM LIABILITY.] (a) The following persons are immune from any civil or criminal liability that otherwise might result from their actions if they are acting in good faith:

((A)) (1) any person (, INCLUDING THOSE VOLUNTARILY MAKING REPORTS AND THOSE REQUIRED TO MAKE REPORTS UNDER SUBDIVISION 3, PARTICIPAT-

ING IN GOOD FAITH AND EXERCISING DUE CARE IN THE) making (OF) a *voluntary or mandated report under subdivision 3* or assisting in an assessment (PURSUANT TO) *under this section* (HAS IMMUNITY FROM ANY LIABILITY, CIVIL OR CRIMINAL, THAT OTHERWISE MIGHT RESULT BY REASON OF HIS ACTION.)

((B) A SUPERVISOR OR SOCIAL WORKER EMPLOYED BY A LOCAL WELFARE AGENCY, WHO IN GOOD FAITH EXERCISES DUE CARE WHEN COMPLYING WITH SUBDIVISIONS 10 AND 11 OR ANY RELATED RULE OR PROVISION OF LAW, SHALL HAVE IMMUNITY FROM ANY CIVIL LIABILITY THAT OTHERWISE MIGHT RESULT BY REASON OF HIS ACTION.); *and*

(2) any public or private school, facility as defined in subdivision 2, or the employee of any public or private school or facility who permits access by a local welfare agency or local law enforcement agency and assists (IN GOOD FAITH) in an investigation or assessment pursuant to subdivision 10 (HAS IMMUNITY FROM ANY LIABILITY, CIVIL OR CRIMINAL, THAT OTHERWISE MIGHT RESULT BY REASON OF THAT ACTION).

*(b) A person that is a supervisor or social worker employed by a local welfare agency complying with subdivisions 10 and 11 or any related rule or provision of law is immune from any civil or criminal liability that might otherwise result from the person's actions if the person is acting in good faith and exercising due care.*

*(c) This subdivision does not provide immunity to any person for failure to make a required report or for committing neglect, physical abuse, or sexual abuse of a child.*

Sec. 7. Minnesota Statutes 1984, section 626.556, subdivision 4a, is amended to read:

Subd. 4a. [RETALIATION PROHIBITED.] (a) An employer of any person required to make reports under subdivision 3 shall not retaliate against the person for reporting in good faith (SUSPECTED) abuse or neglect pursuant to this section, or against a child with respect to whom a report is made, because of the report.

(b) The employer of any person required to report under subdivision 3 who retaliates against the person because of a report of (SUSPECTED) abuse or neglect is liable to that person for actual damages and, in addition, a penalty up to \$1,000.

(c) There shall be a rebuttable presumption that any adverse action within 90 days of a report is retaliatory. For purposes of

this paragraph, the term "adverse action" refers to action taken by an employer of a person required to report under subdivision 3 which is involved in a report against the person making the report or the child with respect to whom the report was made because of the report, and includes, but is not limited to:

- (1) discharge, suspension, termination, or transfer from the facility, institution, school, or agency;
- (2) discharge from or termination of employment;
- (3) demotion or reduction in remuneration for services; or
- (4) restriction or prohibition of access to the facility, institution, school, agency, or persons affiliated with it.

Sec. 8. Minnesota Statutes 1984, section 626.556, subdivision 5, is amended to read:

Subd. 5. [FALSIFIED REPORTS.] Any person who (WILLFULLY) *knowingly* 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.

Sec. 9. Minnesota Statutes 1984, section 626.556, subdivision 6, is amended to read:

Subd. 6. [FAILURE TO REPORT.] (ANY) A person (REQUIRED) *mandated* by this section to report (SUSPECTED PHYSICAL OR SEXUAL CHILD ABUSE OR NEGLECT WHO WILLFULLY FAILS TO DO SO SHALL BE) *who knows or has reason to believe that a child is neglected or physically or sexually abused, as defined in subdivision 2, and fails to report is* guilty of a misdemeanor.

Sec. 10. Minnesota Statutes 1984, 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 *made by a mandated or voluntary reporter* shall be of sufficient content to identify the child, any person believed to be responsible for the abuse or neglect of the child if the person is known, the nature and extent of the abuse or neglect 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. 11. Minnesota Statutes 1984, section 626.556, is amended by adding a subdivision to read:

*Subd. 6a. [FAILURE TO NOTIFY.] If a local welfare agency receives a report under subdivision 3, paragraph (a) or (b) and fails to notify the local police department or county sheriff as required by subdivision 3, paragraph (a) or (b), the person within the agency who is responsible for ensuring that notification is made shall be suspended from his or her position without pay for not less than five days. If a local police department or a county sheriff receives a report under subdivision 3, paragraph (a) or (b) and fails to notify the local welfare agency as required by subdivision 3, paragraph (a) or (b), the person within the police department or county sheriff's office who is responsible for ensuring that notification is made shall be suspended from his or her position without pay for not less than five days.*

Sec. 12. Minnesota Statutes 1984, section 626.556, subdivision 9, is amended to read:

*Subd. 9. [MANDATORY REPORTING TO A MEDICAL EXAMINER OR CORONER.] When a person required to report under the provisions of subdivision 3 (HAS REASONABLE CAUSE) knows or has reason 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 instead of the local welfare agency, police department or county sheriff. Medical examiners or coroners shall notify the local welfare agency or police department or county sheriff 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 police department or county sheriff and the local welfare agency.*

Sec. 13. Minnesota Statutes 1984, section 626.556, subdivision 10, is amended to read:

*Subd. 10. [DUTIES OF LOCAL WELFARE AGENCY AND LOCAL LAW ENFORCEMENT AGENCY UPON RECEIPT OF A REPORT.] (a) 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 the child's care, the local welfare agency shall immediately conduct an assessment 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 assessing the child abuse report and of the local law enforcement agency *for investigating the alleged abuse* includes, but is not limited to, authority to interview, without parental consent, 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 *at any facility or other place where the alleged victim or other minors might be found and may take place outside the presence of the perpetrator or parent, legal custodian, guardian, or school official.* Except as provided in this clause, the parent, legal custodian, or guardian shall be notified (,) *by the responsible local welfare or law enforcement agency no later than the conclusion of the investigation or assessment (,) 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, *the agency withhold notification of this interview (BE WITHHELD) from the parent, legal custodian, or guardian. If the interview took place or is to take place on school property, the order shall specify that school officials may not disclose to the parent, legal custodian, or guardian the contents of the notification of intent to interview the child on school property, as provided under paragraph (c), and any other related information regarding the interview that may be a part of the child's school record. A copy of the order shall be sent by the local welfare or law enforcement agency to the appropriate school official.*

(c) When the local welfare or local law enforcement agency determines that an interview should take place on school property, written notification *of intent to interview the child on school property* must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, *whether the child's parents, legal custodian, guardian, or a school official will be permitted to be present during the interview,* and a reference to the statutory authority to conduct an interview on school property. For interviews conducted by the local welfare agency, the notification shall be signed by the chairman of the county welfare board or his designee. *For interviews conducted*

*by the local law enforcement agency, the notification shall be signed by either the county sheriff or chief of police or their designee. The notification shall be private data on individuals subject to the provisions of this paragraph. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded. Until that time, the local welfare or law enforcement agency shall be solely responsible for any disclosures regarding the nature of the assessment or investigation.*

*Except where the alleged perpetrator is believed to be a school official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare (AGENCY,) or (THE LOCAL) law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is (DEEMED) considered necessary by agreement between the school officials and the local welfare (AGENCY) or (LOCAL) law enforcement agency. Where the school fails to comply with the provisions of this (SECTION) paragraph, the juvenile court may order the school to comply (WITH THIS PROVISION). (SCHOOL OFFICIALS SHALL NOT DISCLOSE TO THE PARENT, LEGAL CUSTODIAN, GUARDIAN, OR PERPETRATOR THAT A REQUEST TO INTERVIEW THE CHILD HAS BEEN MADE UNTIL AFTER THE INVESTIGATION OR ASSESSMENT HAS BEEN CONCLUDED.) Every effort (SHALL) must be made to reduce the disruption of the educational program of the child, other students, or school staff when an interview is conducted on school premises.*

(d) Where the perpetrator or a person responsible for the care of the alleged victim or other minor prevents access to the victim or other minor by the local welfare agency, the juvenile court may order the parents, legal custodian, or guardian to produce the alleged victim or other minor for questioning by the local welfare agency or the local law enforcement agency outside the presence of the perpetrator or any person responsible for the child's care at reasonable places and times as specified by court order.

(e) Before making an order under paragraph (d), the court shall issue an order to show cause, 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.

(f) The commissioner, the local welfare agencies responsible for investigating reports, and the local law enforcement agencies have the right to enter facilities as defined in subdivision 2 and to inspect and copy the facility's records as part of the investigation. Notwithstanding the provisions of chapter 13, they also have the right to inform the facility under investigation that they are conducting an investigation, to disclose to the facility the names of the individuals under investigation for abusing or neglecting a child, and to provide the facility with a copy of the report and the investigative findings.

Sec. 14. Minnesota Statutes 1984, section 626.556, subdivision 11, is amended to read:

Subd. 11. [RECORDS.] All records maintained by a local welfare agency under this section, including any written reports filed under subdivision 7, shall be private data on individuals, except insofar as copies of reports are required by subdivision 7 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 involving 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 those sections, except that the name of the reporter shall be confidential while the report is under assessment or investigation *except as otherwise permitted by this subdivision*. After the assessment or 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.

*Notwithstanding section 138.17*, records maintained by local welfare agencies, the police department or county sheriff under this section shall be destroyed as described in clauses (a) to ((C)) (d):

(a) If upon assessment or 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 assessment or 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 assessment or investigation, cannot be substantiated or disproved to the satisfaction of the local welfare agency, local police department or county sheriff may be kept for a period of one year. If the local welfare agency, 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).

(d) *Any notification which has been made a part of a child's school record under subdivision 10 shall be destroyed by the school when ordered to do so by the agency conducting the assessment or investigation. The agency shall order the destruction of the notification when other records relating to the report under investigation or assessment are destroyed under this subdivision."*

Delete the title and insert:

"A bill for an act relating to crimes; requiring the county attorney to prosecute failure to report child abuse or neglect; providing for the reporting of child abuse or neglect; defining certain terms; clarifying immunity from liability for reporting child abuse or neglect; providing for concise summaries of disposition of reports; clarifying requirements following reports of child abuse or neglect; making technical changes; prescribing penalties; amending Minnesota Statutes 1984, sections 388.051, subdivision 2; 609.379; and 626.556, subdivisions 1, 2, 3, 4, 4a, 5, 6, 7, 9, 10, 11, and by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

S. F. No. 198, A bill for an act relating to real property; eliminating the necessity of a court order before requiring registered land surveys; authorizing the use of registered land surveys for multilevel tracts; amending the provisions relating to corporate resolutions of dissolution and to instruments executed by owners whose fee title is held in trust; amending the requirements for joint tenancy clearances; amending Minnesota Statutes 1984, sections 508.47, subdivisions 2 and 4; 508.61, subdivision 3; 508.62; 508.71, subdivision 5; 508A.47, subdivisions 2 and 4; 508A.61, subdivision 3; 508A.62; and 508A.71, subdivision 5.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 9, A resolution memorializing Congress to call a constitutional convention to propose an amendment to the United States Constitution to require a balanced federal budget.

Reported the same back without recommendation.

MINORITY REPORT

March 28, 1985

We, the undersigned, being a minority of the Committee on Judiciary, recommend that H. F. No. 9 do pass with the following amendments:

Delete everything after the title and insert:

*“Whereas, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and*

*Whereas, the continuing trend of skyrocketing deficits creates a situation wherein high interest rates, inflation, and a depressed marketplace dominate the national economy; and*

*Whereas, the escalation of the national debt represents an act of fiscal irresponsibility on the part of federal lawmakers; and*

*Whereas, there are a number of vehicles whereby the states and the citizens thereof can encourage the Congress of the United States to adopt a balanced federal budget, and among those are memorialization from the state legislature for immediate action and memorialization for Congress to call a federal Constitutional convention; and*

*Whereas, this legislature seeks immediate action; and*

*Whereas, this legislature expresses grave concern that a convention called to reopen the Constitution of the United States may not be limited to any singular issue and may in fact jeopardize the Bill of Rights and the other principles embodied in that Constitution which have formed the basis on which this democracy exists; Now, Therefore,*

*Be It Resolved* by the legislature of the State of Minnesota that:

(1) The President shall propose and the Congress shall adopt a balanced federal budget for fiscal year 1987.

(2) Leadership of the Minnesota legislature shall appoint a 16-member select committee for the purpose of exploring with the citizens of Minnesota the appropriateness of calling upon the Congress of the United States to call a convention for the purpose of proposing an amendment to the United States Constitution to require a balanced federal budget.

Members of the select committee shall be appointed from among members of the state legislature as follows: five appointed by the Speaker of the House, three appointed by the House minority leader, five appointed by the Senate majority leader, and three appointed by the Senate minority leader.

The select committee shall hold one hearing in each congressional district between June 1, 1985, and December 31, 1985, for the purposes of:

(a) providing educational information regarding the convention process as provided by Article V of the United States Constitution, including but not limited to historical perspective, and legal opinions regarding procedures and parameters of a convention; and

(b) eliciting public comment.

Hearings shall be taped for public record. A report of the select committee shall be made to the legislature by January 10, 1986.

*Be It Further Resolved* that the Secretary of State is directed to transmit copies of this memorial to the President of the United States, the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the United States House of Representatives, and to Minnesota's Senators and Representatives in Congress."

Delete the title and insert:

"A resolution memorializing the President to propose and the Congress to adopt a balanced federal budget; authorizing legislative leadership to appoint a select committee."

RICHARD J. COHEN, JOE QUINN, ROBERT ELLINGSON, DEE LONG, SANDRA L. PAPPAS, ROBERT VANASEK, ANN H. REST and RANDY C. KELLY.

Cohen, Quinn, Ellingson, Long, Pappas, Vanasek, Rest and Kelly moved that the Minority Report on H. F. No. 9 be substituted for the Majority Report and that the Minority Report be now adopted.

A roll call was requested and properly seconded.

## CALL OF THE HOUSE

On the motion of Levi and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Anderson, G.	Erickson	Levi	Pauly	Sparby
Anderson, R.	Fjoslien	Lieder	Peterson	Stanius
Backlund	Forsythe	Marsh	Piepho	Sviggum
Battaglia	Frederick	McDonald	Piper	Thiede
Beard	Frederickson	McEachern	Poppenhagen	Thorson
Becklin	Frerichs	McKasy	Price	Tjornhom
Bennett	Greenfield	McLaughlin	Quinn	Tomlinson
Blatz	Gruenes	McPherson	Quist	Tompkins
Boerboom	Gutknecht	Metzen	Redalen	Tunheim
Boo	Halberg	Miller	Rees	Uphus
Brandl	Hartinger	Minne	Rest	Valan
Brinkman	Hartle	Munger	Rice	Valento
Brown	Haukoos	Murphy	Richter	Vanasek
Burger	Heap	Nelson, D.	Rodosovich	Vellenga
Carlson, D.	Himle	Neuenschwander	Rose	Voss
Carlson, J.	Jacobs	Norton	Sarna	Waltman
Carlson, L.	Jennings, L.	O'Connor	Schafer	Welle
Clark	Johnson	Ogren	Schoenfeld	Wenzel
Clausmitzer	Kalis	Olsen, S.	Schreiber	Wynia
Cohen	Kiffmeyer	Olson, E.	Seaberg	Zaffke
Dempsey	Knickerbocker	Omman	Segal	Spk. Jennings, D.
DenOuden	Knuth	Onnen	Shaver	
Dimler	Kostohryz	Otis	Simoneau	
Dyke	Krueger	Ozment	Skoglund	
Elioff	Kvam	Pappas	Solberg	

Levi 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 adoption of the Minority Report on H. F. No. 9 and the roll was called.

Levi moved that those not voting be excused from voting. The motion prevailed.

There were 62 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jaros	Minne	Peterson	Skoglund
Battaglia	Jennings, L.	Munger	Piper	Solberg
Beard	Kahn	Murphy	Price	Sparby
Begich	Kalis	Nelson, D.	Quinn	Staten
Brandl	Kelly	Nelson, K.	Rest	Vanasek
Brinkman	Knuth	Neuenschwander	Rice	Vellenga
Brown	Kostohryz	Norton	Rivness	Voss
Carlson, L.	Krueger	O'Connor	Rodosovich	Welle
Clark	Lieder	Ogren	Sarna	Wenzel
Cohen	Long	Olson, E.	Scheid	Wynia
Elioff	McEachern	Osthoff	Schoenfeld	
Greenfield	McLaughlin	Otis	Segal	
Jacobs	Metzen	Pappas	Simoneau	

Those who voted in the negative were:

Anderson, R.	Dimler	Heap	Onnen	Sherman
Backlund	Dyke	Himle	Ozment	Stanius
Becklin	Erickson	Johnson	Pauly	Sviggum
Bennett	Fjoslien	Kiffmeyer	Piepho	Thiede
Bishop	Forsythe	Knickerbocker	Poppenhagen	Thorson
Blatz	Frederick	Kvam	Quist	Tjornhom
Boerboom	Frederickson	Levi	Redalen	Tomlinson
Boo	Frerichs	Marsh	Rees	Tompkins
Burger	Gruenes	McDonald	Richter	Uphus
Carlson, D.	Gutknecht	McKasy	Rose	Valan
Carlson, J.	Halberg	McPherson	Schafer	Valento
Clausnitzer	Hartinger	Miller	Schreiber	Waltman
Dempsey	Hartle	Olsen, S.	Seaberg	Zaffke
DenOuden	Haukoos	Omann	Shaver	Spk. Jennings, D.

The Minority Report on H. F. No. 9 was not adopted.

The question recurred on the adoption of the Majority Report from the Committee on Judiciary relating to H. F. No. 9. The Majority Report on H. F. No. 9 was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 876, A bill for an act relating to hazardous waste; establishing a hazardous substance compensation trust account; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115B.

Reported the same back with the following amendments:

Page 1, line 20, delete "*treasurer*" and insert "*board of investment*"

Page 2, line 3, delete "*three*" and insert "*five*"

Page 2, line 8, delete "*and the final*" and insert "*one*"

Page 2, line 9, after "*injuries*" insert "; *one member shall be a professional employed in an industry that deals with hazardous substances; and one member shall be a member of the general public*"

Page 2, line 14, delete "*the first member*" and insert "*two members*"

Page 2, line 15, delete "*the second member*" and insert "*two members*"

Page 2, line 16, delete "*third*" and insert "*fifth*"

Page 2, line 20, after "board" insert "*, with the approval of the commissioner of employee relations,*"

Page 2, line 24, after "employees" insert "*covered under the plan adopted by the commissioner of employee relations under section 43A.18, subdivision 2*"

Page 2, line 32, delete "and" and insert a period

Page 2, line 33, delete everything before the semicolon and insert "*The commissioner of health shall provide staff assistance and administrative services to the board, and the board shall reimburse the commissioner for this staff and these services*"

Page 4, line 16, delete "commissioner" and insert "board"

Page 5, after line 25, insert:

*"Subdivision 1. [SIMULTANEOUS CLAIM AND COURT ACTION PROHIBITED.] A claimant may not commence a court action to recover for compensable injury for which the claimant seeks compensation from the fund during the time that a claim is pending before the board. A person may not file a claim with the board to recover for any compensable injury for which the person seeks to recover in a pending court action.*

*Subd. 2. [SUBSEQUENT ACTION PROHIBITED.]"*

Page 5, line 26, delete "files or"

Page 5, line 27, after "injury" insert "*and upon whose claim the board has made a determination*"

Page 8, line 12, delete "two"

Page 8, line 14, delete "two"

Page 8, line 15, delete "neither" and insert "no other"

Page 8, after line 31, insert:

*"Subd. 5. [DEFENSES.] The fund is not liable for any claim to which a responsible person could prove a defense under section 115B.05."*

Page 8, line 35, delete "secretary of the treasury" and insert "commissioner of finance"

Page 9, after line 1, insert:

*"The board shall not authorize disbursements or otherwise encumber funds in an amount greater than the amount of money in the fund. Any claim allowed by the board but for which the fund is insufficient to pay the full amount must be left open for payment until the effective date of appropriations following the next legislative session. Approved claims pending on that date shall be paid first, in the order they were decided by the board, out of any new appropriation for the fund."*

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

#### MINORITY REPORT

March 28, 1985

We, the undersigned, being a minority of the Committee on Governmental Operations, recommend that H. F. No. 876 be re-referred to the Committee on Appropriations with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [115B.25] [DEFINITIONS.]

*Subdivision 1. [GENERAL.] The terms used in sections 3 to 14 have the definitions given them in section 115B.02 and this section.*

*Subd. 2. [BOARD.] "Board" means the hazardous substance injury compensation board established in section 4.*

*Subd. 3. [ELIGIBLE PERSONAL INJURY.] "Eligible personal injury" means personal injury that is eligible for compensation under section 6.*

*Subd. 4. [COMPENSABLE LOSS.] "Compensable loss" means a loss that is compensable under section 10.*

*Subd. 5. [FUND.] "Fund" means the hazardous substance injury compensation fund established in section 3.*

Sec. 2. [115B.26] [HAZARDOUS SUBSTANCE INJURY COMPENSATION FUND.]

*Subdivision 1. [ESTABLISHMENT.] A hazardous substance injury compensation fund is established as an account in the state treasury. The state treasurer shall credit to the fund account all amounts received by direct appropriation from the general fund as well as amounts received pursuant to sections 14 and 15. The state treasurer shall invest fund money pursuant to section 11A.25. Earnings, such as interest, dividends, and any*

*other earnings arising from fund assets, must be credited to the fund.*

*Subd. 2. [APPROPRIATION.] The amount necessary to pay claims of compensation granted by the board under sections 3 to 14 is appropriated to the board from the hazardous substance injury compensation fund.*

*Subd. 3. [PAYMENT OF CLAIMS WHEN FUND INSUFFICIENT.] Any claim allowed by the board but for which the fund is insufficient to pay the full amount must be left open for payment until the effective date of appropriations following the next legislative session. Approved claims pending on that date shall be paid first, in the order they were decided by the board, out of any new appropriation for the fund.*

**Sec. 3. [115B.27] [HAZARDOUS SUBSTANCE INJURY COMPENSATION BOARD.]**

*Subdivision 1. [ESTABLISHMENT OF BOARD.] The hazardous substance injury compensation board is established within the department of health. The board consists of three members appointed by the governor subject to the advice and consent of the senate. One member must be a physician knowledgeable in toxicology; one member must be a member of the bar of this state; and one member must be a health professional knowledgeable in the area of hazardous substance injuries. The board shall annually elect a member to serve as chairman for a term of one year. Filling of vacancies on the board and removal of members are governed by section 15.0575.*

*Subd. 2. [MEMBERSHIP TERMS.] The initial members shall be appointed to terms as follows:*

- (1) the first member appointed for six years;*
- (2) the second member appointed for four years;*
- (3) the third member appointed for two years.*

*At the end of each member's term, the successor shall be appointed for six years and each successor thereafter shall be appointed for six years.*

*Subd. 3. [COMPENSATION AND EXPENSES.] The commissioner of employee relations shall establish the compensation or salary to be paid members of the board, based on the professional expertise and experience of the members and the workload of the board.*

**Sec. 4. [115B.28] [POWERS AND DUTIES OF THE BOARD.]**



*Subdivision 1. [DUTIES.] In addition to performing duties specified in sections 3 to 14 or in other law, the board shall:*

*(1) adopt rules, including emergency rules, as soon as practicable after all members are appointed, including rules governing practice and procedure before the board, the form and procedure for applications for compensation, and procedures for claims investigations;*

*(2) publicize the availability of compensation and application procedures on a statewide basis with special emphasis on geographical areas surrounding sites identified by the pollution control agency as having releases prior to July 1, 1988;*

*(3) collect, analyze, and make available to the public, in consultation with the department of health, the pollution control agency, the University of Minnesota medical and public health schools, and the medical community, data regarding injuries relating to exposure to hazardous substances; and*

*(4) prepare and transmit to the governor and the legislature a biennial report to include (a) a summary of board activity under clause (3); (b) data determined by the board from actual cases, including but not limited to number of cases, actual compensation received by each claimant, types of cases, and types of injuries compensated, as they relate to types of hazardous substances as well as length of exposure; and (c) board recommendations for legislative changes, further study, or any other recommendation aimed at improving the system of compensation.*

*Subd. 2. [POWERS.] In addition to exercising any powers specified in sections 3 to 14 or in other law, the board may:*

*(1) in reviewing a claim, consider any information that the board determines is relevant to the claim;*

*(2) contract for consultant or other services necessary to carry out the board's duties under sections 3 to 14;*

*(3) grant compensation on an emergency basis pending the final decision on a claim, subject to the adoption of rules by the board, if the claim is one with respect to which an award will probably be made and undue hardship will result to the claimant if immediate payment is not made.*

*Subd. 3. [INVESTIGATION; OBTAINING INFORMATION.] The board may investigate any claim for compensation and for this purpose it may request from any person information regarding any matter, fact, or circumstance which is relevant to deciding the claim. In order to obtain this information the board, subject to any applicable privilege, may:*

(a) request any person to produce documents, papers, books, or other tangible things in his possession, custody, or control;

(b) request the sworn testimony of any person as to any relevant fact or opinion;

(c) direct written questions to any person and request written answers and objections; and

(d) request a mental or physical examination or autopsy of the claimant.

The board shall give written notice of any request under this subdivision at least 15 days before the person is expected to comply with the request. If any person fails or refuses to comply with the request, the board may apply to a district court for an order to compel compliance with the request. The district court shall issue the order upon a showing of cause by the board, subject to applicable protective provisions of the rules of civil procedure.

Subd. 4. [ADMINISTRATIVE PERSONNEL AND SERVICES.] The commissioner of health shall provide for the administrative needs of the board as provided in this subdivision. The commissioner shall make available by separate budget to the board the staff services, funds for operation, and office space necessary to administer its functions. Upon request by the board, the commissioner shall hire or make available necessary employees and technical services. In order to perform its duties, the board may request information from the supervising officer of any state agency or state institution of higher education. The supervising officer shall comply with the board's request to the extent possible considering available agency or institution appropriations and may assign agency or institution employees to assist the board in performing its duties under sections 3 to 14.

#### Sec. 5. [ELIGIBLE INJURY AND TIME FOR FILING.]

Subdivision 1. [ELIGIBLE PERSONAL INJURY.] (a) A personal injury is eligible for compensation from the fund if it is a medically verified injury, including a chronic or acute disease or death, which is related to exposure to a hazardous substance released from a site where the substance was deposited. An eligible personal injury includes but is not limited to cancer, genetic mutations, behavioral abnormalities, physiological malfunctions, and physical deformations.

(b) A personal injury is not eligible for compensation from the fund if:

(1) the exposure took place outside the geographical boundaries of the state;

(2) *the injury is one that is compensable under the workers compensation law, chapter 176;*

(3) *the injury arises out of the ordinary use of a consumer product; or*

(4) *it is the result of the release of a hazardous substance for which the injured or damaged party is a responsible person.*

*Subd. 2. [TIME FOR FILING CLAIM.] A claim is not eligible for compensation from the fund unless it is filed with the board within the time provided in this subdivision.*

(a) *A claim for compensation for personal injury must be filed within two years after the injury and its connection to exposure to a hazardous substance has been discovered.*

(b) *A claim for compensation for property damage must be filed within two years after the damage occurred.*

*Notwithstanding the provisions of this subdivision, claims for compensation that would otherwise be barred by the passage of time may be filed not later than January 1, 1988.*

#### Sec. 6. [115B.30] [OTHER ACTIONS.]

*Subdivision 1. [BY CLAIMANT.] Except as provided in subdivision 4, a claimant who receives compensation from the fund may bring a personal injury, wrongful death, or other action in court for damages not compensated by the fund. In any case where the final judgment does not exceed 25 percent of the amount previously recovered from the fund, the court may assess costs and fees, not including attorney fees, against the claimant. A decision by the board to grant or deny compensation is inadmissible as evidence in any court action brought by the claimant to recover for additional injury or damage, except that if a verdict or decision is rendered for the claimant, the court shall take judicial notice of any board decision granting compensation in determining whether or not fees must be assessed as provided in this subdivision, and in entering judgment shall reduce the total damages to the extent already compensated by the fund.*

*Subd. 2. [SUBROGATION BY STATE.] The state is subrogated to all the claimant's rights to recover losses compensated from the fund from other sources, including responsible persons as defined in section 115B.03. The state may bring a subrogation action in its own name or in the name of the claimant. Money recovered by the state under this subdivision must be deposited in the fund.*

*Subd. 3. [JOINDER OF ACTIONS.] Nothing in subdivision 1 or 2 precludes joinder of actions brought by the state and a claimant or intervention in an action by any party.*

*Subd. 4. [SIMULTANEOUS CLAIM AND COURT ACTION PROHIBITED.] A claimant may not commence a court action to recover for any injury or damage for which the claimant seeks compensation from the fund during the time that a claim is pending before the board. A person may not file a claim with the board for compensation for any injury or damage for which the claimant seeks to recover in a pending court action. The time for filing a claim under section 6 or the statute of limitations for any civil action is suspended during the period of time that a claimant is precluded from filing a claim or commencing an action under this subdivision.*

**Sec. 7. [115B.31] [CLAIM FOR COMPENSATION.]**

*Subdivision 1. [FORM.] A claim for compensation from the fund must be filed with the board in the form required by the board. When a claim does not include all of the information required by subdivision 2 and applicable board rules, board staff shall notify a claimant of the absence of required information within 14 days of the filing of the claim. All required information must be received by the board not later than 60 days after the claimant received notice of its absence or the claim will be inactivated and may not be resubmitted for at least one year following the date of inactivation. The board may decide not to inactivate a claim under this subdivision if it finds serious extenuating circumstances.*

*Subd. 2. [REQUIRED INFORMATION.] A claimant must provide as part of the claim:*

*(1) a sworn verification by the claimant of the facts set forth in the claim to the best of the claimant's knowledge;*

*(2) evidence of the claimant's exposure to a named hazardous substance;*

*(3) evidence that the exposure experienced by the claimant causes or significantly contributes to injury of the type suffered by the claimant, except when the claim is based on an earlier decision of the board as provided in section 9, subdivision 3;*

*(4) evidence of the injury eligible for compensation suffered by the claimant and the compensable losses resulting from the injury;*

*(5) information regarding any collateral sources of compensation; and*

*(6) other information required by the rules of the board.*

*Subd. 3. [DEATH CLAIMS.] In any case in which death is claimed as a compensable injury, the claim may be brought on*

*behalf of the claimant by the individuals eligible for death benefits and by the claimant's estate for compensable medical expenses.*

**Sec. 8. [115B.32] [DETERMINATION OF CLAIM.]**

**Subdivision 1. [STANDARD FOR PERSONAL INJURY.]**  
*The board shall grant compensation to a claimant who shows that it is more likely than not that:*

*(1) the claimant suffers a medically verified injury that is eligible for compensation from the fund and that has resulted in a compensable loss;*

*(2) the claimant has been exposed to a hazardous substance in an amount and duration sufficient to cause or significantly contribute to injury of the type suffered by claimant; and*

*(3) the exposure of the claimant could reasonably have resulted from the release of the hazardous substance from an identified site where the substance was deposited.*

**Subd. 2. [EFFECT OF PRIOR DECISION; EXCEPTION.]**

*(a) Except as provided in this subdivision, the board may not rely on an earlier decision granting or denying compensation as dispositive of any later claim.*

*(b) If the board finds that exposure to a particular hazardous substance in a particular amount, duration, and location causes or significantly contributes to an injury of the type suffered by a claimant, it may rely on that finding as dispositive of any future claim by another claimant who shows that it is more likely than not that he or she suffered the same type of injury and was exposed to the same hazardous substance in substantially the same amount, duration, and location.*

**Sec. 9. [115B.33] [COMPENSABLE LOSSES.]**

**Subdivision 1. [PERSONAL INJURY LOSSES.]** *Losses compensable by the fund for personal injury are limited to:*

*(a) medical expenses directly related to the claimant's injury;*

*(b) up to two-thirds of the claimant's lost wages not to exceed \$2,000 per month or \$24,000 per year;*

*(c) up to two-thirds of a self-employed claimant's lost income, not to exceed \$2,000 per month or \$24,000 per year;*

*(d) death benefits to dependents as follows:*

(1) to a spouse with no dependent children, a sum computed by one-half of the deceased claimant's lost wages or lost income, calculated on a monthly basis not to exceed \$2,000 per month, multiplied by 60 months;

(2) to a spouse with three or fewer dependent children, a sum computed by two-thirds of the deceased claimant's lost wages or lost income, calculated on a monthly basis not to exceed \$2,000 per month, multiplied by the number of months remaining until the youngest dependent child attains the age of 18;

(3) to a spouse with four or more dependent children, a sum computed by three-fourths of the deceased claimant's lost wages or lost income, calculated on a monthly basis not to exceed \$2,000 per month, multiplied by the number of months remaining until the youngest dependent child attains the age of 18;

(4) to three or fewer dependent children when there is no surviving spouse, an amount as calculated in clause (2) but using one-half of the deceased claimant's lost wages or lost income as the base for the calculation;

(5) to four or more dependent children when there is no surviving spouse, an amount as calculated in clause (3) but using two-thirds of the deceased claimant's lost wages or lost income as the base for the calculation; and

(6) to any other individual who can show dependence on the deceased claimant, an amount equal to the amount of actual average monthly contribution made by the claimant to that individual prior to his or her inability to contribute or one-fourth of the deceased claimant's lost wages or lost income, calculated on a monthly basis not to exceed \$2,000 per month, whichever is less, multiplied by 36 months. A person who cannot show actual dependence on the deceased claimant may not recover death benefits. For the purposes of all the provisions in clause (d), lost wages includes the value of lost household labor; and

(e) the value of household labor lost due to the claimant's injury or disease not to exceed \$2,000 per month or \$24,000 per year.

#### Sec. 10. [115B.34] [DETERMINATION OF CLAIMS.]

*Subdivision 1. [ASSIGNMENT OF CLAIMS.] The chairman of the board shall assign each claim that has been accepted for filing to a member of the board.*

*Subd. 2. [PRELIMINARY DECISION.] The board member to whom the claim is assigned shall review all materials*

*filed in support of the claim and may cause an investigation to be conducted into the validity of the claim. The board member may make a preliminary decision on the basis of the papers filed in support of the claim and the report of any investigation of it. The decision must be in writing and include the reasons for the decision.*

*Subd. 3. [CIRCULATION OF PRELIMINARY DECISION.] Copies of the preliminary decision made under subdivision 2 must be circulated to the other two board members as soon as practicable. On receipt of the preliminary decision, the other two members have 20 days to challenge it by written notice to the member who made the decision. If neither member challenges the preliminary decision, a copy must be sent to the claimant who may challenge the decision by written notice to the board within 30 days of receipt of the decision. If no notice is received within the required time, the preliminary decision becomes a final decision of the board.*

*Subd. 4. [CHALLENGES.] If a board member or a claimant challenges a preliminary decision made pursuant to subdivision 2, the full board shall order the claimant to appear before the board. The appearance is not a contested case hearing under chapter 14. The claimant may produce further evidence to support the claim, including books, studies, reports, and any other written material and oral testimony of witnesses, including experts. The board members may ask questions of the claimant and any witnesses presented by the claimant. After the appearance, the board shall make a final decision on the claim as soon as practicable. The decision must be in writing and include the reasons for the decision. A copy of each final decision must be sent to the claimant, including, for a claim that is granted, an explanation of the form in which the claim will be paid.*

*Subd. 5. [RECORD.] Any appearance by a claimant or witnesses must be tape recorded but a formal record pursuant to chapter 14 is not required.*

*Subd. 6. [APPEAL.] A final decision of the board made pursuant to this section is conclusive on all matters decided. There is no right to judicial review of a final decision of the board.*

#### **Sec. 11. [115B.35] [AMOUNT AND FORM OF PAYMENT.]**

*If the board decides to grant compensation, it shall determine the net uncompensated loss payable to the claimant by computing the total amount of compensable losses payable to the claimant and subtracting the total amount of any compensation received by the claimant for the same injury or damage from other sources including, but not limited to, all forms of insurance and*

*social security and any emergency award made by the board. The board shall pay compensation in the amount of the net uncompensated loss, provided that no claimant may receive more than \$250,000.*

*Compensation from the fund may be awarded in a lump sum or in installments at the discretion of the board.*

**Sec. 12. [115B.36] [ATTORNEY FEES.]**

*The board may by rule limit the fee charged by any attorney for representing a claimant before the board.*

**Sec. 13. [APPROPRIATION.]**

*Subdivision 1. [GENERAL.] \$2,000,000 is appropriated from the general fund to the hazardous substance injury compensation fund, to be available until expended.*

*Subd. 2. [ADMINISTRATIVE EXPENSES.] \$ . . . . . is appropriated from the general fund to the commissioner of health to pay administrative costs of the hazardous substances injury compensation board, to be available until June 30, 1987. The complement of the department of health is increased by . . . . . positions which may be in the unclassified service."*

Further, delete the title and insert:

"A bill for an act relating to environment; creating a hazardous substance injury compensation fund; establishing a board to administer compensation; limiting compensable losses; prescribing claims procedures; allowing partial subrogation rights; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1984, section 115B.07."

RANDY C. KELLY, DEE LONG, WAYNE SIMONEAU, KAREN CLARK, WALLY SPARBY, KATHLEEN VELLENGA, RICHARD A. KRUEGER, PETER G. RODOSOVICH, ALLAN WELLE, DAN KNUTH, PHILLIP RIVENESS and PAT PIPER.

Kelly, Long, Simoneau, Clark, Sparby, Vellenga, Krueger, Rodosovich, Welle, Knuth, Riveness and Piper moved that the Minority Report on H. F. No. 876 be substituted for the Majority Report and that the Minority Report be now adopted.

A roll call was requested and properly seconded.

The question was taken on the adoption of the Minority Report on H. F. No. 876 and the roll was called. There were 64 yeas and 70 nays as follows:



Those who voted in the affirmative were:

Anderson, G.	Jaros	Minne	Peterson	Skoglund
Battaglia	Jennings, L.	Munger	Piper	Selberg
Beard	Kahn	Murphy	Price	Sparby
Begich	Kalis	Nelson, D.	Quinn	Staten
Brandl	Kelly	Nelson, K.	Rice	Tomlinson
Brown	Knuth	Neuenschwander	Rest	Tunheim
Carlson, L.	Kostohryz	Norton	Riveness	Vanasek
Clark	Krueger	O'Connor	Rodosovich	Vellenga
Cohen	Lieder	Ogren	Sarna	Voss
Elioff	Long	Olson, E.	Scheid	Welle
Ellingson	McEachern	Osthoff	Schoenfeld	Wenzel
Greenfield	McLaughlin	Otis	Segal	Wynia
Jacobs	Metzen	Pappas	Simoneau	

Those who voted in the negative were:

Anderson, R.	DenOuden	Haukoos	Omamm	Shaver
Backlund	Dimler	Heap	Onnen	Sherman
Becklin	Dyke	Himle	Ozment	Stanius
Bennett	Erickson	Johnson	Pauly	Sviggum
Bishop	Fjoslien	Kiffmeyer	Piepho	Thiede
Blatz	Forsythe	Knickerbocker	Poppenhagen	Thorson
Boerboom	Frederick	Kvam	Quist	Tjornhom
Boo	Frederickson	Levi	Redalen	Tompkins
Brinkman	Frerichs	Marsh	Rees	Uphus
Burger	Gruenes	McDonald	Richter	Valan
Carlson, D.	Gutknecht	McKasy	Rose	Valento
Carlson, J.	Halberg	McPherson	Schafer	Waltman
Clausnitzer	Hartinger	Miller	Schreiber	Zaffke
Dempsey	Hartle	Olsen, S.	Seaberg	Spk. Jennings, D.

The Minority Report on H. F. No. 876 was not adopted.

The question recurred on the adoption of the Majority Report from the Committee on Governmental Operations relating to H. F. No. 876. The Majority Report on H. F. No. 876 was adopted and H. F. No. 876 was re-referred to the Committee on Appropriations.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 9, 58, 145, 230, 255, 315, 368, 399, 405, 418, 449, 476, 484, 507, 558, 571, 618, 626, 636, 650, 654, 718, 725, 730, 812, 882, 889, 894, 916, 928, 937, 940, 947, 951, 953, 991, 998, 1001, 1011, 1037, 1045, 1065, 1107 and 1216 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 483, 196 and 198 were read for the second time.

## CALL OF THE HOUSE LIFTED

Knickerbocker moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

**INTRODUCTION AND FIRST READING  
OF HOUSE BILLS**

The following House Files were introduced:

DenOuden; Jennings, L., and Kalis introduced:

H. F. No. 1256, A bill for an act relating to natural resources; altering certain provisions regarding water permit fees; amending Minnesota Statutes 1984, section 105.44, subdivision 10.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Clausnitzer introduced:

H. F. No. 1257, A bill for an act relating to health; prohibiting misrepresentation of certain third-party payments and billing practices; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 146.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Sviggum and Jennings, L., introduced:

H. F. No. 1258, A bill for an act relating to human services; changing county social service allocations; amending Minnesota Statutes 1984, sections 256E.06, subdivisions 2, 2a, 3, 5, 6, and by adding subdivisions; and 256E.09, subdivision 1; repealing Minnesota Statutes 1984, sections 256E.06, subdivision 7; and 256E.08.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Kiffmeyer introduced:

H. F. No. 1259, A bill for an act relating to occupations and professions; altering certain class B master electrician licensing requirements; amending Minnesota Statutes 1984, sections 326.01, subdivision 6; and 326.242, subdivision 1.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Johnson and Lieder introduced :

H. F. No. 1260, A bill for an act relating to transportation; county state-aid highway fund; repealing the 24-foot restriction in the calculation of money needs; changing the definitions of urban and rural counties; providing for apportionments in calendar years 1986 and 1987; amending Minnesota Statutes 1984, section 162.07, subdivisions 2, 3, and 4; proposing coding for new law in Minnesota Statutes, chapter 162.

The bill was read for the first time and referred to the Committee on Transportation.

Valan; Sparby; Anderson, R.; Kalis and Carlson, D., introduced :

H. F. No. 1261, A bill for an act relating to agriculture; creating the Minnesota agriculture finance agency and Minnesota agriculture loan fund; prescribing penalties; authorizing the issuance of state bonds; appropriating money; amending Minnesota Statutes 1984, section 290.01, subdivision 20b; proposing coding for new law as Minnesota Statutes, chapter 17C.

The bill was read for the first time and referred to the Committee on Agriculture.

Himle, Heap and Clark introduced :

H. F. No. 1262, A bill for an act relating to occupational safety and health; prescribing duties of employers and of employees; providing for standards; providing for the use of investigative information; providing for enforcement mechanisms; amending Minnesota Statutes 1984, sections 182.651, subdivision 14; 182.-653, subdivisions 4a, 4b, 4c, 4e, and 4f; 182.654, subdivision 11; 182.655, subdivisions 10 and 10a; 182.659, by adding a subdivision; 182.661, subdivision 1, and by adding a subdivision; 182.-668, subdivision 1; and 182.669, subdivision 1.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Rose, Munger, Bennett, Skoglund and Redalen introduced :

H. F. No. 1263, A resolution memorializing the President and Congress of the United States to take immediate steps to reduce acid deposition.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Johnson introduced:

H. F. No. 1264, A bill for an act relating to real property; providing for federal public land survey monument records; amending Minnesota Statutes 1984, section 381.12, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Riveness, Himle, Ogren, Schreiber and Bennett introduced:

H. F. No. 1265, A bill for an act relating to economic development; providing for economic opportunity and arts enterprise zones; amending Minnesota Statutes 1984, sections 273.1312, subdivision 4; 273.1313, subdivision 2; and 273.1314, subdivisions 2, 4, 5, 7, 8, and by adding subdivisions.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Frerichs and Bishop introduced:

H. F. No. 1266, A bill for an act relating to Olmsted county; providing for sales, leases, and conveyances; providing certain exceptions to public bidding requirements.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Gutknecht introduced:

H. F. No. 1267, A bill for an act relating to government operations; establishing a certification process for set-aside programming in the department of administration; providing penalties; amending Minnesota Statutes 1984, sections 16B.19, subdivisions 2, 5, and 6; 16B.21, subdivision 1; 16B.22; 137.31, subdivision 3; 161.321, subdivisions 3 and 6; 473.129, subdivision 3, and by adding a subdivision; 473.406, subdivision 6; 473.523, by adding a subdivision; and 473.652, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 16B.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Ozment, Sarna, Haukoos and Norton introduced :

H. F. No. 1268, A bill for an act relating to occupations and professions; providing for licensing of alarm and communication contractors and installers by the board of electricity; amending Minnesota Statutes 1984, sections 326.01, by adding subdivisions; 326.241; 326.242, subdivisions 7 and 8, and by adding subdivisions; 326.243; 326.244, subdivisions 4 and 5; and 326.246.

The bill was read for the first time and referred to the Committee on Governmental Operations.

McKasy; Schreiber; Carlson, J.; Clausnitzer and Tompkins introduced:

H. F. No. 1269, A bill for an act relating to taxation; simplifying Minnesota income tax law by increasing conformity to federal income tax law; changing the rates and the rate brackets; amending Minnesota Statutes 1984, sections 13.04, subdivision 2; 41.55; 117.55; 290.01, subdivisions 20, 20a, 20b, 20d, and by adding a subdivision; 290.032, subdivision 2; 290.05, subdivision 3; 290.06, subdivisions 2c, 2d, 3f, 3g, and 11; 290.067, subdivision 1; 290.08, subdivision 1; 290.089, subdivisions 1, 2, and by adding a subdivision; 290.09, subdivisions 1 and 7; 290.091; 290.095, subdivisions 7, 9, and 11; 290.12, subdivisions 1 and 2; 290.14; 290.16, subdivision 1a; 290.18, subdivisions 1 and 2; 290.23, subdivision 3; 290.311, subdivision 1; 290.37, subdivision 1; 290.38; 290.39, subdivision 1a; 290.41, subdivision 2; 290.49, subdivision 10; 290.50, subdivisions 5 and 6; 290.92, subdivisions 2a and 19; 290.9726, subdivision 1; 290.974; and 290A.03, subdivision 3; repealing Minnesota Statutes 1984, sections 41.58, subdivision 3; 41.59, subdivisions 2 and 3; 62E.03, subdivision 2; 290.01, subdivisions 20c and 26; 290.012; 290.06, subdivisions 2f, 3d, 3e, 14, 16, 17, 18, and 19; 290.067, subdivisions 2 and 4; 290.069, subdivision 6; 290.077, subdivision 4; 290.08, subdivisions 23, 24, and 26; 290.089, subdivisions 3, 4, and 6; 290.09, subdivision 29; 290.101; 290.17, subdivision 1a; 290.39, subdivision 2; 290.41, subdivision 5; 290.9726, subdivisions 5 and 6; and Laws 1982, chapter 523, article 7, section 3.

The bill was read for the first time and referred to the Committee on Taxes.

Zaffke; Anderson, R., and Staten introduced :

H. F. No. 1270, A bill for an act relating to human services; creating an economic opportunity commission; proposing coding for new law in Minnesota Statutes, chapter 268.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Erickson and Frerichs introduced:

H. F. No. 1271, A bill for an act relating to post-secondary education; authorizing the setting of salaries of chief executives; reenacting authority for the state university board to set salaries of executives other than the chancellor; amending Minnesota Statutes 1984, section 135A.07, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 136; repealing Minnesota Statutes 1984, section 135A.07, subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

McLaughlin introduced:

H. F. No. 1272, A bill for an act relating to consumer protection; requiring certain information relating to loan and residential real estate closing costs to be provided to buyers; governing the application of hazard insurance proceeds to a mortgage loan, and clarifying liability for failure to pay premiums; establishing rates for title and mortgage insurance; proposing coding for new law in Minnesota Statutes, chapters 68A, 70A, and 325G.

The bill was read for the first time and referred to the Committee on Judiciary.

Forsythe and Pauly introduced:

H. F. No. 1273, A bill for an act relating to the city of Edina; providing that survivors' benefits of firemen's service association be paid as provided by general law; repealing Laws 1965, chapter 592, section 4, as amended.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Piepho; Thorson; Levi; Nelson, D., and Kiffmeyer introduced:

H. F. No. 1274, A bill for an act relating to economic development; creating a council on biotechnology; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Pappas introduced :

H. F. No. 1275, A bill for an act relating to utilities; providing for notice to customer of impending disconnection of service on specific day; proposing coding for new law in Minnesota Statutes, chapter 325E.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

Beard, Price and Rodosovich introduced :

H. F. No. 1276, A bill for an act relating to education; authorizing programs to check pupils' vision and hearing; authorizing state aid; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 123.

The bill was read for the first time and referred to the Committee on Education.

Beard, Otis and Riveness introduced :

H. F. No. 1277, A bill for an act relating to unemployment compensation; creating a training and jobs program; amending Minnesota Statutes 1984, section 268.08, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Marsh, Staten, Kelly, Clausnitzer and Hartinger introduced :

H. F. No. 1278, A bill for an act relating to controlled substances; prescribing "small amount" of marijuana; clarifying certain Schedule II controlled substances; amending Minnesota Statutes 1984, sections 152.01, subdivision 16; and 152.02, subdivision 3.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Waltman, Frerichs, Uphus and Rees introduced :

H. F. No. 1279, A bill for an act relating to natural resources; making groundwater protection a watershed district purpose; establishing a procedure for increasing the number of watershed

district managers; defining certain proceedings as contested cases; providing a procedure for noncontroversial proceedings; allowing demands for contested case hearings in certain proceedings; amending Minnesota Statutes 1984, sections 112.36, subdivision 2; 112.37, subdivision 1a; and 112.401; proposing coding for new law in Minnesota Statutes, chapter 112; repealing Minnesota Statutes 1984, section 112.37, subdivision 6.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Burger and Murphy introduced:

H. F. No. 1280, A bill for an act relating to labor; providing for fair labor standard practice; providing penalties; amending Minnesota Statutes 1984, sections 177.23, subdivisions 4 and 7; 177.24, subdivisions 3, 4, and 5; 177.27; 177.28, subdivision 4; 177.32, subdivision 1; 181.79, subdivision 1; 181A.04, subdivision 3; and 181A.12, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 181.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Kostohryz, Osthoff, Bishop, Omann and Price introduced:

H. F. No. 1281, A bill for an act relating to horse racing; making certain technical and clarifying amendments; providing for certain name changes; modifying certain license revocation and suspension procedures; modifying the amounts deducted by the licensee for purses; amending Minnesota Statutes 1984, sections 240.01, subdivision 10; 240.02, subdivision 5; 240.03; 240.04; 240.05, subdivision 2; 240.06, subdivision 2; 240.08, subdivisions 1 and 5; 240.09, subdivisions 2, 3, and 6; 240.13, subdivisions 5 and 6; 240.15, subdivision 6; 240.16, subdivisions 1 and 6; 240.18; 240.22; 240.25, subdivisions 1 and 4; and 240.29.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

Blatz, Vanasek, Haukoos, Schreiber and Metzen introduced:

H. F. No. 1282, A bill for an act relating to local government; regulating municipal employee residency requirements; exempting certain firefighters; amending Minnesota Statutes 1984, section 415.16, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.



Long, Riveness and Dempsey introduced:

H. F. No. 1283, A bill for an act relating to children; establishing a presumption in favor of joint legal and physical custody when both parents agree; establishing a preference for joint custody when one parent requests it; establishing a preference for awarding sole custody to the parent more likely to allow the child frequent and continuing contact with the noncustodial parent; requiring courts to make specific findings and rulings in apportioning custody; providing for modification of custody orders; mandating that access to health and school records be available to parents regardless of custody arrangements; amending Minnesota Statutes 1984, section 518.17, subdivision 2.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Frederickson, Boerboom, Dyke, Miller and McPherson introduced:

H. F. No. 1284, A bill for an act relating to taxation; property; increasing state school agricultural credits; amending Minnesota Statutes 1984, section 124.2137, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Segal, Vellenga, Greenfield and Clark introduced:

H. F. No. 1285, A bill for an act relating to taxation; income; providing an itemized deduction for post-secondary tuition payments; amending Minnesota Statutes 1984, section 290.089, subdivision 2, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Segal, Staten, Clark, Vellenga and Rest introduced:

H. F. No. 1286, A bill for an act relating to child abuse; requiring the department of human services and the bureau of criminal apprehension to develop training programs for professionals involved in child abuse detection and intervention assessments and investigations; providing for a surcharge on birth certificate filings to fund training programs; appropriating money; amending Minnesota Statutes 1984, section 144.226; proposing coding for new law in Minnesota Statutes, chapter 626.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Rose introduced:

H. F. No. 1287, A bill for an act relating to the environment; providing a PCB amnesty program; prohibiting installation of PCB products in public buildings; requiring PCB products to be removed from public buildings according to a schedule; providing for notification of fire departments of PCB products; providing for burning of PCB oil; appropriating money; amending Minnesota Statutes 1984, sections 116.36, subdivision 1, and by adding subdivisions; and 116.37, subdivisions 1, 2, 3, 4, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 116.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Nelson, K., introduced:

H. F. No. 1288, A bill for an act relating to Hennepin county; providing for the operation of the Hennepin county park reserve district; regulating its tax levies; amending Laws 1967, chapter 721, section 2, as amended.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Nelson, D., and Rose introduced:

H. F. No. 1289, A bill for an act relating to metropolitan government; requiring the metropolitan mosquito control district to establish a research program to evaluate the effects of its control program on other fauna; amending Minnesota Statutes 1984, section 473.704, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Boo, Norton, Blatz and Clark introduced:

H. F. No. 1290, A bill for an act relating to human services; transferring the child care sliding fee program to the department of economic security; expanding the child care sliding fee program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256; and repealing Minnesota Statutes 1984, sections 245.84, subdivision 2; and 245.87.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Onnen introduced:

H. F. No. 1291, A bill for an act relating to insurance; accident and health; requiring coverage for home health care and care in skilled or intermediate care facilities; regulating long-term nursing care policies; amending Minnesota Statutes 1984, section 62A.31; proposing coding for new law in Minnesota Statutes, chapter 62A.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Dempsey introduced:

H. F. No. 1292, A bill for an act relating to human services; changing nursing home prohibited practices for participation in medical assistance; amending Minnesota Statutes 1984, section 256B.48, subdivision 1.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Peterson, Wenzel and Krueger introduced:

H. F. No. 1293, A bill for an act relating to commerce; requiring the repair, refund, or replacement of new motor vehicles used for agricultural purposes; amending Minnesota Statutes 1984, section 825F.665, subdivision 1.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Dyke, Tjornhom, Waltman and Sparby introduced:

H. F. No. 1294, A bill for an act relating to motor vehicles; expanding definition of "motorized bicycle" to include motor scooters; amending Minnesota Statutes 1984, sections 168.011, subdivision 27; 169.01, subdivision 4a; and 171.01, subdivision 20.

The bill was read for the first time and referred to the Committee on Transportation.

Rose introduced :

H. F. No. 1295, A bill for an act relating to health ; authorizing the commissioner of health to inspect certain business premises ; classifying investigation information ; appropriating money ; proposing coding for new law in Minnesota Statutes, chapter 145.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Dempsey ; Olsen, S., and Ellingson introduced :

H. F. No. 1296, A bill for an act relating to collection and dissemination of data ; classifying government data as confidential, private, nonpublic, protected nonpublic, and public ; clarifying issues relating to classifications of data, access to data, the effect of death of individuals on classifications, and classifications of inactive investigative data ; refining provisions of the data practices act ; amending Minnesota Statutes 1984, sections 13.03, subdivision 3, and by adding subdivisions ; 13.08, subdivision 1 ; 13.32, subdivision 1 ; 13.37, subdivision 2 ; 13.39, by adding a subdivision ; 13.46, subdivisions 3 and 10 ; 13.65, subdivision 1 ; 13.71 ; 13.72, by adding subdivisions ; 13.82, subdivision 5, and by adding subdivisions ; 13.83, by adding a subdivision ; and 13.84, subdivisions 1 and 6 ; proposing coding for new law in Minnesota Statutes, chapter 13 ; repealing Minnesota Statutes 1984, sections 13.73 and 13.81.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Clausnitzer, Blatz, Quist and Vellenga introduced :

H. F. No. 1297, A bill for an act relating to crimes ; clarifying mandatory testing of a driver suspected of driving under the influence of alcohol ; amending Minnesota Statutes 1984, section 169.123, subdivision 2.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Bishop ; Begich ; Jacobs ; Carlson, D., and Hartle introduced :

H. F. No. 1298, A bill for an act relating to traffic regulations ; defining the offense of wasting natural resources and providing a penalty ; providing that these violations not be recorded on individual records ; amending Minnesota Statutes 1984, section 169.141, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Shaver, McPherson, Miller, Boerboom and Gutknecht introduced:

H. F. No. 1299, A bill for an act relating to elections; prohibiting contribution of money from dues or fees by labor organizations to political funds; amending Minnesota Statutes 1984, section 10A.12, subdivision 5.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Rose, Thorson, Begich, Battaglia and Carlson, D., introduced:

H. F. No. 1300, A bill for an act relating to the development of timber resources on tax-forfeited lands; transferring certain powers and duties of the commissioner of iron range resources and rehabilitation to the commissioner of natural resources; amending Minnesota Statutes 1984, section 282.38, subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Bishop; Jennings, D.; Boo and Piper introduced:

H. F. No. 1301, A bill for an act relating to health; establishing a procedure for declaration by competent adults that life-prolonging procedures may be withheld or withdrawn; providing a form; providing for revocation; establishing procedures in absence of a living will; providing for immunity from liability; providing for penalties; specifying effect on insurance and during pregnancy; preserving existing consensual medical treatment rights; proposing coding for new law in Minnesota Statutes, chapter 145.

The bill was read for the first time and referred to the Committee on Judiciary.

Bishop introduced:

H. F. No. 1302, A bill for an act relating to mental health; establishing a legislative commission to study the need for regulation of psychotherapists.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Marsh, Wenzel, Peterson and Pauly introduced:

H. F. No. 1303, A bill for an act relating to taxation; changing the procedure for the calculation of the rate on gasoline and special fuel taxes; amending Minnesota Statutes 1984, sections 296.02, subdivision 1b, and by adding a subdivision; and 296.-025, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Sviggum, Waltman and Welle introduced:

H. F. No. 1304, A bill for an act relating to corrections; appropriating money for the community corrections act.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

McKasy, Stanius and Seaberg introduced:

H. F. No. 1305, A bill for an act relating to corporations; regulating corporate take-overs; providing a hearing; removing statutory regulation of control share acquisitions; amending Minnesota Statutes 1984, section 80B.03, subdivision 5; repealing Minnesota Statutes 1984, sections 302A.011, subdivisions 37, 38, and 39; 302A.449, subdivision 7; and 302A.671.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Hartle, Rose, McEachern and Anderson, G., introduced:

H. F. No. 1306, A bill for an act relating to education; establishing a foundation aid formula allowance for the 1985-1986 and 1986-1987 school years; amending Minnesota Statutes 1984, section 124A.02, subdivision 9.

The bill was read for the first time and referred to the Committee on Education.

Seaberg and Halberg introduced:

H. F. No. 1307, A bill for an act relating to the city of Burnsville; increasing the total number of on-sale liquor licenses.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Schafer and Valento introduced:

H. F. No. 1308, A bill for an act relating to the city of Gaylord; authorizing the issuance of general obligation bonds to finance the acquisition and betterment of municipal buildings.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Richter introduced:

H. F. No. 1309, A bill for an act relating to the city of Wadena; permitting the establishment of a port authority.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Cohen introduced:

H. F. No. 1310, A bill for an act relating to courts; real property; clarifying when a person seeking a moratorium on foreclosure of a mortgage or delay on cancellation of a contract for deed must pay costs and fees of the mortgagee or vendor; amending Minnesota Statutes 1984, section 583.04.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Johnson; Lieder; Schreiber; Carlson, D., and Kalis introduced:

H. F. No. 1311, A bill for an act relating to the state transportation system; authorizing the issuance and sale of state transportation bonds; authorizing the expenditure of the proceeds for bridge and related purposes; appropriating money; amending Laws 1979, chapter 280, sections 1 and 2, as amended.

The bill was read for the first time and referred to the Committee on Transportation.

Carlson, D., introduced:

H. F. No. 1312, A bill for an act relating to natural resources; permitting three-wheel off-road vehicles to use state snowmobile trails and the back slope and bottom of highway ditches; amending Minnesota Statutes 1984, sections 84.928; and 85.015, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 85.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Boo; Bishop; Carlson, L.; Haukoos and Tjornhom introduced :

H. F. No. 1313, A bill for an act relating to post-secondary education; changing student financial assistance; amending Minnesota Statutes 1984, sections 136A.09; 136A.095; 136A.101; 136A.121; 136A.132, subdivisions 3, 5, and 6; and 136A.162; proposing coding for new law in Minnesota Statutes, chapter 136A; repealing Minnesota Statutes 1984, section 136A.121, subdivisions 8 and 14.

The bill was read for the first time and referred to the Committee on Education.

Boo and Bishop introduced :

H. F. No. 1314, A bill for an act relating to health; limiting liability of a professional standards review organization for failure to provide medical care or treatment; amending Minnesota Statutes 1984, section 145.63.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Battaglia, Elioff, Minne and Begich introduced :

H. F. No. 1315, A bill for an act relating to the environment; directing the state planning director to encourage recycling; amending Minnesota Statutes 1984, section 116K.04, subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Brinkman and Welle introduced :

H. F. No. 1316, A bill for an act relating to local government; increasing the amount that a county board may credit to the sheriff's contingency fund; amending Minnesota Statutes 1984, section 387.212.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.



Brinkman introduced:

H. F. No. 1317, A bill for an act relating to agriculture; requiring reason for lender's refusal to respond with letter of commitment; requiring response to be sent to borrowers; providing filing procedure; authorizing rules; amending Minnesota Statutes 1984, sections 514.952, subdivisions 2, 3, 4, and 5; 514.954, subdivision 1; 514.956, subdivision 3, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Agriculture.

Dimler and Rees introduced:

H. F. No. 1318, A bill for an act relating to environment; amending the authority of the metropolitan waste control commission with regard to the siting and operation of sewage sludge disposal facilities; amending Minnesota Statutes 1984, section 473.153, subdivisions 1, 2, and 7.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Begich and Battaglia introduced:

H. F. No. 1319, A bill for an act relating to St. Louis county; providing a retirement contribution exemption for emergency jobs program employees; amending Laws 1984, chapter 501, section 1.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Segal, Pappas and Wynia introduced:

H. F. No. 1320, A bill for an act relating to human services; providing for a volunteer respite care demonstration project; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Shaver introduced:

H. F. No. 1321, A bill for an act relating to natural resources; altering certain revenue and fee provisions for state parks, recreation areas, and waysides; amending Minnesota Statutes 1984, sections 85.05, subdivisions 1 and 2; and 85.22, subdivision 2a.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Omann, Brinkman, Minne, Dempsey and Carlson, D., introduced:

H. F. No. 1322, A bill for an act relating to local government aid; restoring aid to towns; amending Minnesota Statutes 1984, section 477A.013, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Shaver, Brinkman, Tjornhom and Scheid introduced:

H. F. No. 1323, A bill for an act relating to taxation; property; providing homestead treatment to certain homesteads under construction; amending Minnesota Statutes 1984, section 273.13, subdivision 7.

The bill was read for the first time and referred to the Committee on Taxes.

Zaffke introduced:

H. F. No. 1324, A bill for an act relating to intoxicating liquor; allowing Shingobee township to issue and renew certain off-sale licenses.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Zaffke introduced:

H. F. No. 1325, A bill for an act relating to game and fish; authorizing nonresident owners of property within the state to purchase angling licenses at resident fees; amending Minnesota Statutes 1984, section 98.46, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Wenzel introduced:

H. F. No. 1326, A bill for an act relating to agriculture; providing for state payment of a portion of federal crop insurance premiums; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 17.

The bill was read for the first time and referred to the Committee on Agriculture.

Boo, Piper and Vellenga introduced:

H. F. No. 1327, A bill for an act relating to human services; establishing the position of coordinator for state outreach efforts concerning the federal food stamp program and other emergency food assistance; providing for a food stamp information hotline; providing for an advisory task force on outreach; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Simoneau introduced:

H. F. No. 1328, A bill for an act relating to government data practices; providing that a complaint or charge against an employee that does not result in disciplinary action is private data; amending Minnesota Statutes 1984, section 13.43, subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Stanisus introduced:

H. F. No. 1329, A bill for an act relating to transportation; defining city for purposes of including town with population of 5,000 or more in municipal state-aid street system; amending Minnesota Statutes 1984, section 160.02, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Becklin and Hartinger introduced:

H. F. No. 1330, A bill for an act relating to insurance; providing that insurers or health maintenance organizations must not require a public employer to contribute toward the payment of insurance premiums or charges for insurance for retired officers or employees; amending Minnesota Statutes 1984, section 471.61, subdivision 2a.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Onnen, Wynia, Stanius, Rest and Segal introduced:

H. F. No. 1331, A bill for an act relating to health; establishing a system of regional poison information centers; providing for less frequent applications and less frequent program reporting; rescinding permission for poison control centers to contract with centers in other states; amending Minnesota Statutes 1984, section 145.93, subdivisions 1, 3, 4, and 6; repealing Minnesota Statutes 1984, section 145.93, subdivision 5.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Wynia, Rest, Valento, Vellenga and Pauly introduced:

H. F. No. 1332, A bill for an act relating to municipalities; excluding programs licensed by the department of corrections from the residential programs that are considered a permitted single family residential use of property for purposes of zoning; amending Minnesota Statutes 1984, sections 245.812, subdivision 3; and 462.357, subdivision 7.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

McDonald; Carlson, D., and Ogren introduced:

H. F. No. 1333, A bill for an act relating to education; providing for an alcohol fuel pilot project; appropriating money.

The bill was read for the first time and referred to the Committee on Education.

Pauly, Shaver, Skoglund and Nelson, K., introduced:

H. F. No. 1334, A bill for an act relating to taxation; providing an income tax credit for contributions to a public radio or television station; amending Minnesota Statutes 1984, sections 290.06, by adding a subdivision; and 290.089, subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

Sarna introduced:

H. F. No. 1335, A bill for an act relating to retirement; providing for the offset of disability pension payments with workers' compensation payments; allowing the offset to occur for salary levels where a person could have been promoted; amending Minnesota Statutes 1984, section 423A.14, subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Sarna introduced:

H. F. No. 1336, A bill for an act relating to retirement; granting the authority to firefighter relief associations in cities of the first class to elect retired members to the associations' board of directors; amending Minnesota Statutes 1984, section 69.26.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Sarna introduced:

H. F. No. 1337, A bill for an act relating to retirement; providing for the return to work of a police officer, firefighter and the provision of service credit for certain periods of disability; amending Minnesota Statutes 1984, section 423A.15.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Carlson, L.; Greenfield; Munger; Schoenfeld and Rest introduced:

H. F. No. 1338, A bill for an act relating to the state university board; authorizing it to sell and maintain computers and related products; amending Minnesota Statutes 1984, section 136.24.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Rose introduced:

H. F. No. 1339, A bill for an act relating to the development of timber resources on tax-forfeited lands; transferring certain powers and duties of the commissioner of iron range resources and rehabilitation to the commissioner of natural resources; amending Minnesota Statutes 1984, section 282.38, subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Rose introduced:

H. F. No. 1340, A bill for an act relating to wild animals; increasing certain game, fish, and related license and other fees; amending Minnesota Statutes 1984, sections 97.4841, subdivision 3; 97.4842, subdivision 2; 98.46, subdivisions 2 and 14; 98.47, subdivision 1; and 100.271, subdivision 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Frerichs, Boo, Greenfield and Rose introduced:

H. F. No. 1341, A bill for an act relating to post-secondary education; limiting the use of unexpended balances; prohibiting amounts carried forward from being deducted from later appropriations; amending Minnesota Statutes 1984, sections 135A.03, subdivision 4; 136.031; 136.67, subdivision 5; and 136C.04, subdivision 4a.

The bill was read for the first time and referred to the Committee on Education.

Scheid and Rest introduced :

H. F. No. 1342, A bill for an act relating to human services ; establishing requirements for notices to municipalities concerning the establishment of programs for disabled and dependent persons ; amending Minnesota Statutes 1984, section 245.821, subdivision 1.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Bennett introduced :

H. F. No. 1343, A bill for an act relating to intoxicating liquor ; providing for issuance of licenses within Indian country ; amending Minnesota Statutes 1984, section 340.11, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Wynia and Greenfield introduced :

H. F. No. 1344, A bill for an act relating to human services ; allowing families with children to receive aid to families with dependent children benefits through the general assistance program under certain circumstances ; amending Minnesota Statutes 1984, section 256D.01, subdivision 1a.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Tunheim introduced :

H. F. No. 1345, A bill for an act relating to state lands ; authorizing the sale of certain state lands in Lake of the Woods county.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Schoenfeld, Peterson and McEachern introduced:

H. F. No. 1346, A bill for an act relating to education; establishing a pilot program to demonstrate the use of technology in industrial arts programs; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 129B.

The bill was read for the first time and referred to the Committee on Education.

Kelly, Hartinger, Scheid, Kiffmeyer and Osthoff introduced:

H. F. No. 1347, 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 1984, 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 coding for new law in Minnesota Statutes, chapter 204C.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Wenzel, Hartinger, Uphus, Jacobs and Zaffke introduced:

H. F. No. 1348, A bill for an act relating to health; stating legislative intent for abortion services; proposing coding for new law in Minnesota Statutes, chapter 145.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Levi; Anderson, R.; Backlund; Hartinger and Minne introduced:

H. F. No. 1349, A bill for an act relating to human services; appropriating money for services to persons who are both deaf and blind.

The bill was read for the first time and referred to the Committee on Health and Human Services.



Sarna introduced:

H. F. No. 1350, A bill for an act relating to game and fish; establishing the second weekend of the angling season as Take a Kid Fishing Weekend; amending Minnesota Statutes 1984, 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.

Bishop and Jacobs introduced:

H. F. No. 1351, A bill for an act relating to energy; energy assistance; establishing eligibility standards for heating assistance and weatherization; providing that assistance shall be based on actual heating costs; allocating funds for the weatherization program; amending Minnesota Statutes 1984, section 268.37, subdivisions 3, 5, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 268.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

Bishop and Jacobs introduced:

H. F. No. 1352, A bill for an act relating to energy; requiring approval by the legislative commission on energy of certain expenditures and plans; amending Minnesota Statutes 1984, section 3.351, subdivisions 2 and 3.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

Clark introduced:

H. F. No. 1353, A bill for an act relating to health; clarifying issues relating to patient access to medical records; amending Minnesota Statutes 1984, section 144.335, subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Bishop, Erickson, Pappas, Blatz and Valento introduced:

H. F. No. 1354, A bill for an act relating to missing children; authorizing the development of voluntary fingerprinting programs in schools; requiring schools to develop policies on notifying parents whose children are absent from school; requiring that certain documents be provided to schools when new students enroll; requiring the commissioner of public safety to distribute information bulletins on missing children; amending Minnesota Statutes 1984, section 299C.53, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 123.

The bill was read for the first time and referred to the Committee on Education.

Clark; Anderson, R., and Battaglia introduced:

H. F. No. 1355, A bill for an act relating to corrections; providing funding for the commissioner of corrections to develop a pilot counseling program for Native American inmates of state correctional facilities; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 241.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Clark introduced:

H. F. No. 1356, A bill for an act relating to human services; providing for the funding of a demonstration project for certain combined senior citizen and child care facilities; appropriating money.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Bishop, Backlund, Quinn, McDonald and Jacobs introduced:

H. F. No. 1357, A bill for an act relating to energy utility service; assuring reasonable energy costs for residents of manufactured home parks; amending Minnesota Statutes 1984, sections 216B.15; 216B.57; 216B.62, by adding a subdivision; 216B.64; and 327C.04, by adding subdivisions.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

Tunheim; Carlson, D., and Welle introduced :

H. F. No. 1358, A bill for an act relating to education; changing the cost differential tier to include a parity factor; amending Minnesota Statutes 1984, section 124A.06, subdivision 1, and by adding subdivisions; repealing Minnesota Statutes 1984, section 124A.06, subdivisions 2 and 3a.

The bill was read for the first time and referred to the Committee on Education.

Bishop, McKasy, Seaberg, Ellingson and Dempsey introduced :

H. F. No. 1359, A bill for an act relating to state government; providing for indemnification of judges and employees of the legislative and judicial branches from tort, civil, or equitable claims; preserving immunities; amending Minnesota Statutes 1984, sections 3.732, subdivision 1; and 3.736, subdivisions 1 and 9.

The bill was read for the first time and referred to the Committee on Judiciary.

Zaffke, Frerichs, Sparby and Bennett introduced :

H. F. No. 1360, A bill for an act relating to housing; providing for a product standard for formaldehyde in building materials used in the construction of housing units; amending Minnesota Statutes 1984, section 325F.18, subdivisions 1 and 4; proposing coding for new law in Minnesota Statutes, chapter 325F; repealing Minnesota Statutes 1984, sections 144.495; and 325F.18, subdivision 5.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Ozment; Hartinger; Becklin; Jennings, L., and McPherson introduced :

H. F. No. 1361, A bill for an act relating to environment; requiring the provision of alternate water supplies in the event of contamination by hazardous waste; requiring the adoption of rules relating to alternate water supplies; amending Minnesota Statutes 1984, section 115B.17, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 115B.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Bennett, Valento, Kelly and Seaberg introduced:

H. F. No. 1362, A bill for an act relating to animals; changing certain requirements; changing the size of the Minnesota humane society; changing the application of certain animal laws; transferring the responsibility for administration and enforcement of certain animal laws; amending Minnesota Statutes 1984, sections 343.01, subdivision 3; 343.21, subdivision 6; 343.33; 346.36, subdivision 1; 346.39, subdivision 6; 347.09; 347.31, subdivision 2; 347.32; 347.33; 347.34; 347.35; 347.37; 347.38; and 347.39.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Minne, Elioff, Battaglia, Solberg and Begich introduced:

H. F. No. 1363, A bill for an act relating to the financing of state government; authorizing the issuance of bonds by independent school district No. 701; allowing a credit against certain taxes paid by taconite producers; amending Minnesota Statutes 1984, section 298.24, subdivision 3.

The bill was read for the first time and referred to the Committee on Taxes.

Boo and Munger introduced:

H. F. No. 1364, A bill for an act relating to retirement; Duluth police relief association; consolidation into the public employees police and fire fund; terminating the Duluth police relief association; transferring of assets and records; repealing Laws 1949, chapter 153; Laws 1953, chapter 91; Laws 1955, chapter 187; Laws 1959, chapter 191; Laws 1975, chapter 408; Laws 1976, chapter 99; and Laws 1980, chapter 600, section 11.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Clausnitzer and Vellenga introduced:

H. F. No. 1365, A bill for an act relating to crimes; providing for the application of certain traffic regulations; eliminating redundant and surplus language; amending Minnesota Statutes 1984, sections 169.02, subdivision 1; and 169.121, subdivision 1; repealing Minnesota Statutes 1984, section 169.13, subdivision 3.

The bill was read for the first time and referred to the Committee on Transportation.

Boo, Murphy and Clark introduced :

H. F. No. 1366, A bill for an act relating to economic security; providing funding for the displaced homemaker program; amending Minnesota Statutes 1984, section 517.08, subdivisions 1b and 1c.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Carlson, J., introduced :

H. F. No. 1367, A bill for an act relating to historical interpretive centers; conforming certain laws to a name change; amending Minnesota Statutes 1984, section 138.93, subdivision 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Krueger and Brown introduced :

H. F. No. 1368, A bill for an act relating to public safety; education; appropriating money to design a rural emergency response training facility.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Carlson, J., introduced :

H. F. No. 1369, A bill for an act relating to retirement; Moorhead police and firefighters relief associations; consolidation into the public employees police and fire fund; terminating the special fund of the Moorhead firefighters relief association; transferring of assets and records; repealing Laws 1945, chapter 277; Laws 1951, chapter 499; Laws 1955, chapter 75; Laws 1965, chapter 190; Laws 1967, chapter 775; Laws 1969, chapter 138; Laws 1975, chapter 120; Laws 1978, chapter 563, section 8; Laws 1979, chapter 216, sections 27 to 43; Laws 1980, chapter 600, section 16; Laws 1981, chapter 224, section 236; and Laws 1982, chapter 578, article 3, section 18.

The bill was read for the first time and referred to the Committee on Governmental Operations.

## HOUSE ADVISORIES

The following House Advisories were introduced:

Beard and Price introduced:

H. A. No. 10, A proposal to study the transportation system in the metropolitan area.

The advisory was referred to the Committee on Transportation.

Kalis, Rose, Schafer, Battaglia and Fjoslien introduced:

H. A. No. 11, A proposal to study the feasibility of an open season upon crows.

The advisory was referred to the Committee on Environment and Natural Resources.

Vanasek, Heap, Zaffke, Brown and Staten introduced:

H. A. No. 12, A proposal to determine whether the public policy objectives of DBE/WBE programs are being met.

The advisory was referred to the Committee on Governmental Operations.

Pappas, Wynia, Clark, Staten and Jaros introduced:

H. A. No. 13, A proposal to study low income housing alternatives.

The advisory was referred to the Committee on Commerce and Economic Development.

Burger, Hartinger, Knickerbocker, Clark and Otis introduced:

H. A. No. 14, A proposal to study group bonus payments to all state and university employees.

The advisory was referred to the Committee on Governmental Operations.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate :

Mr. Speaker :

I hereby announce the passage by the Senate of the following House Files, herewith returned :

H. F. No. 329, A bill for an act relating to peace officers; requiring a person seeking appointment as a part-time peace officer to provide the board of peace officer standards and training with proof that he or she has complied with appointment requirements; amending Minnesota Statutes 1984, section 626.-8463.

H. F. No. 509, A bill for an act relating to statutes; providing free distribution of Minnesota Statutes to library of largest municipality of each county; amending Minnesota Statutes 1984, section 3C.12, 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

Senate Concurrent Resolution No. 9 was referred to the Committee on Rules and Legislative Administration.

Mr. Speaker :

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted :

S. F. Nos. 40 and 542.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 40, A bill for an act relating to transportation; traffic regulations; defining "passenger vehicle"; requiring use of seat belts by passenger vehicle drivers and passengers; imposing a penalty; amending Minnesota Statutes 1984, sections 169.01, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 169.

The bill was read for the first time and referred to the Committee on Transportation.

S. F. No. 542, A bill for an act relating to local improvements; providing for advertisement for bids in certain publications; amending Minnesota Statutes 1984, section 429.041, subdivision 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

### CONSENT CALENDAR

H. F. No. 461, A bill for an act relating to courts; providing that Ramsey municipal court judges shall set salaries of conciliation court referees in Ramsey county; amending Minnesota Statutes 1984, section 488A.30, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Krueger	Omann	Sherman
Anderson, R.	Erickson	Kvam	Onnen	Simoneau
Backlund	Fjoslien	Levi	Osthoff	Skoglund
Battaglia	Forsythe	Lieder	Otis	Solberg
Beard	Frederick	Long	Ozment	Sparby
Becklin	Frederickson	Marsh	Pauly	Stanius
Begich	Frerichs	McDonald	Peterson	Staten
Bennett	Greenfield	McEachern	Piper	Svigum
Bishop	Gruenes	McKasy	Poppenhagen	Thiede
Blatz	Gutknecht	McLaughlin	Price	Thorson
Boerboom	Hartinger	McPherson	Quinn	Tjornhom
Bco	Hartle	Metzen	Redalen	Tomlinson
Brandl	Himle	Miller	Rees	Tompkins
Brinkman	Jacobs	Minne	Rice	Tunheim
Brown	Jaros	Munger	Richter	Uphus
Carlson, D.	Jennings, L.	Murphy	Riveness	Valento
Carlson, J.	Johnson	Nelson, D.	Rodosovich	Vanasek
Carlson, L.	Kahn	Nelson, K.	Rose	Vellenga
Clausnitzer	Kalis	Neuenschwander	Sarna	Waltman
Cohen	Kelly	Norton	Schafer	Welle
DenOuden	Kiffmeyer	O'Connor	Scheid	Wenzel
Dimler	Knickerbocker	Ogren	Schoenfeld	Wynia
Dyke	Knuth	Olsen, S.	Segal	Spk. Jennings, D.
Elioff	Kostohryz	Olson, E.	Shaver	

Those who voted in the negative were:

Voss

The bill was passed and its title agreed to.



H. F. No. 535, A bill for an act relating to health; restricting the use of lead in pipes, solders, and flux; requiring schools to flush certain pipes; amending Minnesota Statutes 1984, section 123.36, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 326.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslien	Kvam	Osthoff	Sherman
Anderson, R.	Forsythe	Levi	Otis	Simoneau
Backlund	Frederick	Lieder	Pauly	Skoglund
Battaglia	Frederickson	Long	Peterson	Solberg
Beard	Frerichs	Marsh	Piper	Sparby
Begich	Greenfield	McDonald	Poppenhagen	Stanius
Bennett	Gruenes	McEachern	Price	Staten
Blatz	Gutknecht	McKasy	Quinn	Sviggum
Boo	Halberg	McLaughlin	Quist	Thorson
Brandl	Hartinger	McPherson	Redalen	Tomlinson
Brinkman	Hartle	Metzen	Rees	Tompkins
Brown	Himle	Miller	Rest	Tunheim
Burger	Jacobs	Minne	Rice	Uphus
Carlson, J.	Jaros	Munger	Richter	Valento
Carlson, L.	Jennings, L.	Murphy	Riveness	Vanasek
Clark	Johnson	Nelson, D.	Rodosovich	Vellenga
Clausnitzer	Kahn	Nelson, K.	Rose	Voss
Cohen	Kalis	Neuenschwander	Sarna	Waltman
Dempsey	Kelly	Norton	Schafer	Welle
Dimler	Kiffmeyer	O'Connor	Scheid	Wenzel
Dyke	Knickerbocker	Ogren	Schoenfeld	Wynia
Elioff	Knuth	Olsen, S.	Seaberg	Spk. Jennings, D.
Ellingson	Kostohryz	Olson, E.	Segal	
Erickson	Krueger	Onnen	Shaver	

The bill was passed and its title agreed to.

H. F. No. 537 was reported to the House.

Neuenschwander and Solberg moved to amend H. F. No. 537, the first engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Laws 1965, chapter 326, section 1, subdivision 1, is amended to read:

Subdivision 1. Notwithstanding the provisions of Minnesota Statutes (1961), section 282.08, clause ((4)) (3), (AS AMENDED BY LAWS 1963, CHAPTER 519,) the county board of Itasca county out of the proceeds from the sale or rental of any parcel of forfeited land, or from the sale of any products therefrom after making such payments as are directed by Minnesota

Statutes (1961), section 282.08, clauses (1) (,) and (2), (AND (3)) may annually by resolution set aside not exceeding 30 percent of the receipts remaining, including undistributed receipts remaining in the fund on the effective date of this act for any of the following purposes.

Sec. 2. Laws 1965, chapter 326, section 1, subdivision 4, is amended to read:

Subd. 4. Acquisition and maintenance of county parks or recreational areas as defined in Minnesota Statutes (1961), sections 398.31 through 398.36.

Sec. 3. Laws 1965, chapter 326, section 1, subdivision 5, as amended by Laws 1975, chapter 110, section 1, is amended to read:

Subd. 5. ([ITASCA COUNTY;) Promotion of tourist, agricultural and industrial (DEVELOPMENTS) *development*. (]) The amount to be spent annually for the purposes of this subdivision shall not exceed (40 CENTS) \$1 per capita of the county's population.

Sec. 4. Laws 1965, chapter 326, section 1, subdivision 7, is amended to read:

Subd. 7. Any balance shall be apportioned as follows: (STATE, 10 PERCENT,) county, (30) 40 percent; town, village or city, 20 percent; and school district, 40 percent; provided, however, that in unorganized territories that portion which should have accrued to the township shall be administered by the county board of commissioners.

Sec. 5. Laws 1967, chapter 170, section 1, subdivision 1, is amended to read:

Subdivision 1. Notwithstanding the provisions of Minnesota Statutes, Section 282.08, Clause ((4)) (3), the county board of Koochiching county, out of the proceeds from the sale or rental of any parcel of forfeited land, or from the sale of any products therefrom after making such payments as are directed by Minnesota Statutes, Section 282.08, Clauses (1) (,) and (2), (AND (3)) may annually by resolution set aside not exceeding 30 percent of the receipts remaining, including undistributed receipts remaining in the fund on the effective date of this act for any of the purposes set forth in subdivisions 2 to 7.

Sec. 6. Laws 1967, chapter 170, section 1, subdivision 5, is amended to read:

Subd. 5. Promotion of tourist, agricultural and industrial developments. The amount to be spent annually for the purposes

of this subdivision shall not exceed (25 CENTS) \$1 per capita of the county's population.

Sec. 7. Laws 1967, chapter 170, section 1, subdivision 7, is amended to read:

Subd. 7. Any balance shall be apportioned as follows: (STATE, 10 PERCENT;) county, (30) 40 percent; town, village or city, 20 percent; and school district, 40 percent; provided, however, that in unorganized territories that portion which should have accrued to the township shall be administered by the county board of commissioners.

Sec. 8. [EFFECTIVE DATE.]

*Sections 1 to 4 are effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of Itasca county.*

*Sections 5 to 7 are effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of Koochiching county."*

Delete the title and insert:

"A bill for an act relating to local government; changing the permissible expenditures on tourist, agricultural, and industrial promotion for Itasca county and Koochiching county; changing apportionment of certain proceeds from forfeited land sales in Itasca county and Koochiching county; amending Laws 1965, chapter 326, section 1, subdivisions 1, 4, 5, as amended, and 7; and Laws 1967, chapter 170, section 1, subdivisions 1, 5, and 7."

The motion prevailed and the amendment was adopted.

H. F. No. 537, A bill for an act relating to local government; changing the permissible expenditures on tourist, agricultural, and industrial promotion for Itasca county and Koochiching county; changing apportionment of certain proceeds from forfeited land sales in Itasca county and Koochiching county; amending Laws 1965, chapter 326, section 1, subdivisions 1, 4, 5, as amended, and 7; and Laws 1967, chapter 170, section 1, subdivisions 1, 5, and 7.

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, G.	Fjoslien	Levi	Pauly	Skoglund
Anderson, R.	Forsythe	Lieder	Peterson	Solberg
Backlund	Frederick	Long	Piepho	Sparby
Battaglia	Frederickson	Marsh	Piper	Stanius
Beard	Frerichs	McDonald	Poppenhagen	Staten
Becklin	Greenfield	McKasy	Price	Sviggum
Begich	Gruenes	McLaughlin	Quinn	Thiede
Bennett	Gutknecht	McPherson	Quist	Thorson
Blatz	Halberg	Metzen	Redalen	Tjornhom
Boerboom	Hartinger	Miller	Rees	Tomlinson
Brandt	Hartle	Minne	Rest	Tompkins
Brinkman	Haukoos	Munger	Rice	Tunheim
Brown	Himle	Murphy	Richter	Uphus
Burger	Jacobs	Nelson, D.	Riveness	Valan
Carlson, D.	Jaros	Nelson, K.	Rodosovich	Valento
Carlson, J.	Jennings, L.	Neuenschwander	Rose	Vanasek
Carlson, L.	Johnson	Norton	Sarna	Vellenga
Clark	Kahn	O'Connor	Schafer	Voss
Clausnitzer	Kalis	Ogren	Scheid	Waltman
Cohen	Kelly	Olsen, S.	Schoenfeld	Welle
Dempsey	Kiffmeyer	Olson, E.	Schreiber	Wenzel
Dimler	Knickerbocker	Omann	Seaberg	Wynia
Dyke	Knuth	Onnen	Segal	Zaffke
Elioff	Kostohryz	Osthoff	Shaver	Spk. Jennings, D.
Ellingson	Krueger	Otis	Sherman	
Erickson	Kvam	Ozment	Simoneau	

The bill was passed, as amended, and its title agreed to.

H. F. No. 585, A bill for an act relating to local government; providing for exceptions to conflict of interest rules; regulating local officials; amending Minnesota Statutes 1984, section 471.88, subdivisions 5 and 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 117 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dempsey	Haukoos	McDonald	Omann
Anderson, R.	DenOuden	Himle	McEachern	Onnen
Backlund	Dyke	Jaros	McKasy	Otis
Battaglia	Elioff	Jennings, L.	McLaughlin	Ozment
Becklin	Ellingson	Johnson	McPherson	Pappas
Begich	Erickson	Kahn	Metzen	Pauly
Bennett	Fjoslien	Kalis	Miller	Peterson
Blatz	Forsythe	Kelly	Minne	Piepho
Boerboom	Frederick	Kiffmeyer	Munger	Piper
Brinkman	Frederickson	Knickerbocker	Murphy	Poppenhagen
Brown	Frerichs	Knuth	Nelson, D.	Price
Burger	Greenfield	Kostohryz	Nelson, K.	Quist
Carlson, D.	Gruenes	Kvam	Neuenschwander	Redalen
Carlson, J.	Gutknecht	Levi	Norton	Rees
Carlson, L.	Halberg	Lieder	O'Connor	Rest
Clausnitzer	Hartinger	Long	Olsen, S.	Rice
Cohen	Hartle	Marsh	Olson, E.	Riveness

Rodosovich	Seaberg	Sparby	Tomlinson	Welle
Rose	Segal	Stanius	Tompkins	Wenzel
Sarna	Shaver	Staten	Tunheim	Wynia
Schafer	Sherman	Sviggum	Uphus	Spk. Jennings, D.
Scheid	Simoneau	Thiede	Valan	
Schoenfeld	Skoglund	Thorson	Valento	
Schreiber	Solberg	Tjornhom	Waltman	

Those who voted in the negative were:

Beard	Ogren	Osthoff	Quinn	Voss
Jacobs				

The bill was passed and its title agreed to.

H. F. No. 533, A bill for an act relating to occupations and professions; concerning the practice of veterinary medicine; allowing foreign veterinary graduates to be admitted to practice under certain conditions; amending Minnesota Statutes 1984, sections 156.001; 156.02, subdivision 1; 156.081, subdivision 2; and 156.12, subdivision 2; repealing Minnesota Statutes 1984, section 156.09.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Krueger	Pappas	Skoglund
Anderson, R.	Erickson	Kvam	Pauly	Solberg
Backlund	Fjoslien	Levi	Peterson	Sparby
Battaglia	Forsythe	Lieder	Piepho	Stanius
Beard	Frederick	Long	Piper	Staten
Becklin	Frederickson	Marsh	Poppenhagen	Sviggum
Begich	Frerichs	McEachern	Price	Thiede
Bennett	Greenfield	McLaughlin	Quinn	Thorson
Bishop	Gruenes	McPherson	Quist	Tjornhom
Blatz	Gutknecht	Metzen	Redalen	Tomlinson
Boerboom	Halberg	Miller	Rees	Tompkins
Boo	Hartinger	Minne	Rest	Tunheim
Brandl	Hartle	Munger	Rice	Uphus
Brinkman	Haukoos	Murphy	Richter	Valan
Brown	Heap	Nelson, D.	Riveness	Valento
Burger	Himle	Nelson, K.	Rodosovich	Vellenga
Carlson, D.	Jacobs	Neuenschwander	Rose	Voss
Carlson, J.	Jaros	Norton	Sarna	Waltman
Carlson, L.	Jennings, L.	O'Connor	Schafer	Welle
Clark	Johnson	Ogren	Scheid	Wenzel
Clausnitzer	Kahn	Olsen, S.	Schoenfeld	Wynia
Cohen	Kalis	Olson, E.	Schreiber	Zaffke
Dempsey	Kelly	Omann	Seaberg	Spk. Jennings, D.
DenOuden	Kiffmeyer	Onnen	Segal	
Dimler	Knickerbocker	Osthoff	Shaver	
Dyke	Knuth	Otis	Sherman	
Elioff	Kostohryz	Ozment	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 565, A bill for an act relating to soil and water conservation; changing powers and duties of the state board; amending Minnesota Statutes 1984, section 40.03, 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 114 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Knuth	Omann	Schreiber
Anderson, R.	Erickson	Kostohryz	Onnen	Seaberg
Backlund	Fjoslien	Krueger	Osthoff	Segal
Battaglia	Forsythe	Kvam	Otis	Shaver
Beard	Frederick	Levi	Ozment	Simoneau
Becklin	Frederickson	Lieder	Pappas	Skoglund
Begich	Frerichs	Long	Pauly	Solberg
Bennett	Greenfield	Marsh	Peterson	Sparby
Bishop	Gutknecht	McDonald	Piepho	Stanius
Blatz	Halberg	McEachern	Piper	Staten
Boerboom	Hartinger	McLaughlin	Poppenhagen	Thorson
Boo	Hartle	Metzen	Price	Tomlinson
Brandl	Haukoos	Miller	Quinn	Tompkins
Brinkman	Heap	Minne	Redalen	Tunheim
Burger	Himle	Munger	Rees	Uphus
Carlson, D.	Jacobs	Murphy	Rice	Valan
Carlson, J.	Jennings, L.	Nelson, D.	Riveness	Valento
Carlson, L.	Johnson	Nelson, K.	Rodosovich	Vellenga
Clausnitzer	Kahn	Norton	Rose	Voss
Cohen	Kalis	O'Connor	Sarna	Welle
Dimler	Kelly	Ogren	Schafer	Wenzel
Dyke	Kiffmeyer	Olsen, S.	Scheid	Wynia
Elioff	Knickerbocker	Olson, E.	Schoenfeld	

Those who voted in the negative were:

DenOuden	McPherson	Sviggum	Tjornhom	Waltman
Gruenes				

The bill was passed and its title agreed to.

H. F. No. 604, A bill for an act relating to agriculture; eliminating license requirement for fur farmers; establishing a registration system; providing definitions; defining agricultural products and pursuits related to fur farming; proposing coding for new law in Minnesota Statutes, chapter 17; repealing Minnesota Statutes 1984, section 17.35.

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 126 yeas and 4 nays as follows:

## Those who voted in the affirmative were:

Anderson, G.	Ellingson	Kvam	Ozment	Simoneau
Anderson, R.	Erickson	Levi	Pappas	Solberg
Backlund	Fjoslien	Lieder	Pauly	Sparby
Battaglia	Forsythe	Long	Peterson	Stanius
Beard	Frederick	Marsh	Piepho	Staten
Becklin	Frederickson	McDonald	Piper	Swiggum
Begich	Frerichs	McEachern	Poppenhagen	Thiede
Bennett	Greenfield	McLaughlin	Price	Thorson
Bishop	Gruenes	McPherson	Quinn	Tjornhom
Blatz	Gutknecht	Metzen	Quist	Tomlinson
Boerboom	Halberg	Miller	Redalen	Tompkins
Boo	Hartering	Minne	Rees	Tunheim
Brandl	Hartle	Munger	Rest	Uphus
Brinkman	Haukoos	Murphy	Rice	Valan
Brown	Heap	Nelson, D.	Richter	Valento
Burger	Himle	Nelson, K.	Riveness	Vanasek
Carlson, D.	Jacobs	Neuenschwander	Rodosovich	Voss
Carlson, J.	Jaros	Norton	Rose	Waltman
Carlson, L.	Jennings, L.	O'Connor	Sarna	Welle
Clausnitzer	Johnson	Ogren	Schafer	Wenzel
Cohen	Kalis	Olsen, S.	Scheid	Zaffke
Dempsey	Kelly	Olsen, E.	Schoenfeld	Spk. Jennings, D.
DenOuden	Kiffmeyer	Omann	Schreiber	
Dimler	Knickerbocker	Onnen	Seaberg	
Dyke	Knuth	Osthoff	Segal	
Elioff	Kostohryz	Otis	Shaver	

## Those who voted in the negative were:

Kahn                      Skoglund                      Vellenga                      Wynia

The bill was passed and its title agreed to.

H. F. No. 674, A bill for an act relating to human services; adoption; regulating adoptions by relatives; providing for procedural changes; amending Minnesota Statutes 1984, sections 259.21, by adding a subdivision; and 259.23, subdivisions 1 and 2; 259.27, subdivision 1; repealing Minnesota Statutes 1984, section 259.27, 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, G.	Blatz	Clausnitzer	Fjoslien	Hartering
Anderson, R.	Boerboom	Cohen	Forsythe	Hartle
Backlund	Boo	Dempsey	Frederick	Haukoos
Battaglia	Brandl	DenOuden	Frederickson	Heap
Beard	Brinkman	Dimler	Frerichs	Himle
Becklin	Brown	Dyke	Greenfield	Jacobs
Begich	Carlson, D.	Elioff	Gruenes	Jaros
Bennett	Carlson, J.	Ellingson	Gutknecht	Jennings, L.
Bishop	Carlson, L.	Erickson	Halberg	Johnson

Kahn	Metzen	Ozment	Rose	Tjornhom
Kalis	Miller	Pappas	Sarna	Tomlinson
Kelly	Minne	Pauly	Schafer	Tompkins
Kiffmeyer	Munger	Peterson	Scheid	Tunheim
Knickerbocker	Murphy	Piepho	Schoenfeld	Uphus
Knuth	Nelson, D.	Piper	Seaberg	Valan
Kostohryz	Nelson, K.	Poppenhagen	Segal	Valento
Krueger	Neuenschwander	Price	Shaver	Vanasek
Kvam	Norton	Quinn	Simoneau	Vellenga
Levi	O'Connor	Quist	Skoglund	Voss
Lieder	Ogren	Redalen	Solberg	Waltman
Long	Olsen, S.	Rees	Sparby	Welle
Marsh	Olson, E.	Rest	Stanis	Wenzel
McDonald	Omann	Rice	Staten	Wynia
McEachern	Onnen	Richter	Sviggum	Zaffke
McLaughlin	Osthoff	Riveness	Thiede	Spk. Jennings, D.
McPherson	Otis	Rodosovich	Thorsen	

The bill was passed and its title agreed to.

H. F. No. 701, A bill for an act relating to human services; allowing the county boards to serve as the community mental health center boards; amending Minnesota Statutes 1984, section 245.66.

The bill was read for the third 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, G.	Erickson	Levi	Ozment	Skoglund
Anderson, R.	Fjoslien	Lieder	Pappas	Solberg
Backlund	Frederick	Long	Pauly	Sparby
Battaglia	Frederickson	Marsh	Peterson	Stanis
Beard	Frerichs	McDonald	Piepho	Staten
Becklin	Greenfield	McEachern	Piper	Sviggum
Begich	Gruenes	McKasy	Poppenhagen	Thiede
Bennett	Gutknecht	McLaughlin	Price	Thorsen
Bishop	Halberg	McPherson	Quinn	Tjornhom
Blatz	Hartinger	Metzen	Quist	Tomlinson
Boerboom	Hartle	Miller	Redalen	Tompkins
Boo	Haukoos	Minne	Rees	Tunheim
Brandl	Hcap	Munger	Rest	Uphus
Brinkman	Himle	Murphy	Rice	Valan
Brown	Jacobs	Nelson, D.	Richter	Valento
Carlson, D.	Jaros	Nelson, K.	Riveness	Vanasek
Carlson, J.	Jennings, L.	Neuenschwander	Rodosovich	Vellenga
Carlson, L.	Johnson	Norton	Rose	Voss
Clausnitzer	Kahn	O'Connor	Sarna	Waltman
Cohen	Kalis	Ogren	Schafer	Welle
Dempsey	Kelly	Olsen, S.	Scheid	Wenzel
DenOuden	Kiffmeyer	Olson, E.	Schoenfeld	Wynia
Dimler	Knickerbocker	Omann	Seaberg	Zaffke
Dyke	Knuth	Onnen	Segal	Spk. Jennings, D.
Elioff	Kostohryz	Osthoff	Shaver	
Ellingson	Kvam	Otis	Simoneau	

The bill was passed and its title agreed to.



H. F. No. 835 was reported to the House.

Miller moved that H. F. No. 835 be continued on the Consent Calendar for one day. The motion prevailed.

H. F. No. 850, A bill for an act relating to elections; making changes in registration, caucuses, ballots, affidavits of candidacy and withdrawal, nominations, election certificates, and election judge qualifications; amending Minnesota Statutes 1984, sections 201.018, subdivision 2; 201.095; 201.12, subdivision 2; 201.15, subdivision 1; 202A.11, subdivision 2; 202A.16, subdivision 1; 204B.03; 204B.06, subdivision 1; 204B.07, subdivision 4; 204B.-09, subdivision 1; 204B.10, by adding a subdivision; 204B.12, subdivision 3; 204B.35, subdivision 2; 204C.40, subdivision 1; 204D.11, subdivisions 3, 5, and 6; 206.71, by adding a subdivision; and 208.03; repealing Minnesota Statutes 1984, section 204B.19, subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Kvam	Ozment	Sherman
Anderson, R.	Fjoslien	Levi	Pappas	Simoneau
Backlund	Frederick	Lieder	Pauly	Skoglund
Battaglia	Frederickson	Long	Peterson	Solberg
Beard	Frerichs	Marsh	Piepho	Sparby
Becklin	Greenfield	McDonald	Piper	Stanius
Begich	Gruenes	McEachern	Poppenhagen	Staten
Bennett	Gutknecht	McLaughlin	Price	Swiggum
Blatz	Halberg	McPherson	Quinn	Thiede
Boerboom	Hartinger	Metzen	Quist	Thorson
Boo	Hartle	Minne	Redalen	Tjornhom
Brandl	Haukoos	Munger	Rees	Tomlinson
Brinkman	Himle	Murphy	Rest	Tompkins
Brown	Jacobs	Nelson, D.	Rice	Tunheim
Burger	Jaros	Nelson, K.	Richter	Uphus
Carlson, D.	Jennings, L.	Neuenschwander	Riveness	Valan
Carlson, J.	Johnson	Norton	Rodosovich	Valento
Carlson, L.	Kahn	O'Connor	Rose	Vanasek
Cohen	Kalis	Ogren	Sarna	Vellenga
Dempsey	Kelly	Olsen, S.	Schafer	Voss
DenOuden	Kiffmeyer	Olson, E.	Scheid	Waltman
Dimler	Knickerbocker	Omamm	Schoenfeld	Welle
Dyke	Knuth	Onnen	Seaberg	Wenzel
Elioff	Kostohryz	Osthoff	Segal	Zaffke
Ellingson	Krueger	Otis	Shaver	Spk. Jennings, D.

The bill was passed and its title agreed to.

## CALENDAR

H. F. No. 345, A bill for an act relating to insurance; no-fault automobile; providing mandatory underinsured motorist coverage; clarifying legislative intent concerning stacking of insur-

ance policies; coordinating the priority of applicability of security for the payment of certain benefits; amending Minnesota Statutes 1984, sections 65B.43, by adding subdivisions; 65B.47, by adding a subdivision; 65B.49, subdivision 4, and by adding a subdivision; and 65B.70, 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 80 yeas and 45 nays as follows:

Those who voted in the affirmative were:

Backlund	Erickson	Kostohryz	Pauly	Stanius
Beard	Fjoslien	Krueger	Piepho	Sviggum
Becklin	Forsythe	Kvam	Poppenhagen	Thiede
Bennett	Frederick	Levi	Price	Thorson
Blatz	Frederickson	Lieder	Quist	Tjornhom
Boerboom	Frerichs	Marsh	Redalen	Tomlinson
Boo	Gruenes	McDonald	Rees	Uphus
Brinkman	Gutknecht	McEachern	Richter	Valan
Burger	Hartinger	McKasy	Rodosovich	Valento
Carlson, J.	Hartle	Metzen	Rose	Vanasek
Carlson, L.	Haukoos	Miller	Schafer	Voss
Clausnitzer	Himle	Nelson, K.	Scheid	Waltman
Dempsey	Jacobs	Olsen, S.	Seaberg	Welle
DenOuden	Kalis	Onnen	Shaver	Wenzel
Dimler	Kelly	Osthoff	Sherman	Zaffke
Dyke	Knickerbocker	Ozment	Simoneau	Spk. Jennings, D.

Those who voted in the negative were:

Anderson, G.	Ellingson	McLaughlin	Olson, E.	Schoenfeld
Battaglia	Greenfield	McPherson	Otis	Segal
Begich	Halberg	Minne	Pappas	Skoglund
Bishop	Jaros	Munger	Peterson	Solberg
Brandl	Jennings, L.	Murphy	Piper	Sparby
Brown	Johnson	Nelson, D.	Rest	Staten
Clark	Kahn	Norton	Rice	Tompkins
Cohen	Knuth	O'Connor	Riveness	Vellenga
Elioff	Long	Ogren	Sarna	Wynia

The bill was passed and its title agreed to.

Kostohryz was excused between the hours of 4:45 p.m. and 6:10 p.m. Welle was excused at 6:30 p.m. Brinkman was excused at 6:45 p.m. Staten was excused at 7:30 p.m. Halberg was excused at 8:40 p.m.

## GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole with Jennings, D., in the Chair for consideration of bills pending on General Orders of the day. Halberg 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 recommendations of the Committee were reported to the House:

H. F. Nos. 440, 454, 65, 327, 759, 143, 94, 216, 422, 186, 256, 446, 470, 586, 648, 698, 702, 738, 771 and 825 were recommended to pass.

S. F. No. 483 was recommended to pass.

H. F. Nos. 556, 755, 517, 520, 848, 102, 401, 633 and 779 were recommended for progress.

H. F. No. 235 was recommended for re-referral to the Committee on Commerce and Economic Development.

H. F. No. 381 which it recommended to pass with the following amendment offered by Uphus, Solberg, Johnson and Minne:

Page 2, delete lines 1 to 11, and insert:

*"In a town which had 200 or fewer persons who voted in the most recent state general election, except a town located within a metropolitan county as defined in section 473.121, subdivision 4, the voting hours may be shortened if at least 20 percent of the town's registered voters sign a petition for shorter hours and present it to the town clerk. In that instance the town board may set the hours for voting to begin later than 7:00 a.m. but not later than 10:00 a.m. The clerk shall give 30 days' notice of the changed hours to the voters by posting the notice in a conspicuous place and by publishing it in a newspaper of general circulation in the town, and the clerk shall notify the county auditor of the change.*

*An unorganized territory or unorganized territories which constitute a voting district may have shorter voting hours through the same procedure set for towns, except the petition must be to the county auditor, the choice of hours for voting to begin later than 7:00 a.m. but not later than 10:00 a.m. must be made by the county board, and the notice must be given by the county auditor."*

H. F. No. 415 which it recommended to pass with the following amendment offered by Minne:

Page 1, line 11, reinstate the old language and delete the new language

S. F. No. 287 which it recommended to pass with the following amendment offered by Minne:

Page 1, after line 16, insert:

"Sec. 3. Laws 1949, chapter 422, section 3, subdivision 11, is amended to read:

Subd. 11. An annual audit of all books, acts and affairs of the commission shall be made by the state public examiner, (AND IT SHALL BE THE DUTY OF THE COMMISSION WITHIN 30 DAYS AFTER THE END OF ITS FISCAL PERIOD, TO REQUEST THE PUBLIC EXAMINER TO MAKE SUCH AUDIT) or by a certified public accountant as determined by the commission."

Page 1, line 17, delete "3" and insert "4"

Amend the title as follows:

Page 1, line 3, before the period insert "; providing that the annual audit of the public utilities commission may be made by a certified public accountant; amending Laws 1949, chapter 422, section 3, subdivision 11"

S. F. No. 118 which it recommended to pass with the following amendments:

Offered by Sviggum:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 179A.14, subdivision 1, is amended to read:

Subdivision 1. [INITIATION OF NEGOTIATION.] When employees or their representatives desire to meet and negotiate an *initial* agreement establishing terms and conditions of employment, they shall give written notice to the employer and the director. The employer has ten days from receipt of the notice to object or refuse to recognize the employees' representative or the employees as an appropriate unit. If the employer does not object within ten days, the employer must recognize the employee representative for purposes of reaching agreement on terms and conditions of employment for the represented employees. If the employer does object, the employer or employees' representative may petition the director to take jurisdiction of the matter and the director shall investigate the petition.

*When a party to a contract desires to meet and negotiate an agreement subsequent to the initial agreement, the party shall give written notice to the other party and to the director at least 60 days before the termination date of the existing contract. If a party fails to give the required 60-day notice, that party shall be subject to a fine of \$10 per day for each day such notice is late. The fine for late notice may be waived at the discretion of the director, if the director finds that the failure to give timely*

*notice did not prejudice the bureau or the other party in the fulfillment of their responsibilities and duties. The fine for late notice shall be the only penalty for late notice under this paragraph.*

Sec. 2. Minnesota Statutes 1984, section 179A.15, is amended to read:

179A.15 [MEDIATION.]

Once notice has been given under section 179A.14, the employer or the exclusive representative may petition the director for mediation services.

A petition by an employer shall be signed by the employer or an authorized officer or agent. A petition by an exclusive representative shall be signed by its authorized officer. All petitions shall be delivered to the director in person or sent by certified mail. The petition shall state briefly the nature of the disagreement of the parties. Upon receipt of a petition *and upon concluding that mediation would be useful*, the director shall fix a time and place for a conference with the parties to negotiate the issues not agreed upon, and shall then take the most expedient steps to bring about a settlement, including assisting in negotiating and drafting an agreement.

*If the director (MAY, AT THE REQUEST OF A PARTY TO A LABOR DISPUTE, ASSIST IN SETTling) determines that mediation would be useful in resolving a dispute, the director may mediate the dispute even if (NO PETITION) neither party has (BEEN) filed a petition for mediation. In these cases, the director shall proceed as if a petition had been filed.*

The director shall not furnish mediation services to any employee or employee representative who is not certified as an exclusive representative.

All parties shall respond to the summons of the director for conferences and shall continue in conference until excused by the director. However, for other than *teachers and essential employees*, mediation conferences following (: (1)) the expiration date of a collective bargaining agreement (. OR (2) IN THE CASE OF TEACHERS, MEDIATION OVER A PERIOD OF 60 DAYS AFTER THE EXPIRATION DATE OF A COLLECTIVE BARGAINING AGREEMENT) shall continue only for durations agreeable to both parties.

Sec. 3. Minnesota Statutes 1984, section 179A.16, subdivision 7, is amended to read:

Subd. 7. [DECISION BY THE PANEL.] The panel's order shall be issued by a majority vote of its members. The order shall

resolve the issues in dispute between the parties as submitted by the board. *For principals and assistant principals, the panel shall be restricted to selecting between the final offers of the parties on each impasse item. For other employees, if the parties agree in writing, the panel shall be restricted to selecting between the final offers of the parties on each impasse item, or the final offer of one or the other parties in its entirety.* In considering a dispute and issuing its order, the panel shall consider the statutory rights and obligations of public employers to efficiently manage and conduct their operations within the legal limitations surrounding the financing of these operations. The panel's decision and order shall be final and binding on all parties.

The panel shall render its order within ten days from the date that all arbitration proceedings have concluded. However, the panel must issue its order by the last date the employer is required by statute, charter, ordinance, or resolution to submit its tax levy or budget or certify its taxes voted to the appropriate public officer, agency, public body or office, or by November 1, whichever date is earlier. The panel's order shall be for the period stated in the order, except that orders determining contracts for teacher units shall be effective to the end of the contract period determined by section 179A.20.

The panel shall send its decision and orders to the board, the director, the appropriate representative of the public employer, and the employees. If any issues submitted to arbitration are settled voluntarily before the arbitrator issues a decision, the arbitrator shall report the settlement to the board and the director.

The parties may at any time prior to or after issuance of an order of the arbitration panel, agree upon terms and conditions of employment regardless of the terms and conditions of employment determined by the order. The parties shall, if so agreeing, execute a written contract or memorandum of contract.

Sec. 4. Minnesota Statutes 1984, section 179A.17, subdivision 1, is amended to read:

Subdivision 1. [FOR TEACHERS.] If a new or different exclusive representative of teachers employed by a local school district is certified by the director at any time other than the period between 120 days before the termination date of a contract and the termination date of the contract, or if on July 1 of any odd-numbered year a representation proceeding involving the employer and the employer's teachers is before the director, section 179A.18, subdivision 2, clause (1), shall apply. In those cases, however, the employer and the exclusive representative of the teachers shall execute a written contract or memorandum of contract no later than 60 days after a certification by the director of a new or different exclusive representative or the resolution by the director of a representation proceeding. Either party may

petition the director of mediation services for assistance in reaching an agreement. If the employer and the exclusive representative of the teachers fail to execute a contract by 60 days after the certification of a new or different exclusive representative or the resolution by the director of a representation proceeding, they shall be conclusively presumed to be at an impasse after having participated in mediation (SESSIONS OVER A PERIOD OF NO LESS THAN 60 DAYS) *as specified in section 179A.18, subdivision 2, clause (1) (b).*

Sec. 5. Minnesota Statutes 1984, section 179A.18, subdivision 2, is amended to read:

Subd. 2. [SCHOOL DISTRICT REQUIREMENTS.] Except as otherwise provided by section 179A.17, subdivision 1, teachers employed by a local school district, other than principals and assistant principals, may strike only under the following circumstances:

(1)(a) the collective bargaining agreement between their exclusive representative and their employer has expired or, if there is no agreement, impasse under section 179A.17, subdivision 1, has occurred; and

(b) the exclusive representative and the employer have participated in mediation over a period of at least (60 DAYS,) 30 days (OF WHICH HAVE OCCURRED AFTER THE EXPIRATION DATE OF THE COLLECTIVE BARGAINING AGREEMENT, PROVIDED THAT THE MEDIATION PERIOD ESTABLISHED BY SECTION 179A.17, SUBDIVISION 1, SHALL GOVERN NEGOTIATIONS PURSUANT TO THAT SECTION). For the purposes of this subclause the mediation period commences on the day (FOLLOWING RECEIPT BY THE DIRECTOR OF A REQUEST FOR MEDIATION) *that a mediator designated by the director first attends a conference with the parties to negotiate the issues not agreed upon or on December 1 of odd-numbered years, whichever occurs first; and*

(c) *neither party has requested interest arbitration or a request for binding interest arbitration has been rejected; or*

(2) (45 DAYS AFTER IMPASSE UNDER SECTION 179A.16, SUBDIVISION 1, NEITHER PARTY HAS REQUESTED INTEREST ARBITRATION; OR)

((3)) the employer violates section 179A.13, subdivision 2, clause (9).

Sec. 6. Minnesota Statutes 1984, section 179A.18, subdivision 3, is amended to read:

Subd. 3. [NOTICE.] In addition to the other requirements of this section, no employee may strike unless written notifica-

tion of intent to strike is served on the employer and the director by the exclusive representative at least ten days prior to the commencement of the strike. *For all employees other than teachers, if more than 30 days have expired after service of a notification of intent to strike, no strike may commence until ten days after service of a new written notification. For teachers, no strike may commence more than 25 days after service of notification of intent to strike unless, before the end of the 25-day period, the exclusive representative and the employer agree that the period during which a strike may commence shall be extended for an additional period not to exceed five days. Teachers are limited to one notice of intent to strike for each contract negotiation period, provided, however, that a strike notice may be renewed for an additional 20 days, the first ten of which shall be a notice period during which no strike may occur, if the following conditions have been satisfied:*

(1) *an original notice was provided pursuant to this section; and*

(2) *a tentative agreement to resolve the dispute was reached during the original strike notice period; and*

(3) *such tentative agreement was rejected by the employer during or after the original strike notice period.*

*The first day of the renewed strike notice period shall commence on the day following the expiration of the previous strike notice period or the day following the rejection of the tentative agreement, whichever is later. Notification of intent to strike under subdivisions 1, clause (1); and 2, clause (1), may not be served until the collective bargaining agreement has expired, or if there is no agreement, on or after the date impasse under section 179A.17 has occurred. (NOTIFICATION OF INTENT TO STRIKE UNDER SUBDIVISION 2, CLAUSE (2), MAY NOT BE SERVED BEFORE THE 45TH DAY FOLLOWING AN IMPASSE UNDER SECTION 179A.16, SUBDIVISION 1.)*

#### Sec. 7. [EFFECTIVE DATE.]

*Sections 1 to 6 are effective the day following final enactment. However, the 60-day notice requirement imposed in section 1 does not apply in 1985 if sections 1 to 6 become effective after April 25, 1985. In this event, the notice required by section 1 must be given within 30 days of the effective date of sections 1 to 6."*

Delete the title and insert:

"A bill for an act relating to public employee labor relations; regulating public employee mediation; regulating mediation and strikes concerning teachers; providing for arbitration awards in principal and assistant principal disputes; providing penalties;



amending Minnesota Statutes 1984, sections 179A.14, subdivision 1; 179A.15; 179A.16, subdivision 7; 179A.17, subdivision 1; 179A.18, subdivisions 2 and 3."

Offered by Sviggum:

Page 3, line 4, strike "However, for other than"; strike "essential"; delete "teachers and"

Page 3, line 5, strike "employees, mediation conferences following"; strike "the expiration"

Page 3, line 6, strike "date of a collective bargaining agreement"

Page 3, line 8, strike "shall"

Page 3, strike line 9

H. F. No. 227 which it recommended to pass with the following amendment offered by Minne:

Page 1, after line 21, insert:

*"The commission may not assign any days before July 1, 1987, as racing days to a class D licensee."*

H. F. No. 539 which it recommended to pass with the following amendments:

Offered by Osthoff, Redalen and Frerichs:

Page 6, line 11, delete "section" and insert "sections"

Page 6, line 12, delete "is" and insert "and 237.075, subdivision 10 are"

Further, amend the title as follows:

Page 1, line 21, before the period insert "; and 237.075, subdivision 10"

Offered by Ogren and Redalen:

Page 2, after line 1, insert:

"Sec. 2. Minnesota Statutes 1984, section 216A.03, subdivision 1, is amended to read:

Subdivision 1. [MEMBERS.] (AS OF JANUARY 1, 1975) The public utilities commission shall consist of five mem-

bers (, THREE OF WHOM SHALL BE THE MEMBERS THEN SERVING, WHO SHALL CONTINUE TO SERVE FOR THE BALANCE OF THEIR ELECTIVE OR APPOINTIVE TERMS. THERE SHALL BE TWO ADDITIONAL COMMISSIONERS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, ONE FOR A TERM EXPIRING DECEMBER 31, 1975, AND ONE FOR A TERM EXPIRING DECEMBER 31, 1977). (THEREAFTER) The terms of (ALL SUBSEQUENT) members of the commission shall be six years and until their successors have been appointed and qualified. Each commissioner shall be appointed by the governor by and with the advice and consent of the senate. Not more than three commissioners shall belong to the same political party. *No more than three commissioners shall be domiciled at the time of their appointment or reappointment within the seven-county metropolitan area.* The governor in his selection of commissioners shall give consideration to persons learned in the law or persons who have engaged in the profession of engineering, public accounting or property and utility valuation as well as being representative of the general public.

*For purposes of this subdivision, "seven-county metropolitan area" means Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties."*

Page 6, after line 12, insert:

"Sec. 8. [TIME OF FIRST EFFECT.]

*Section 2 is effective for appointments to terms beginning after July 1, 1986."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon insert "making changes in future public utilities commission membership;"

Page 1, line 18, after the semicolon insert "216A.03, subdivision 1;"

H. F. No. 786 which it recommended to pass with the following amendments:

Offered by Dyke:

Page 19, line 9, reinstate "appointed by the"; after "(GOVERNOR)" insert "*commissioner of health*"

Page 19, delete lines 17 to 19

Page 19, line 31, delete "appropriate"; after "commissioner" insert "of health"

Offered by Knuth:

Page 7, line 3, strike "four" and insert "two"

Page 7, line 5, after the semi-colon insert "and a representative of the league of Minnesota cities. The director of the pollution control agency shall appoint two members as follows:"

Page 7, line 7, after the semi-colon insert "and"

Page 7, line 9, strike "; and a"

Page 7, line 10, strike everything before the period

S. F. No. 331 which it recommended to pass with the following amendment offered by Stanius:

Page 1, line 13, after "and" insert "after reasonable effort to notify next of kin,"

On the motion of Levi 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:

Stanis moved to amend S. F. No. 331, as follows:

Page 1, line 13, after "and" insert "after reasonable effort to notify next of kin,"

The question was taken on the Stanis amendment and the roll was called. There were 79 yeas and 40 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	DenOuden	Johnson	McLaughlin	Piepho
Backlund	Dyke	Kiffmeyer	McPherson	Poppenhagen
Battaglia	Fjoslien	Knickerbocker	Miller	Price
Becklin	Forsythe	Knuth	Nelson, D.	Quinn
Begich	Frederick	Krueger	Nelson, K.	Quist
Bennett	Frerichs	Kvam	Norton	Redalen
Bishop	Gruenes	Levi	Olsen, S.	Rees
Blatz	Gucknocht	Lieder	Omann	Rest
Boo	Halberg	Long	Onnen	Rice
Brandl	Hartinger	Marsh	Ozment	Richter
Burger	Haukoos	McDonald	Pappas	Riveness
Dempsey	Jacobs	McKasy	Pauly	Schafer

Schreiber	Sparby	Thiede	Uphus	Wynia
Seaberg	Stanius	Thorson	Valan	Zaffke
Shaver	Staten	Tomlinson	Valento	Spk. Jennings, D.
Sherman	Sviggum	Tunheim	Vellenga	

Those who voted in the negative were:

Anderson, G.	Clausnitzer	Kostohryz	Olson, E.	Scheid
Beard	Cohen	McEachern	Osthoff	Schoenfeld
Boerboom	Elioff	Metzen	Otis	Segal
Brinkman	Frederickson	Munger	Peterson	Skoglund
Carlson, D.	Greenfield	Murphy	Piper	Solberg
Carlson, J.	Hartle	Neuenschwander	Rodosovich	Tjornhom
Carlson, L.	Jaros	O'Connor	Rose	Voss
Clark	Kalis	Ogren	Sarna	Wenzel

The motion prevailed and the amendment was adopted.

The question was taken on the Marsh motion to re-refer H. F. No. 235 to the Committee on Commerce and Economic Development and the roll was called. There were 75 yeas and 44 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Long	Peterson	Segal
Battaglia	Forsythe	Marsh	Piper	Skoglund
Beard	Greenfield	McEachern	Poppenhagen	Solberg
Becklin	Gruenes	McLaughlin	Price	Sparby
Begich	Gutknecht	Minne	Quinn	Staten
Boerboom	Hartinger	Murphy	Quist	Thiede
Boo	Jacobs	Nelson, D.	Redalen	Thorson
Brandl	Jaros	Neuenschwander	Rest	Tomlinson
Brown	Jennings, L.	Norton	Rice	Tunheim
Carlson, L.	Kahn	O'Connor	Richter	Uphus
Clark	Kalis	Ogren	Riveness	Vanasek
Clausnitzer	Kelly	Omann	Rodosovich	Vellenga
Cohen	Kostohryz	Onnen	Sarna	Waltman
DenOuden	Krueger	Osthoff	Scheid	Wenzel
Dyke	Lieder	Pappas	Seaberg	Wynia

Those who voted in the negative were:

Bishop	Frerichs	McDonald	Piepho	Stanius
Blatz	Halberg	McKasy	Rees	Sviggum
Burger	Hartle	McPherson	Rose	Tjornhom
Carlson, J.	Haukoos	Metzen	Schafer	Tompkins
Dempsey	Himle	Miller	Schoenfeld	Valento
Erickson	Johnson	Olsen, S.	Schreiber	Voss
Fjoslien	Knickerbocker	Olson, E.	Shaver	Zaffke
Frederick	Kvam	Otis	Sherman	Spk. Jennings, D.
Frederickson	Levi	Pauly	Simoneau	

The motion prevailed.

The question was taken on the motion to recommend passage on S. F. No. 483 and the roll was called. There were 115 yeas and 4 nays as follows:

## Those who voted in the affirmative were:

Anderson, G.	Forsythe	Levi	Otis	Shaver
Backlund	Frederick	Lieder	Pappas	Sherman
Battaglia	Frederickson	Long	Pauly	Simoneau
Beard	Greenfield	Marsh	Peterson	Skoglund
Becklin	Gruenes	McDonald	Piper	Solberg
Begich	Gutknecht	McEachern	Poppenhagen	Sparby
Bishop	Halberg	McKasy	Price	Stanius
Boo	Hartinger	McLaughlin	Quinn	Staten
Brandl	Heap	McPherson	Quist	Thorson
Brown	Himle	Metzen	Redalen	Tjornhom
Burger	Jacobs	Minne	Rees	Tomlinson
Carlson, D.	Jaros	Munger	Rest	Tompkins
Carlson, L.	Jennings, L.	Murphy	Rice	Tunheim
Clark	Johnson	Nelson, D.	Riveness	Uphus
Clausnitzer	Kahn	Nelson, K.	Rodosovich	Valan
Cohen	Kalis	Neuenschwander	Rose	Valento
Dempsey	Kelly	Norton	Sarna	Vanasek
Dimler	Kiffmeyer	O'Connor	Schafer	Vellenga
Dyke	Knickerbocker	Olsen, S.	Scheid	Voss
Elioff	Knuth	Olson, E.	Schoenfeld	Waltman
Ellingson	Kostohryz	Omann	Schreiber	Wenzel
Erickson	Krueger	Onnen	Seaberg	Wynia
Fjoslien	Kvam	Osthoff	Segal	Spk. Jennings, D.

## Those who voted in the negative were:

DenOuden	Miller	Piepho	Zaffke
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The motion prevailed.

The question was taken on the Anderson, G., motion that the Committee do now arise and the roll was called. There were 60 yeas and 65 nays as follows:

## Those who voted in the affirmative were:

Anderson, G.	Jacobs	McLaughlin	Osthoff	Segal
Battaglia	Jaros	Metzen	Otis	Simoneau
Beard	Jennings, L.	Minne	Pappas	Skoglund
Begich	Kahn	Munger	Peterson	Solberg
Brandl	Kalis	Murphy	Piper	Sparby
Brown	Kelly	Nelson, D.	Price	Tomlinson
Carlson, L.	Knuth	Nelson, K.	Quinn	Tunheim
Clark	Kostohryz	Neuenschwander	Rest	Vanasek
Cohen	Krueger	Norton	Riveness	Vellenga
Elioff	Lieder	O'Connor	Rodosovich	Voss
Ellingson	Long	Ogren	Sarna	Wenzel
Greenfield	McEachern	Olson, E.	Scheid	Wynia

## Those who voted in the negative were:

Backlund	Carlson, J.	Fjoslien	Halberg	Kiffmeyer
Bennett	Clausnitzer	Forsythe	Hartinger	Knickerbocker
Bishop	Dempsey	Frederick	Hartle	Kvam
Blatz	DenOuden	Frederickson	Haukoos	Levi
Boerboom	Dimler	Frerichs	Heap	Marsh
Boo	Dyke	Gruenes	Himle	McDonald
Burger	Erickson	Gutknecht	Johnson	McKasy

McPherson	Piepho	Rose	Stanius	Uphus
Miller	Poppenhagen	Schafer	Sviggum	Valan
Olsen, S.	Quist	Schreiber	Thiede	Valento
Onnen	Redalen	Seaberg	Thorson	Waltman
Ozment	Rees	Shaver	Tjornhom	Zaffke
Pauly	Richter	Sherman	Tompkins	Spk. Jennings, D.

The motion did not prevail.

The question was taken on the Wynia motion that the Committee do now arise and the roll was called. There were 58 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jaros	Metzen	Peterson	Skoglund
Battaglia	Jennings, L.	Minne	Piper	Solberg
Beard	Kahn	Munger	Price	Sparby
Begich	Kalis	Murphy	Quinn	Tomlinson
Brandl	Kelly	Nelson, K.	Rest	Tunheim
Brown	Knuth	Neuenschwander	Rice	Vanasek
Carlson, L.	Kostohryz	Norton	Riveness	Vellenga
Clark	Krueger	O'Connor	Rodosovich	Voss
Cohen	Lieder	Ogren	Sarna	Wenzel
Elioff	Long	Olson, E.	Schoenfeld	Wynia
Ellingson	McEachern	Otis	Segal	
Greenfield	McLaughlin	Pappas	Simoneau	

Those who voted in the negative were:

Backlund	Erickson	Johnson	Pauly	Sviggum
Becklin	Fjoslien	Kiffmeyer	Piepho	Thiede
Bennett	Forsythe	Knickerbocker	Poppenhagen	Thorson
Bishop	Frederick	Kvam	Quist	Tjornhom
Blatz	Frederickson	Levi	Redalen	Tompkins
Boerboom	Frerichs	Marsh	Rees	Uphus
Boo	Gruenes	McDonald	Richter	Valan
Burger	Halberg	McKasy	Rose	Valento
Carlson, J.	Hartinger	McPherson	Schafer	Waltman
Clausnitzer	Hartle	Miller	Schreiber	Zaffke
Dempsey	Haukoos	Olsen, S.	Seaberg	Spk. Jennings, D.
DenOuden	Heap	Omman	Shaver	
Dimler	Himle	Onnen	Sherman	
Dyke	Jacobs	Ozment	Stanius	

The motion did not prevail.

The question was taken on the Bishop request to progress H. F. No. 771 until Monday, April 1, 1985 and the roll was called. There were 51 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Cohen	Jaros	Kostohryz	Nelson, K.
Bishop	Ellingson	Kahn	Krueger	Neuenschwander
Brandl	Frederickson	Kalis	Lieder	Norton
Brown	Greenfield	Kelly	McLaughlin	Ogren
Carlson, L.	Hartle	Kiffmeyer	Minne	Olson, E.
Clark	Himle	Knuth	Munger	Osthoft

Otis	Rest	Schoenfeld	Solberg	Vanasek
Pappas	Riveness	Segal	Sparby	Vellenga
Peterson	Rodosovich	Simoneau	Tomlinson	Voss
Piper	Scheid	Skoglund	Tunheim	Wynia
Quinn				

Those who voted in the negative were :

Anderson, R.	DenOuden	Knickerbocker	Pauly	Sviggum
Backlund	Dimler	Kvam	Piepho	Thiede
Battaglia	Dyke	Marsh	Poppenhagen	Tjornhom
Beard	Elioff	McDonald	Price	Tompkins
Becklin	Erickson	McEachern	Quist	Uphus
Begich	Fjoslien	McKasy	Rees	Valan
Bennett	Frederick	McPherson	Richter	Valento
Blatz	Frerichs	Metzen	Rose	Waltman
Boerboom	Cruenes	Miller	Sarna	Wenzel
Boo	Gutknecht	Murphy	Schafer	Zaffke
Burger	Halberg	Nelson, D.	Schreiber	Spk. Jennings, D.
Carlson, D.	Hartinger	Olsen, S.	Seaberg	
Carlson, J.	Haukoos	Omann	Shaver	
Clausnitzer	Jacobs	Onnen	Sherman	
Dempsey	Johnson	Ozment	Stanius	

The motion did not prevail.

The question was taken on the motion to recommend passage of H. F. No. 771 and the roll was called. There were 100 yeas and 24 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Elioff	Kostohryz	Osthoff	Seaberg
Anderson, R.	Ellingson	Krueger	Ozment	Sherman
Backlund	Erickson	Kvam	Pauly	Solberg
Battaglia	Fjoslien	Levi	Peterson	Sparby
Beard	Forsythe	Lieder	Piepho	Stanius
Becklin	Frederick	Marsh	Poppenhagen	Sviggum
Begich	Frederickson	McDonald	Price	Thiede
Bennett	Frerichs	McEachern	Quinn	Thorson
Blatz	Cruenes	McKasy	Quist	Tjornhom
Boerboom	Gutknecht	McPherson	Redalen	Tompkins
Boo	Hartinger	Metzen	Rees	Tunheim
Brown	Haukoos	Miller	Rice	Uphus
Burger	Heap	Murphy	Richter	Valan
Carlson, D.	Himle	Neuenschwander	Rodosovich	Valento
Carlson, J.	Jacobs	O'Connor	Rose	Vanasek
Clausnitzer	Johnson	Ogren	Sarna	Voss
Dempsey	Kalis	Olsen, S.	Schafer	Waltman
DenOuden	Kelly	Olson, E.	Scheid	Wenzel
Dimler	Kiffmeyer	Omann	Schoenfeld	Zaffke
Dyke	Knickerbocker	Onnen	Schreiber	Spk. Jennings, D.

Those who voted in the negative were :

Bishop	Greenfield	Minne	Piper	Skoglund
Brandl	Hartle	Nelson, K.	Rest	Tomlinson
Carlson, L.	Kahn	Norton	Segal	Vellenga
Clark	Knuth	Otis	Shaver	Wynia
Cohen	McLaughlin	Pappas	Simoneau	

The motion prevailed.

## 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, G.	Ellingson	Kostohryz	Osthoff	Sherman
Anderson, R.	Erickson	Krueger	Otis	Simoneau
Backlund	Fjoslien	Kvam	Ozment	Skoglund
Battaglia	Forsythe	Levi	Pauly	Solberg
Beard	Frederick	Lieder	Peterson	Sparby
Becklin	Frederickson	Marsh	Piepho	Stanius
Begich	Frerichs	McDonald	Piper	Sviggum
Bennett	Greenfield	McKasy	Poppenhagen	Thiede
Blatz	Gruenes	McLaughlin	Price	Thorson
Boerboom	Gutknecht	McPherson	Quinn	Tjornhom
Boo	Halberg	Miller	Quist	Tomlinson
Brandl	Hartinger	Minne	Redalen	Tompkins
Brown	Hartle	Munger	Rees	Tunheim
Burger	Haukoos	Murphy	Richter	Uphus
Carlson, J.	Heap	Nelson, D.	Rodosovich	Valan
Carlson, L.	Himle	Nelson, K.	Rose	Valento
Clark	Jennings, L.	Neuenschwander	Sarna	Vanasek
Clausnitzer	Johnson	Norton	Schafer	Vellenga
Cohen	Kahn	O'Connor	Scheid	Voss
Dempsey	Kalis	Ogren	Schoenfeld	Waltman
DenOuden	Kelly	Olsen, S.	Schreiber	Wenzel
Dimler	Kiffmeyer	Olson, E.	Seaberg	Wynia
Dyke	Knickerbocker	Omamm	Segal	Zaffke
Elioff	Knuth	Onnen	Shaver	Spk. Jennings, D.

Levi 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.

## MOTIONS AND RESOLUTIONS

Elioff moved that his name be stricken as an author on H. F. No. 9. The motion prevailed.

Levi moved that her name be stricken as an author on H. F. No. 285. The motion prevailed.

Levi moved that her name be stricken as an author on H. F. No. 286. The motion prevailed.

Seaberg moved that the name of Blatz be added as an author on H. F. No. 374. The motion prevailed.

Seaberg moved that the name of Riveness be added as an author on H. F. No. 499. The motion prevailed.

Segal moved that the name of Schafer be added as an author on H. F. No. 589. The motion prevailed.

Johnson moved that the name of Carlson, D., be shown as chief author on H. F. No. 624. The motion prevailed.



Wenzel moved that his name be stricken as an author on H. F. No. 926. The motion prevailed.

Seaberg moved that the names of Bennett, Jacobs, Stanius and Vanasek be added as authors on H. F. No. 1076. The motion prevailed.

Sviggum moved that the name of Simoneau be added as an author on H. F. No. 1130. The motion prevailed.

Pauly moved that the name of Redalen be stricken and the name of Piepho be added as an author on H. F. No. 1133. The motion prevailed.

Gruenes moved that the name of Wynia be added as an author on H. F. No. 1134. The motion prevailed.

Schafer moved that the name of Clark be added as an author on H. F. No. 1160. The motion prevailed.

Nelson, K., moved that the names of Clark and McLaughlin be added as authors on H. F. No. 1198. The motion prevailed.

Thiede moved that the name of Wenzel be added as an author on H. F. No. 1200. The motion prevailed.

Rodosovich moved that the name of McEachern be added as an author on H. F. No. 1204. The motion prevailed.

Carlson, D., moved that the name of Solberg be added as an author on H. F. No. 1210. The motion prevailed.

Pauly moved that the name of Clark be added as an author on H. F. No. 1212. The motion prevailed.

Beard moved that the name of Price be added as an author on H. F. No. 1213. The motion prevailed.

Carlson, L., moved that the name of Clark be added as an author on H. F. No. 1225. The motion prevailed.

Long moved that the name of Brandl be added as an author on H. F. No. 1245. The motion prevailed.

McDonald moved that the name of Frerichs be shown as chief author on H. F. No. 373. The motion prevailed.

Heap moved that H. F. No. 259 be recalled from the Committee on Rules and Legislative Administration and be re-referred to the Committee on Governmental Operations. The motion prevailed.

McDonald moved that H. F. No. 276 be recalled from the Committee on Rules and Legislative Administration and be re-referred to the Committee on Financial Institutions and Insurance. The motion prevailed.

Boerboom moved that H. F. No. 365 be recalled from the Committee on Financial Institutions and Insurance and be re-referred to the Committee on Taxes. The motion prevailed.

Dempsey moved that H. F. No. 593 be recalled from the Committee on Transportation and be re-referred to the Committee on Commerce and Economic Development. The motion prevailed.

Blatz moved that H. F. No. 948 be recalled from the Committee on Judiciary and be re-referred to the Committee on Crime and Family Law. The motion prevailed.

Heap moved that H. F. No. 1080 be recalled from the Committee on Regulated Industries and Energy and be re-referred to the Committee on Commerce and Economic Development. The motion prevailed.

Valento moved that H. F. No. 1082 be recalled from the Committee on Environment and Natural Resources and be re-referred to the Committee on Local and Urban Affairs. The motion prevailed.

Kiffmeyer moved that H. F. No. 1191 be recalled from the Committee on Transportation and be re-referred to the Committee on Crime and Family Law. The motion prevailed.

Ozment moved that H. F. No. 1250 be recalled from the Committee on Transportation and be re-referred to the Committee on Governmental Operations. The motion prevailed.

Rees and Halberg moved that H. F. No. 255, now on Technical General Orders, be re-referred to the Committee on Judiciary.

A roll call was requested and properly seconded.

The question was taken on the Rees and Halberg motion and the roll was called.

Levi moved that those not voting be excused from voting. The motion prevailed.

There were 60 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, C.	Brandl	Carlson, L.	DenOuden	Forsythe
Becklin	Brown	Clark	Ellingson	Greenfield
Bishop	Burger	Cohen	Erickson	Gruenes

Halberg	Long	Olson, E.	Rest	Skoglund
Himle	McDonald	Onnen	Rice	Sparby
Jennings, L.	McLaughlin	Otis	Riveness	Tomlinson
Kahn	Munger	Pappas	Rodosovich	Tunheim
Kelly	Murphy	Peterson	Rose	Vanasek
Knuth	Nelson, D.	Piper	Sarna	Vellenga
Kostohryz	Nelson, K.	Price	Schoenfeld	Voss
Krueger	Neuenschwander	Quinn	Seaberg	Wynia
Lieder	Norton	Rees	Segal	Zaffke

Those who voted in the negative were :

Anderson, R.	Dyke	Kiffmeyer	Ozment	Sviggum
Backlund	Elioff	Kvam	Pauly	Thiede
Battaglia	Fjoslien	Levi	Piepho	Thorson
Beard	Frederick	Marsh	Poppenhagen	Tjornhom
Begich	Frederickson	McEachern	Quist	Tompkins
Bennett	Frerichs	McPherson	Richter	Uphus
Blatz	Gutknecht	Metzen	Schafer	Valan
Boerboom	Hartinger	Miller	Scheid	Valento
Boo	Hartle	Minne	Schreiber	Waltman
Carlson, D.	Haukoos	O'Connor	Shaver	Wenzel
Carlson, J.	Heap	Ogren	Sherman	Spk. Jennings, D.
Clausnitzer	Jacobs	Olsen, S.	Simoneau	
Dempsey	Johnson	Omman	Solberg	
Dimler	Kalis	Osthoff	Stanius	

The motion did not prevail.

Valento moved that H. F. No. 571, now on Technical General Orders, be re-referred to the Committee on Appropriations. The motion prevailed.

Rose moved that H. F. No. 1339 be returned to its author. The motion prevailed.

Boo introduced :

House Concurrent Resolution No. 7, A house concurrent resolution concurring with need for joint regional action to resolve the crisis in farming and mining.

The concurrent resolution was referred to the Committee on Commerce and Economic Development.

Stanius and Levi introduced :

House Resolution No. 17, A house resolution congratulating the White Bear Lake boys basketball team upon its 1984 and 1985 state championships.

#### SUSPENSION OF RULES

Stanius moved that the rules be so far suspended that House Resolution No. 17 be now considered and be placed upon its adoption. The motion prevailed.

## HOUSE RESOLUTION NO. 17

A house resolution congratulating the White Bear Lake boys basketball team upon its 1984 and 1985 state championships.

*Whereas*, White Bear Lake has many gifted athletes and is proud of all of them; and

*Whereas*, White Bear Lake girls gymnastics, girls tennis, girls basketball, boys basketball teams, and the debate team have all worked their way to state tournaments; and

*Whereas*, the school district, fans, and residents of White Bear Lake are proud of their teams; and

*Whereas*, the boys basketball team members are good citizens, athletes, and students; and

*Whereas*, the boys' coaches Jim Galvin, Gene Uhlenhopp, Bob Nilson, and Mike Roe, are sensitive, hardworking, knowledgeable, and dedicated coaches; and

*Whereas*, White Bear High boys basketball team has an outstanding win-loss record of 52-0 for two years; and

*Whereas*, White Bear High has been the boys AA State High School Basketball Champions for two consecutive years (1983-1984 and 1984-1985); and

*Whereas*, team members Mike Sweeney, Jim Mares, Ron Dorf, Jim Galvin, Jim Svenkeson, Mark Tentis, Scott Stankiewicz, Troy Risch, Jim Nelson, Dan Perron, John Regnier, Larry Ogden, Joe Regnier, Steve Peckhan, John Parker, Steve Allen, Curt Stiebler, and Jon Fredeen have done an outstanding job;  
*Now, Therefore,*

*Be It Resolved* by the House of Representatives of the State of Minnesota that it is proud of all the teams in the state and that White Bear Lake truly has proven they are No. 1.

*Be It Further Resolved* that the Chief Clerk of the House of Representatives is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Speaker, and present it to the principal of White Bear Lake High School.

Stanius moved that House Resolution No. 17 be now adopted. The motion prevailed and House Resolution No. 17 was adopted.

Wenzel introduced:

House Resolution No. 18, A house resolution congratulating the Flyers girls basketball team from Little Falls High School for winning the 1985 Class AA Girls State High School Basketball Championship.

The resolution was referred to the Committee on Education.

Rose and Carlson, L., introduced:

House Resolution No. 19, A house resolution recognizing the contribution in the past, now, and in the future of the Minnesota Agricultural Experiment Station and the Minnesota Agricultural Extension Service to Minnesota agriculture.

The resolution was referred to the Committee on Agriculture.

Pursuant to rule 1.15, Piper moved that S. F. No. 85 be recalled from the Committee on Financial Institutions and Insurance, be given its second reading and be advanced to General Orders.

A roll call was requested and properly seconded.

The question was taken on the Piper motion and the roll was called. There were 62 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jaros	Minne	Peterson	Skoglund
Battaglia	Jennings, L.	Munger	Piper	Solberg
Beard	Kahn	Murphy	Price	Sparby
Begich	Kalis	Nelson, D.	Quinn	Tomlinson
Brandl	Kelly	Nelson, K.	Rest	Tunheim
Brown	Knuth	Neuenschwander	Rice	Vanasek
Carlson, L.	Kostohryz	Norton	Riveness	Vellenga
Clark	Krueger	O'Connor	Rodosovich	Voss
Cohen	Lieder	Ogren	Sarna	Wenzel
Elioff	Long	Olson, E.	Scheid	Wynia
Ellingson	McEachern	Osthoff	Schoenfeld	
Greenfield	McLaughlin	Otis	Segal	
Jacobs	Metzen	Pappas	Simoneau	

Those who voted in the negative were:

Anderson, R.	Carlson, J.	Frederickson	Kiffmeyer	Omann
Backlund	Clausnitzer	Frerichs	Knickerbocker	Onnen
Becklin	Dempsey	Gruenes	Kvam	Ozment
Bennett	DenOuden	Gutknecht	Levi	Pauly
Bishop	Dimler	Hartinger	Marsh	Piepho
Blatz	Dyke	Hartle	McDonald	Poppenhagen
Boerboom	Erickson	Haukoos	McKasy	Quist
Boo	Fjoslien	Heap	McPherson	Redalen
Burger	Forsythe	Himle	Miller	Rees
Carlson, D.	Frederick	Johnson	Olsen, S.	Richter

Rose	Shaver	Thiede	Uphus	Waltman
Schafer	Sherman	Thorson	Valan	Zaffke
Schreiber	Stanius	Tjornhom	Valento	Spk. Jennings, D.
Seaberg	Sviggum	Tompkins		

The motion did not prevail.

#### ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, April 1, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, April 1, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



## STATE OF MINNESOTA

## SEVENTY-FOURTH SESSION - 1985

## THIRTY-FIRST DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 1, 1985

The House of Representatives convened at 2:00 p.m. and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Reverend Mary Ellen Renstrom, United Methodist Church of Owatonna, Owatonna, Minnesota.

The roll was called and the following members were present:

Anderson, G.	Elioff	Knuth	Onnen	Segal
Anderson, R.	Ellingson	Kostohryz	Osthoff	Shaver
Backlund	Erickson	Kvam	Otis	Simoneau
Battaglia	Fjoslien	Levi	Ozment	Skoglund
Beard	Forsythe	Lieder	Pappas	Solberg
Becklin	Frederick	Long	Pauly	Sparby
Begich	Frederickson	Marsh	Peterson	Stanius
Bennett	Frerichs	McDonald	Piepho	Staten
Bishop	Greenfield	McEachern	Piper	Sviggum
Blatz	Grucnes	McKasy	Poppenhagen	Thiede
Boerboom	Gutknecht	McLaughlin	Price	Thorson
Boo	Halberg	McPherson	Quinn	Tjornhom
Brandl	Hartinger	Metzen	Quist	Tomlinson
Brinkman	Hartle	Miller	Redalen	Tompkins
Brown	Haukoos	Minne	Rces	Tunheim
Burger	Heap	Munger	Rest	Uphus
Carlson, D.	Himle	Murphy	Richter	Valan
Carlson, J.	Jacobs	Nelson, D.	Riveness	Valento
Carlson, L.	Jaros	Nelson, K.	Rodosovich	Vanasek
Clark	Jennings, L.	Neuenschwander	Rose	Vellenga
Clausnitzer	Johnson	Norton	Sarna	Voss
Cohen	Kahn	O'Connor	Schafer	Waltman
Dempsey	Kalis	Ogren	Scheid	Welle
DenOuden	Kelly	Olsen, S.	Schoenfeld	Wenzel
Dimler	Kiffmeyer	Olson, E.	Schreiber	Zafke
Dyke	Knickerbocker	Omann	Seaberg	Spk. Jennings, D.

A quorum was present.

Rice was excused.

Krueger, Sherman and Wynia were excused until 2:55 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Hartle 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. 9, 255, 315, 484, 507, 558, 626, 650, 718, 725, 812, 928, 937, 940, 951, 991, 998, 1001, 1065, 1216, 58, 145, 230, 368, 399, 405, 418, 449, 618, 636, 654, 882, 889, 894, 916, 953, 1037, 1011, 1045, 1107, 227, 381, 415, 476, 539, 730, 786, 947 and 537 and S. F. Nos. 40, 542, 196, 118, 287 and 331 have been placed in the members' files.

#### REPORTS OF STANDING COMMITTEES

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 10, A bill for an act relating to the city of New Ulm; authorizing payment of health insurance costs for certain retired police officers.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 86, A bill for an act relating to retirement; increasing survivor benefits payable by the Thief River Falls police relief association; amending Laws 1981, chapter 68, section 42, subdivision 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Fjoslien from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 91, A bill for an act relating to elections; providing for the preparation and availability of correct precinct lists; amending Minnesota Statutes 1984, section 201.091, subdivision 2.

Reported the same back with the following amendments:

Page 1, lines 11 and 12, delete "*and on August 15 of each year when there is not a*"

Page 1, line 12, strike "state general election"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 191, A bill for an act relating to local government; requiring prompt payment of local government bills; proposing coding for new law in Minnesota Statutes, chapter 471.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 16A.124, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purposes of section 16A.124, the following terms have the meanings here given them.

(a) "Commissioner" means the commissioner of finance.

(b) "State agency" has the meaning assigned to it in section (16.011) 16A.011. "State agency" may also mean the University of Minnesota.

Sec. 2. Minnesota Statutes 1984, section 16A.124, subdivision 5, is amended to read:

Subd. 5. [PAYMENT OF INTEREST ON LATE PAYMENTS REQUIRED.] (a) A state agency shall pay interest to a vendor for undisputed billings when the agency has not paid the billing within 30 days following receipt of the invoice, merchandise, or service whichever is later. A negotiated contract or agreement between a vendor and a state agency which requires an audit by the state agency prior to acceptance and payment of the vendor's invoice shall not be considered past due until 30 days after the completion of the audit by the state agency. Before any interest payment is made, the vendor must invoice the state agency for such interest.

(b) The rate of interest paid by the agency on undisputed bills not paid within 30 days shall be (ONE)  $1-1/2$  percent per month or any part thereof.

(c) All interest penalties and collection costs must be paid from the agency's current operating budget. No agency may seek to increase its appropriation for the purpose of obtaining funds to pay interest penalties or collection costs.

(d) Any vendor who prevails in a civil action to collect interest penalties from a state agency shall be awarded its costs and disbursements, including attorney's fees, incurred in bringing the actions.

(e) No interest penalties may accrue against an agency that delays payment of a bill due to a disagreement with the vendor; provided, that the dispute must be settled within 30 days after the bill became overdue. Upon the resolution of the dispute, the agency must pay the vendor accrued interest on all proper invoices for which payment was not received within the applicable time limit contained in subdivision 3.

(f) The minimum monthly interest penalty payment that a state agency shall pay a vendor for the unpaid balance for any one overdue bill equal to or in excess of \$100 is \$10. For unpaid balances of less than \$100, the state agency shall pay the actual penalty due to the vendor.

Sec. 3. Minnesota Statutes 1984, section 16A.124, subdivision 8, is amended to read:

Subd. 8. [APPLICABILITY.] Subdivisions 1 to 7 apply to all agency purchases, leases, rentals, and contracts for services, including construction and remodeling contracts, *except for purchases from or contracts for service with a public utility as defined in section 216B.02 or a telephone company as defined in section 237.01 that has on file with the public utilities commission an approved practice regarding late fees.*

Sec. 4. [471.425] [PROMPT PAYMENT OF LOCAL GOVERNMENT BILLS.]

*Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given them.*

(a) "Contract" means any written legal document or documents that are signed by both parties in which the terms and conditions of any interest or other penalty for late payments are clearly stated.

(b) "Date of receipt" means the completed delivery of the goods or services or the satisfactory installation, assembly, or

*specified portion thereof or the receipt of the invoice for the delivery of goods or services, whichever is later.*

(c) *“Governing board” means the elected or appointed board of the municipality and includes, but is not limited to, city councils, town boards, and county boards.*

(d) *“Municipality” means any home rule charter or statutory city, county, town, school district, political subdivision, or agency of local government. “Municipality” means the metropolitan council or any board or agency created under chapter 473.*

**Subd. 2. [PAYMENT REQUIRED.]** *A municipality must pay each vendor obligation according to the terms of the contract or within the standard payment period unless the municipality in good faith disputes the obligation. Standard payment period is defined as follows:*

(a) *For municipalities who have governing boards which have regularly scheduled meetings at least once a month, the standard payment period is defined as within 30 days of the date of receipt.*

(b) *For municipalities whose governing boards do not regularly meet at least once a month, the standard payment period is defined as within 15 days of the first regularly scheduled meeting of the governing board after the date of receipt. The standard payment period shall not exceed 45 days.*

(c) *For joint powers organizations organized under section 471.59, the standard payment period is within 45 days of the date of receipt.*

**Subd. 3. [INVOICE ERRORS.]** *If an invoice is incorrect, defective, or otherwise improper, the municipality must notify the vendor within 30 days of the date of receipt. Upon receiving a corrected invoice from the vendor, the municipality must pay the obligation within the standard payment period defined in subdivision 2.*

**Subd. 4. [PAYMENT OF INTEREST ON LATE PAYMENTS REQUIRED.]** (a) *Except as otherwise provided in this section, a municipality shall calculate and pay interest to a vendor if the municipality has not paid the obligation according to the terms of the contract or within the standard payment period as defined in subdivision 2. The standard payment period for a negotiated contract or agreement between a vendor and a municipality which requires an audit by the municipality before acceptance and payment of the vendor's invoice shall not be begun until the completion of the audit by the municipality.*

(b) *The rate of interest calculated and paid by the municipality on the outstanding balance of the obligation not paid*

*according to the terms of the contract or during the standard payment period shall be 1-1/2 percent per month or part of a month.*

*(c) No interest penalties may accrue against a purchaser who delays payment of a vendor obligation due to a good faith dispute with the vendor regarding the fitness of the product or service, contract compliance or any defect, error, or omission related thereto. If such delay undertaken by the municipality is not in good faith, the vendor may recover costs and attorney's fees.*

*(d) The minimum monthly interest penalty payment that a municipality shall calculate and pay a vendor for the unpaid balance for any one overdue bill of \$100 or more is \$10. For unpaid balances of less than \$100, the municipality shall calculate and pay the actual interest penalty due the vendor.*

*Subd. 5. [APPLICABILITY.] This section applies to all goods, leases and rents, and contracts for services, construction, repair, and remodeling. Purchases from or contracts for service with a public utility as defined in section 216B.02 or a telephone company as defined in section 237.01 that has on file with the public utilities commission an approved practice regarding late fees are not subject to this section.*

**Sec. 5. [EFFECTIVE DATE.]**

*Section 2 is effective for purchases and contracts entered into on or after January 1, 1986."*

Delete the title and insert:

*"A bill for an act relating to local and state government; requiring prompt payment of local government bills; amending Minnesota Statutes 1984, section 16A.124, subdivisions 1, 5, and 8; proposing coding for new law in Minnesota Statutes, chapter 471."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 234, 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.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 245, A bill for an act relating to crimes; clarifying elements of the crime of depriving another of custodial or parental rights; amending Minnesota Statutes 1984, section 609.26, subdivisions 1 and 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 609.26, subdivision 1, is amended to read:

Subdivision 1. [PROHIBITED ACTS.] Whoever intentionally does any of the following acts may be charged with a felony and, upon conviction, may be sentenced as provided in subdivision 6:

(1) conceals a minor child from the child's parent (OR OTHER PERSON HAVING THE RIGHT TO VISITATION OR CUSTODY,) where the action manifests an intent substantially to deprive that parent (OR OTHER PERSON) of (HIS) parental rights (TO VISITATION OR CUSTODY) or conceals a minor child from another person having the right to visitation or custody where the action manifests an intent to substantially deprive that person of rights to visitation or custody;

(2) takes, obtains, retains, or fails to return a minor child in violation of a court order which has transferred legal custody under chapter 260 to the commissioner of human services, a child placing agency, or the county welfare board;

(3) takes, obtains, retains, or fails to return a minor child from or to the parent (OR OTHER PERSON HAVING THE RIGHT TO VISITATION OR CUSTODY UNDER A COURT ORDER), where the action manifests an intent substantially to deprive that parent (OR OTHER PERSON HAVING THE RIGHT TO VISITATION OR CUSTODY) of (HIS) rights to visitation or custody; or

(4) takes, obtains, retains, or fails to return a minor child from or to a parent (OR OTHER PERSON HAVING THE RIGHT TO VISITATION OR CUSTODY) after commencement of an action relating to child visitation or custody but prior to

the issuance of an order determining custody or visitation rights, where the action manifests an intent substantially to deprive that parent (OR OTHER PERSON HAVING THE RIGHT TO VISITATION OR CUSTODY OF HIS RIGHTS TO VISITATION OR CUSTODY) of *parental rights*.

Sec. 2. Minnesota Statutes 1984, section 609.26, subdivision 2, is amended to read:

Subd. 2. [DEFENSES.] No person violates subdivision 1 if the action:

(1) is taken to protect the child (OR THE PERSON TAKING THE ACTION) from physical (OR EMOTIONAL HARM) or sexual assault or *substantial emotional harm*;

(2) *is taken to protect the person taking the action from physical or sexual assault*;

(3) is consented to by the parent, stepparent, or legal custodian seeking prosecution; or

((3)) (4) is otherwise authorized by a court order *issued prior to the violation of subdivision 1*.

The defenses provided in this subdivision are in addition to and do not limit other defenses available under this chapter or chapter 611.

Sec. 3. [EFFECTIVE DATE.]

*Sections 1 and 2 are effective August 1, 1985, and apply to crimes committed on or after that date."*

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 264, A bill for an act relating to crimes; imposing criminal liability on persons who cause the death of another by permitting an animal, known to have caused prior bodily harm, to be unconfined or improperly confined; imposing a penalty; proposing coding for new law in Minnesota Statutes, chapter 609.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

**"Section 1. [346.50] [DOGS; IDENTIFICATION.]**

*If a dog owner permits a dog to run uncontrolled off the owner's premises, the owner shall have each dog identified in one of the following ways:*

*(1) by a device, tag, or plate attached to the dog by a collar, harness, or device giving the name, address, and telephone number of the current owner;*

*(2) by an electronically activated identification device within or attached to the body of the dog through which the owner can be promptly identified;*

*(3) by a number legibly tattooed on the thigh or abdomen of the dog through which the owner can be promptly identified using information from official dog registries, city or county registries, or veterinary hospital registries;*

*(4) by an official license tag of a city or county through which the owner can be promptly identified; or*

*(5) by a current rabies vaccination tag or other identification device of a city, a county, or a veterinarian through which the owner can be promptly identified.*

**Sec. 2. [346.51] [BITES.]**

*An owner of a dog which does not have an appropriate anti-rabies vaccination and which bites or otherwise potentially exposes a person to rabies virus is in violation of section 4 of this act.*

**Sec. 3. [346.52] [LOCAL PROGRAMS.]**

*Sections 1 to 6 do not prohibit or restrict a local governmental unit from imposing an identification or rabies control program with more restrictive provisions.*

**Sec. 4. [346.53] [PENALTIES.]**

*Violation of sections 1 and 2 is a petty misdemeanor.*

**Sec. 5. [346.54] [NOTIFICATION OF OWNERS.]**

*Animal shelter personnel, peace officers, animal control officers, research facility personnel, veterinarians, groomers, pet shop personnel, and any other people who receive animals must check for identification on each dog or cat, identify the last*



*owner by the identification whenever possible, and notify that owner of the location of the dog or cat by the most expedient means.*

**Sec. 6. [346.55] [ENFORCEMENT.]**

*It is the duty of all local police officers, animal control officers, conservation enforcement officers, and health officers, as appropriate, to enforce sections 1 to 6.*

**Sec. 7. Minnesota Statutes 1984, section 609.205, is amended to read:**

**609.205 [MANSLAUGHTER IN THE SECOND DEGREE.]**

Whoever causes the death of another by any of the following means is guilty of manslaughter in the second degree and may be sentenced to imprisonment for not more than seven years or to payment of a fine of not more than \$14,000, or both:

(1) By his culpable negligence whereby he creates an unreasonable risk, and consciously takes chances of causing death or great bodily harm to another; or

(2) By shooting another with a firearm or other dangerous weapon as a result of negligently believing him to be a deer or other animal; or

(3) By setting a spring gun, pit fall, deadfall, snare, or other like dangerous weapon or device; or

(4) By negligently or intentionally permitting any animal, known by him to have (VICIOUS PROPENSITIES) caused great bodily harm in the past, to go at large, or negligently failing to keep it properly confined, and the victim was not at fault.

**Sec. 8. [609.206] [MANSLAUGHTER IN THE THIRD DEGREE.]**

*Whoever causes the death of another by negligently or intentionally permitting any animal, known by him to have caused substantial bodily harm in the past, to go at large, or negligently failing to keep it properly confined, and the victim was not at fault, is guilty of manslaughter 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 \$10,000, or both.*

*As used in this section, "substantial bodily harm" has the meaning given it in section 609.02, subdivision 7a, and includes bodily injury which involves a temporary but substantial cut or bruise.*

## Sec. 9. [609.226] [HARM CAUSED BY AN ANIMAL.]

*Whoever causes substantial bodily harm to another by negligently or intentionally permitting any animal to go at large, or negligently failing to keep it properly confined, and the victim was not at fault, is guilty of a gross misdemeanor.*

*As used in this section, "substantial bodily harm" has the meaning given it in section 8.*

## Sec. 10. [609.227] [DANGEROUS ANIMALS DESTROYED.]

*When a person has been convicted of an offense under sections 8, 9, or 609.205, clause (4), the court shall order that the animal which caused the death or injury be seized by the appropriate local law enforcement agency and destroyed in a proper and humane manner. The owner of the animal shall pay the cost of destroying the animal. This section shall not preempt local ordinances with more restrictive provisions.*

## Sec. 11. [EFFECTIVE DATE.]

*Sections 7 to 10 are effective August 1, 1985, and apply to crimes committed on or after that date."*

Delete the title and insert:

"A bill for an act relating to animals; providing for a rabies control program; imposing criminal liability on persons who cause the death or substantial bodily harm of another by permitting certain animals to be unconfined or improperly confined; providing for the destruction of dangerous animals; imposing penalties; amending Minnesota Statutes 1984, section 609.25; proposing coding for new law in Minnesota Statutes, chapters 346 and 609."

With the recommendation that when so amended the bill pass.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 285, A bill for an act relating to Washington county; providing for approval of condominium floor plans by the county surveyor; prescribing fees; amending Laws 1971, chapter 820, section 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 389.09, is amended to read:

**389.09 [APPROVAL OF PLATS AND SURVEYS AND CONDOMINIUM FLOOR PLANS IN CERTAIN COUNTIES.]**

*Subdivision 1. [PLATS AND SURVEYS IN CERTAIN COUNTIES.]* In any county in which there is a county surveyor and the surveyor maintains an office on a full time basis in a building maintained by the county for county purposes, the county board may by ordinance adopted in accordance with section 375.51 require that each subdivision plat or registered land survey plat shall be approved by the county surveyor before recording. The proprietor of the plat shall be charged a fee for the service in accordance with a schedule established by the board of commissioners of the county.

*Subd. 2. [CONDOMINIUM FLOOR PLANS.]* A county board may by ordinance adopted in accordance with section 375.51, require that each condominium floor plan submitted for recordation after July 31, 1985, be approved by the county surveyor or other licensed surveyor hired for this purpose by the county for compliance with section 515A.2-110, before recording. The process of approving the floor plans must be conducted in an expeditious manner so as not to unduly delay the recording of the floor plans. The proprietor of the condominium floor plan may be charged a fee for the service in accordance with a schedule established by resolution passed by the governing body of the county.”

Delete the title and insert:

“A bill for an act relating to real property; allowing counties to require that condominium floor plans be approved by county surveyor before recording; amending Minnesota Statutes 1984, section 389.09.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson, D., from the Committee on Transportation to which was referred:

H. F. No. 323, A bill for an act relating to taxation; providing for an annual compressed natural gas user permit; establishing compressed natural gas user permit fees in lieu of gas taxes; amending Minnesota Statutes 1984, sections 296.01, by adding a

subdivision; 296.02, subdivision 1a; and 296.025, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 296.

Reported the same back with the following amendments:

Page 2, delete line 19, and insert "*compressed natural gas user permits shall be based on each vehicle's mileage in the preceding year and are as follows:*"

Page 2, line 22, delete "\$60" and insert "\$9 per 1,000 miles"

Page 2, line 23, delete "\$80" and insert "\$16 per 1,000 miles"

Page 2, line 24, delete "\$100" and insert "\$23 per 1,000 miles"

Page 2, line 25, delete "\$150" and insert "\$27 per 1,000 miles"

Page 2, line 26, delete "\$300" and insert "\$34 per 1,000 miles"

Page 2, after line 27, insert:

*"The maximum fee for an annual compressed natural gas user permit for vehicles in all gross vehicle weight classes shall not exceed the fee to be charged for 22,000 miles of actual miles driven. If no true cumulative mileage figures are available for the preceding year, the fee charged under this section shall be based on 15,000 miles driven."*

Page 3, line 5, delete "and"

Page 3, after line 5, insert:

*"(3) the true cumulative mileage registered on the odometer; and"*

Page 3, line 6, delete "(3)" and insert "(4)"

Page 4, line 6, after "*installation,*" insert "*the true cumulative mileage registered on the odometer,*"

Page 4, after line 17, insert:

"Sec. 5. [296.027] [PENALTY.]

*Any person who provides false information, including but not limited to false odometer readings, or who otherwise fails to comply with section 4, subdivisions 3 and 6, is guilty of a misdemeanor.*

**Sec. 6. [REPORT TO THE LEGISLATURE.]**

*The commissioner of public safety, in cooperation with the commissioner of revenue, the commissioner of transportation, and the director of the department of public service, shall report to the legislature by October 1, 1988, on the number of annual compressed natural gas user permits issued; the impact of fees collected under section 4 on the highway user tax distribution fund; the percentages of usage of compressed natural gas and gasoline by vehicles utilizing both fuels; the impact of consumption of compressed natural gas on natural gas rates charged by regulated public utilities; and the costs to utilities of expenses incurred for equipment and marketing compressed natural gas as a motor vehicle fuel.*

**Sec. 7. [EFFECTIVE DATE.]**

*Sections 1 to 6 are effective October 1, 1985."*

Amend the title as follows:

Page 1, line 5, after the semicolon insert "providing for a report to the legislature; providing a penalty;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 360, A bill for an act relating to retirement; changing the method for computing benefits for members of the Buhl police relief association; amending Laws 1984, chapter 574, section 18.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Fjoslien from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 379, A bill for an act relating to elections; qualifying certain persons to be election judges; amending Minnesota Statutes 1984, section 204B.19, subdivision 2.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Carlson, D., from the Committee on Transportation to which was referred:

H. F. No. 409, A bill for an act relating to transportation; restricting mowing of highway ditches outside of cities; proposing coding for new law in Minnesota Statutes, chapter 160.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 160.02, is amended by adding a subdivision to read:

*Subd. 14. [NOXIOUS WEEDS.] "Noxious weeds" has the meaning given in section 18.171, subdivision 5.*

Sec. 2. [160.232] [MOWING DITCHES OUTSIDE CITIES.]

*Road authorities may not mow the right-of-way of a highway located outside of a home rule charter or statutory city except as allowed in this section and section 160.23.*

*(a) On any highway, the first eight feet away from the road surface, or shoulder if one exists, may be mowed at any time.*

*(b) An entire right-of-way may be mowed after July 31. From August 31 to the following July 31, the entire right-of-way may only be mowed if necessary for safety reasons, and may not be mowed to a height of less than 12 inches.*

*(c) A right-of-way may be mowed as necessary to maintain sight distance for safety and may be mowed at other times under policies of the commissioner, or by resolution of a local road authority.*

Sec. 3. [EFFECTIVE DATE.]

*This act is effective the day after final enactment."*

Delete the title and insert:

"A bill for an act relating to transportation; restricting mowing of highway rights-of-way outside of cities; amending Minnesota Statutes 1984, section 160.02, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 160."

With the recommendation that when so amended the bill pass.

The report was adopted.

Onnen from the Committee on Health and Human Services to which was referred:

H. F. No. 455, A bill for an act relating to human services; establishing a program in the department of economic security to distribute grants to centers that provide independent living services; appropriating money; amending Minnesota Statutes 1984, section 129A.01; proposing coding for new law in Minnesota Statutes, chapter 129A.

Reported the same back with the following amendments:

Page 4, delete lines 8 to 14

Amend the title as follows:

Page 1, line 5, 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.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 490, A bill for an act relating to state government; regulating mandates to local units of government; proposing coding for new law as Minnesota Statutes, chapter 256F.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [3.981] [DEFINITIONS.]

*Subdivision 1. [SCOPE.] The terms used in sections 1 to 4 have the meanings given them in this section.*

*Subd. 2. [COSTS MANDATED BY THE STATE.] "Costs mandated by the state" means increased costs that a local agency or a school district is required to incur as a result of:*

*(a) a law enacted after June 30, 1985, which mandates a new program or an increased level of service of an existing program;*

*(b) an executive order issued after June 30, 1985, which mandates a new program;*

(c) an executive order issued after June 30, 1985, which implements or interprets a state statute and, by this implementation or interpretation, increases program levels above the levels required prior to July 1, 1985;

(d) a statute enacted after June 30, 1985, or executive order issued after June 30, 1985, which implements or interprets a federal statute or regulation and, by this implementation or interpretation, increases program or service levels above the levels required by this federal statute or regulation;

(e) a statute enacted after June 30, 1985, or executive order issued after June 30, 1985, which implements or interprets a statute or amendment adopted or enacted pursuant to the approval of a statewide ballot measure by the voters and, by this implementation or interpretation, increases program or service levels above the levels required by the ballot measure;

(f) a statute enacted after June 30, 1985, or executive order issued after June 30, 1985, which removes an option previously available to local agencies and thus increases program or service levels or prohibits a specific activity and so forces local agencies to use a more costly alternative to provide a mandated program or service;

(g) a statute enacted after June 30, 1985, or executive order issued after June 30, 1985, which requires that an existing program or service be provided in a shorter time period and thus increases the cost of the program or service;

(h) a statute enacted after June 30, 1985, or executive order issued after June 30, 1985, which adds new requirements to an existing optional program or service and thus increases the cost of the program or service as the local agencies have no reasonable alternatives other than to continue the optional program;

(i) a statute enacted after June 30, 1985, or executive order issued after June 30, 1985, which creates new revenue losses stemming from new property or sales and use tax exemptions; or

(j) a statute enacted after June 30, 1985, or executive order issued after June 30, 1985, which requires costs previously incurred at local option that have subsequently been mandated by the state.

Subd. 3. [EXECUTIVE ORDER.] "Executive order" means an order, plan, requirement, or rule issued by the governor, an official serving at the pleasure of the governor, or an agency, department, board, or commission of state government. "Executive order" does not include an order, plan, requirement, or rule issued by a regional water quality control board.



**Subd. 4. [LOCAL AGENCY.]** *“Local agency” means a home rule charter or statutory city, county, town, or special district.*

**Subd. 5. [MANDATE.]** *“A mandate” means a requirement which applies to a local agency or school district and which, if not complied with, results in civil liability, criminal penalty, substantial economic sanction such as loss of funding, or severe administrative sanctions such as closure or nonlicensure of a facility or program. “To mandate” means to impose such a requirement.*

**Subd. 6. [REQUIRING AN INCREASED LEVEL OF SERVICE.]** *“Requiring an increased level of service” means requiring that an existing service be provided in a shorter time.*

**Subd. 7. [RULE.]** *“Rule” means a rule, order, or standard of general application adopted by a state agency to implement, interpret, or make specific the law it enforces or administers or to govern its procedure. “Rule” includes an amendment to a rule. “Rule” does not include rules that relate only to the internal management of a state agency.*

**Subd. 8. [SAVINGS.]** *“Savings” includes budget reductions and the freeing of staff or resources to be reassigned to a local agency’s or school district’s other areas of concern.*

**Subd. 9. [SCHOOL DISTRICT.]** *“School district” includes school districts, community college districts, and county superintendents of schools.*

**Sec. 2. [3.982] [FISCAL NOTES FOR STATE-MANDATED ACTIONS.]**

*When the state proposes to mandate that a local agency or school district take an action, and when reasonable compliance with that action would force the local agency or school district to incur costs mandated by the state, a fiscal note shall be prepared as provided in section 3.98, subdivision 2 prior to the final action necessary to impose the mandate. The fiscal note shall be available to the public before final action on the mandate is taken.*

*When the proposed mandate is initiated by the legislature, the chairman of the standing committee to which the bill proposing the mandate is referred shall request the appropriate agency or department of state government to prepare the fiscal note prior to the time that the bill is heard in the committee. When the proposed mandate is to be issued in an executive order, the governor or appropriate agency head assigned by the governor shall prepare the fiscal note and make it available to the public.*

## Sec. 3. [3.983] [EXCEPTIONS TO FISCAL NOTES.]

*Subdivision 1. [COSTS RESULTING FROM INFLATION.] A fiscal note need not be prepared for increases in the costs of providing an existing service if the increases result directly from inflation. "Resulting directly from inflation" means attributable to maintaining an existing level of service rather than increasing the level of service. A cost-of-living increase in welfare benefits is an example of a cost resulting directly from inflation.*

*Subd. 2. [COSTS NOT THE RESULT OF NEW PROGRAM OR INCREASE IN SERVICE.] A fiscal note need not be prepared for increased local costs that do not result from a new program or an increased level of service.*

*Subd. 3. [MISCELLANEOUS EXCEPTIONS.] A fiscal note need not be prepared for the cost of a mandated action if the law containing the mandate:*

- (a) accommodates a specific local request;*
- (b) results in no new local government duties;*
- (c) leads to revenue losses from exemptions to taxes other than sales, use, or property taxes;*
- (d) provides only clarifying or conforming nonsubstantive changes on local government;*
- (e) imposes additional net local costs which are minor (less than \$200 for any single local government if the mandate does not apply statewide or less than one-tenth of a mill times the entire value of taxable property in the state if the mandate is statewide) and do not cause a financial burden on local government;*
- (f) is a legislative mandate or executive order enacted prior to July 1, 1985, or a regulation initially implementing legislation enacted prior to July 1, 1985;*
- (g) implements something other than a state statute or executive order, such as a federal, court, or voter-approved mandate;*
- (h) appears in rules that are permissive or discretionary in nature;*
- (i) defines a new crime or redefines an existing crime or infraction;*
- (j) provides, or falls within the purview of existing, revenue sources or other financing mechanisms;*

(k) *results in savings that equal or exceed costs; or*

(l) *appears in emergency rules.*

Sec. 4. Minnesota Statutes 1984, section 14.131, is amended to read:

14.131 [STATEMENT OF NEED AND REASONABLENESS.]

Before the agency orders the publication of a rulemaking notice required by section 14.14, subdivision 1a, the agency must prepare, review, and make available for public review a statement of the need for and reasonableness of the rule *and a fiscal note if required by section 2*. The statement of need and reasonableness must be prepared under rules adopted by the chief administrative law judge."

Delete the title and insert:

"A bill for an act relating to state government; regulating mandates to local units of government; amending Minnesota Statutes 1984, section 14.131; proposing coding for new law in Minnesota Statutes, chapter 3."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 514, A bill for an act relating to criminal justice; clarifying the procedure for making certain claims against the state; placing restrictions on places where work in restitution or community service may be performed; amending Minnesota Statutes 1984, sections 3.739, subdivisions 2 and 2a; and 609.135, subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Fjoslien from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 576, A bill for an act relating to local government; setting authority to regulate firearms and related matters; amending Minnesota Statutes 1984, sections 624.7132, subdivision 16; and 624.717; proposing coding for new law in Minnesota Statutes, chapter 471; repealing Minnesota Statutes 1984, section 624.718.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Fjoslien from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 599, A bill for an act relating to veterans; requiring the commissioner of veterans affairs to provide certain grave markers; appropriating money; amending Minnesota Statutes 1984, section 197.23.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 611, 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.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [REFUND OF EXCESS CONTRIBUTIONS.]

*Any employee of the St. Paul bureau of health who exercised an option granted to employees by Laws 1973, chapter 767, section 4, to retire with benefits calculated under Minnesota Statutes 1976, chapter 425, as modified by Laws 1969, chapter 1102, and who retired under the provisions of that bureau of health plan shall receive from the public employees retirement association a refund of excess employee contributions from September*

1973 until the date of retirement plus interest as provided in Minnesota Statutes, section 353.34, subdivision 2. Excess employee contributions are the employee contributions paid on salary in excess of the monthly \$888 salary of a health sanitarian on January 1, 1969.

*The public employees retirement association may pay the refunds of the excess employee contributions without application from the bureau of health retirees. Payment should be made within three months of the effective date of this act.*

Sec. 2. [EFFECTIVE DATE.]

*This act is effective July 1, 1985."*

Delete the title and insert:

"A bill for an act relating to retirement; refunding excess employee contributions to retired St. Paul health bureau employees."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 619, A bill for an act relating to education; Minnesota Education Computing Corporation; removing some limits on its powers; amending Minnesota Statutes 1984, sections 119.04, subdivision 2; and 119.05, subdivision 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 623, A bill for an act relating to wild animals; altering certain provisions regarding taking and possession, and penalties related thereto; amending Minnesota Statutes 1984, sections 97.55, subdivision 4; 98.46, subdivision 5; 98.52, by adding subdivisions; and 100.29, subdivision 8.

Reported the same back with the following amendments:

Page 3, delete section 5

Renumber the remaining section

Page 3, line 28, delete everything after "*enactment.*"

Amend the title as follows:

Page 1, line 5, after the second semicolon insert "and"

Page 1, line 6, delete "; and 100.29, subdivision 8"

With the recommendation that when so amended the bill pass.

The report was adopted.

Fjoslien from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 634, A bill for an act relating to elections; limiting the number of registration applicants for whom a person may vouch; amending Minnesota Statutes 1984, section 201.061, subdivision 3.

Reported the same back with the following amendments:

Page 1, lines 24 and 25, delete "*one voter*" and insert "*two voters*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Fjoslien from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 677, A bill for an act relating to towns; authorizing the conduct of town business at places located outside the town; amending Minnesota Statutes 1984, sections 365.51 and 365.52; proposing coding for new law in Minnesota Statutes, chapter 365.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 204B.16, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY; LOCATION.] The governing body of each municipality and of each county with precincts in unorganized territory shall designate by ordinance or resolution a polling place for each election precinct. The polling place for a precinct in a municipality shall be located within the boundaries of the precinct or within 1500 feet of one of those boundaries unless a single polling place is designated for a city pursuant to subdivision 2. The polling place for a precinct may be located up to 3,000 feet outside one of the boundaries of the precinct if necessary to locate a polling place that is accessible to and usable by elderly and handicapped individuals as required in subdivision 5. The polling place for a precinct in unorganized territory may be located outside the precinct at a place which is convenient to the voters of the precinct. *If no suitable place is available within the town, then the polling place for a town may be located outside the town within five miles of one of the boundaries of the town.*

Sec. 2. Minnesota Statutes 1984, section 365.51, is amended to read:

365.51 [ANNUAL TOWN MEETING; PRECINCTS; POLLING PLACES.]

There shall be an annual town meeting held in each town on the second Tuesday of March at the place designated by the annual town meeting, and if no designation is so made then at the place designated by the town board. *The place designated may be located outside the town within five miles of one boundary of the town.* In the event of inclement weather the meeting shall be held on another March day designated by the board. The clerk shall give ten days' published notice specifying time and place in a qualified newspaper having general circulation within the town, or by posted notice, as the town board shall direct unless the voters at the annual town meeting direct otherwise. All town officers required by law to be elected shall be chosen thereat, and other business done as is by law required or permitted. The town board may, with respect to an election by ballot at the annual town meeting for the purpose of selecting town officers or of determining any matter of town business, provide for the casting of ballots in precincts and at polling places. Precincts and polling places shall be designated by the town board in the manner prescribed by sections 204B.14 and 204B.16.

Sec. 3. [EFFECTIVE DATE.]

*Sections 1 and 2 are effective the day after final enactment."*

Amend the title as follows:

Page 1, line 3, after "business" insert "and elections"

Page 1, line 4, delete everything after "sections" and insert "204B.16, subdivision 1; and 365.51."

Page 1, delete lines 5 and 6

With the recommendation that when so amended the bill pass.

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

H. F. No. 694, A bill for an act relating to natural resources; grants and loans for certain dam reconstruction and repair projects; amending Laws 1979, chapter 300, section 4, subdivisions 2, as amended, 3, and 4.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 708, A bill for an act relating to animals; changing certain duties and powers of the board of animal health; increasing certain penalties; amending Minnesota Statutes 1984, sections 35.03; 35.05; and 35.069.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 719, A bill for an act relating to agriculture; increasing the number of deputy commissioners of agriculture; establishing a trade office; appropriating money; amending Minnesota Statutes 1984, section 17.01; proposing coding for new law in Minnesota Statutes, chapter 17.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:



“Section 1. [13.76] [MINNESOTA TRADE OFFICE DATA.]

*If the data are received or prepared to develop trade or investments, the following data maintained by the Minnesota trade office are private data on individuals or nonpublic data:*

- (1) *business and individual financial information;*
- (2) *price lists;*
- (3) *marketing plans;*
- (4) *customer lists;*
- (5) *sales lists; and*
- (6) *data on competitive products.*

Sec. 2. Minnesota Statutes 1984, section 17.01, is amended to read:

17.01 [CREATION OF DEPARTMENT; COMMISSIONER; (DEPUTY) DEPUTIES.]

There is created a department of agriculture, which shall be in the charge of a commissioner of agriculture, in this chapter called the commissioner. He shall be appointed by the governor under the provisions of section 15.06. Before entering upon the duties of his office, he shall take the oath required of state officials. He may appoint (A) *two* deputy (COMMISSIONER) *commissioners.*

Sec. 3. [17.108] [MINNESOTA TRADE OFFICE.]

*Subdivision 1. [ESTABLISHMENT.] The Minnesota trade office is established in the department of agriculture to promote, develop, and facilitate international and domestic trade and foreign investment in Minnesota. The commissioner shall appoint a deputy commissioner to direct the Minnesota trade office. The deputy commissioner shall organize the office and employ persons in the unclassified service necessary to perform the duties of the office.*

*Subd. 2. [DUTIES.] The deputy commissioner shall:*

- (1) *locate, develop, and promote markets for Minnesota products and services;*
- (2) *arrange and lead trade missions to countries with potential international markets for Minnesota goods, technology, services, and agricultural products;*

(3) *promote Minnesota products and services at national and international trade shows;*

(4) *host foreign trade delegations and assist foreign traders in contacting appropriate Minnesota businesses and investments;*

(5) *develop contacts with Minnesota businesses and gather and provide information to assist the businesses to locate and communicate with foreign trading or joint venture counterparts;*

(6) *inform, educate, and counsel Minnesota businesses about the economic, commercial, legal, and cultural contexts of international trade;*

(7) *provide Minnesota businesses with leads and information about the availability and sources of services relating to international trade, such as export financing, licensing, freight forwarding, international advertising, translation, and custom-brokering;*

(8) *locate, attract, and promote foreign investment and business development in Minnesota to enhance employment opportunities in Minnesota;*

(9) *provide foreign businesses and investors desiring to locate facilities in Minnesota with information regarding sources of governmental, legal, real estate, financial, and business services;*

(10) *enter into contracts and arrangements with agents or representatives abroad to promote international trade and attract investment from foreign countries to Minnesota; and*

(11) *perform other activities that will promote international trade.*

*Subd. 3. [PROMOTIONAL EXPENDITURES.] Expenditures of the Minnesota trade office for food, lodging, and travel to promote and develop international trade are exempt from the travel rules of the commissioner of employee relations to the extent those expenditures are approved by the commissioner as necessary and reasonable.*

*Subd. 4. [PUBLICATIONS AND SEMINARS.] (a) The commissioner may sponsor and conduct seminars and may produce, publish, and disseminate reports, publications, and advertisements or other forms of information relating to the promotion of Minnesota in international trade and the attraction of foreign investment. The commissioner may enter into contracts or agreements with other governmental agencies and private parties for the production, publication, and dissemination of these promotional materials and seminars. The contracts and*

*agreements under this subdivision are not subject to the requirements of chapter 16B if the commissioner determines that special needs or circumstances exist.*

*(b) The commissioner may prescribe a schedule of fees for the promotional materials, seminars, and missions according to section 16A.128. The commissioner may consider the distribution objectives of the Minnesota trade office and the cost of furnishing the materials or services in prescribing the fees.*

*(c) Minnesota trade office publications may contain advertising, and the Minnesota trade office may receive advertising revenue from public and private advertisers. The commissioner shall set advertising rates and fees commensurate with services rendered and distribution objectives. The rate may not generate revenues greater than the cost of preparation, printing, and distribution of the publications.*

*(d) The fees for publications, seminars, and advertising are exempt from the rulemaking requirements of chapter 14.*

*(e) All fees for promotional materials, seminars, and advertising must be deposited in the state treasury and credited to the promotional fund under subdivision 5.*

*Subd. 5. [PROMOTIONAL FUND.] The Minnesota trade office fund is established as an account in the state treasury. The commissioner may request, accept, and spend money for the promotion of international trade and foreign investments under section 2. Money received by the commissioner under this subdivision and subdivision 4 must be deposited in the state treasury and credited to the Minnesota trade office fund. Money in the fund including interest earned is annually appropriated to the commissioner for the purposes that the money has been received. The appropriation does not cancel and is available until expended."*

Amend the title as follows:

Page 1, line 6, delete "chapter" and insert "chapters 13 and"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 729, A bill for an act relating to retirement; providing for an increased redemption benefit option for participants

in the Hennepin county supplemental retirement program; allowing withdrawal from the program; amending Laws 1969, chapter 950, sections 1, subdivision 1, as amended; and 4, as amended; and Laws 1983, chapter 100, section 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 766, A bill for an act relating to crimes; requiring confinement of certain convicted defendants pending imposition of sentence; proposing coding for new law in Minnesota Statutes, chapter 629.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [629.73] [CONFINEMENT PENDING SENTENCING OF CERTAIN CONVICTED DEFENDANTS.]

*When a defendant is convicted of and is awaiting sentence for murder in the first degree or any crime in severity levels VII to X of the sentencing guidelines, the court shall presume that the defendant poses a danger to other persons or to the community under Rule 27.01 of the Rules of Criminal Procedure. The court shall order confinement of the defendant pending sentencing unless the court makes a written finding that the defendant will not flee and does not pose a danger to other persons or to the community. The burden of establishing that the defendant will not flee and will not be a danger to other persons or to the community rests with the defendant.*

Sec. 2. [EFFECTIVE DATE.]

*Section 1 is effective the day following final enactment.”*

Amend the title as follows:

Page 1, line 2, delete “requiring” and insert “creating a presumption in favor of the”

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson, D., from the Committee on Transportation to which was referred:

H. F. No. 796, A bill for an act relating to Ramsey county; exempting county highways from seasonal load restrictions unless posted by the county authority; proposing coding for new law in Minnesota Statutes, chapter 383A.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 800, A bill for an act relating to crimes; making certain trespasses and assaults a gross misdemeanor; providing for the admissibility of certain evidence in domestic abuse prosecutions; amending Minnesota Statutes 1984, sections 609.224 and 609.605; proposing coding for new law in Minnesota Statutes, chapter 634.

Reported the same back with the following amendments:

Page 3, line 8, after the headnote insert "(a)"

Page 3, line 10, after "3," insert "*or of a facility providing transitional housing for battered women and their children,*"

Page 3, after line 14, insert:

*"(b) Whoever occupies or enters a facility providing emergency shelter services for battered women, as defined under section 611A.31, subdivision 3, or a facility providing transitional housing for battered women and their children, without claim of right or consent of one who has the right to give consent, is guilty of a gross misdemeanor."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Fjoslien from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 815, A bill for an act relating to elections; authorizing absentee voting by electronic voting system; amending Minnesota Statutes 1984, section 203B.08, subdivision 1a.

Reported the same back with the following amendments:

Page 1, after line 21, insert:

"Sec. 2. Minnesota Statutes 1984, section 206.84, subdivision 3, is amended to read:

Subd. 3. [BALLOTS.] The ballot information, whether placed on the ballot card or on the ballot booklet must, as far as practicable, be in the same order provided for paper ballots, except that the information may be in vertical or horizontal rows, or on a number of separate pages.

The pages of a partisan primary ballot booklet may be different colors or may otherwise differentiate between the parties. All pages of a party's primary ballot must be consecutive, without the insertion of pages from another party. Partisan primary ballot booklets must contain a prominent notice of the effect of attempting to vote in more than one party's primary. A separate ballot booklet may also be used for each party in a partisan primary.

Ballots for all questions must be provided in the same manner. Where ballot booklets are placed in a marking device, they shall be arranged on or in the marking device in the places provided. Ballot cards may contain special printed marks and holes as required for proper positioning and reading of the ballots by electronic vote counting equipment. Ballot cards must contain an identification of the precinct for which they have been prepared which can be read visually and which can be tabulated by the automatic tabulating equipment. *Ballot cards may be printed so that identifying numbers appear on the chad.*"

Amend the title as follows:

Page 1, line 3, after the semicolon insert "permitting identifying numbers on certain ballots;"

Page 1, line 4, delete "section" and insert "sections"

Page 1, line 4, before the period insert "; and 206.84, subdivision 3"

With the recommendation that when so amended the bill pass.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 831, A bill for an act relating to crimes; prescribing the powers of the governor and the commissioner of corrections

with respect to extradition under treaty; amending Minnesota Statutes 1984, section 243.515.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 839, A bill for an act relating to crimes; prohibiting escape from custody by certain mental patients; amending Minnesota Statutes 1984, section 609.485, subdivisions 2 and 4.

Reported the same back with the following amendments:

Page 1, line 22, after the period insert "*Notwithstanding section 609.17, no person may be charged with or convicted of an attempt to commit a violation of this paragraph.*"

Page 2, lines 3 to 5, delete the new language

Page 2, after line 6, insert:

*"(2) If the person who escapes is in lawful custody after a finding of not guilty by reason of mental illness or mental deficiency, to imprisonment for not more than one year and one day or to payment of a fine of not more than \$3,000, or both."*

Page 2, line 7, strike "(2)" and insert "(3)"

Page 2, line 10, strike "(3)" and insert "(4)"

Page 2, line 13, strike "(4)" and insert "(5)"

Page 2, line 13, after "escape" insert "*was a violation of subdivision 2, clause (1), (2), or (3) and*"

Page 2, line 15, strike "(2), and" and after "(3)" insert "*, and (4)*"

Page 2, line 16, strike "(5)" and insert "(6)"

With the recommendation that when so amended the bill pass.

The report was adopted.

Knickerbocker from the Committee on Governmental Operation to which was referred:

H. F. No. 847, A bill for an act relating to unemployment compensation; altering the public policy statement; changing the taxable wage base; defining credit week; providing for employer charging; increasing the eligibility requirement; eliminating certain tax rate limitations; changing the weekly benefit amount; capping the maximum weekly benefit; providing for the duration of benefits; increasing the duration of benefits for claimants in counties with high unemployment; providing for seasonal employees; making the waiting week nonreimbursable; amending the benefit offset for severance pay; increasing the period of time and earnings necessary for requalification after disqualification; changing the definition of suitable work; transferring duties to the office of administrative hearings; amending Minnesota Statutes 1984, sections 14.03, subdivision 2; 14.51; 14.53; 268.03; 268.04, subdivisions 25 and 29; 268.06, subdivisions 5, 8, 18, 19, and 20; 268.07, subdivisions 2 and 2a; 268.08, subdivisions 1 and 3; 268.09, subdivisions 1 and 2; 268.10, subdivisions 2, 3, 4, 5, 6, and 9; 268.12, subdivisions 8, 9, 10, and 13; and 268.18, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1984, section 268.04, subdivision 30.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

## “ARTICLE 1

### UNEMPLOYMENT COMPENSATION

Section 1. Minnesota Statutes 1984, section 268.03, is amended to read:

#### 268.03 [DECLARATION OF PUBLIC POLICY.]

As a guide to the interpretation and application of sections 268.03 to 268.24, the public policy of this state is declared to be as follows: Economic insecurity due to unemployment is a serious menace to the health, morals, and welfare of the people of this state. Involuntary unemployment is therefore a subject of general interest and concern which requires appropriate action by the legislature to prevent its spread and to lighten its burdens. This can be provided by encouraging employers to provide more stable employment and by the systematic accumulation of funds during periods of employment to provide benefits for periods of unemployment, thus maintaining purchasing power and limiting the serious social consequences of poor relief assistance. The legislature, therefore, declares that in its considered judgment the public good and the general welfare of the citizens



of this state will be promoted by providing, under the police powers of the state for the (COMPULSORY SETTING ASIDE OF UNEMPLOYMENT RESERVES TO BE USED FOR THE BENEFIT OF PERSONS UNEMPLOYED THROUGH NO FAULT OF THEIR OWN) *establishment of an unemployment insurance fund. The reserves of the unemployment insurance fund are to be used to provide a temporary replacement of a portion of lost wages to individuals with a permanent attachment to the work force, who become involuntarily unemployed through no fault of their own, and who are actively seeking, and are willing and available to accept, suitable reemployment.*

Sec. 2. Minnesota Statutes 1984, section 268.04, subdivision 25, is amended to read:

Subd. 25. [WAGES.] "Wages" means all remuneration for services, including commissions and bonuses, back pay as of the date of payment, and tips and gratuities paid to an employee by a customer of an employer and accounted for by the employee to the employer, and the cash value of all remuneration in any medium other than cash, except that such term shall not include:

(a) For the purpose of determining contributions payable under section 268.06, subdivision 2, that part of the remuneration which exceeds, for each calendar year, (THE GREATER OF \$7,000 OR THAT PART OF THE REMUNERATION WHICH EXCEEDS 60 PERCENT OF THE AVERAGE ANNUAL WAGE ROUNDED TO THE NEAREST \$100 COMPUTED IN ACCORDANCE WITH THE PROVISIONS OF CLAUSE (F)) *\$10,300 for the calendar year 1985; \$10,900 for the calendar year 1986; and \$11,400 for the calendar year 1987 and all calendar years thereafter*, paid to an individual by an employer with respect to covered employment in this state, or with respect to employment under the unemployment compensation law of any other state during any calendar year paid to such individual by such covered employer or his predecessor during such calendar year; provided, that if the term "wages" as contained in the Federal Unemployment Tax Act is amended to include remuneration in excess of the amount required to be paid hereunder to an individual by an employer under the federal act for any calendar year, wages for the purposes of sections 268.03 to 268.24 shall include remuneration paid in a calendar year up to an amount equal to the dollar limitation specified in the Federal Unemployment Tax Act. For the purposes of this clause, the term "employment" shall include service constituting employment under any employment security law of another state or of the federal government;

(b) The amount of any payment made to, or on behalf of, an employee under a plan or system established by an employer which makes provision for his employees generally or for a class or classes of his employees (including any amount paid by an employer for insurance or annuities, or into a fund, to provide

for any such payment), on account of (1) retirement or (2) sickness or accident disability or (3) medical and hospitalization expenses in connection with sickness or accident disability, or (4) death, provided the employee has not the option to receive, instead of provision for such death benefit, any part of such payment, or if such death benefit is insured, any part of the premium (or contributions to premiums) paid by his employer and has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive a cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer;

(c) The payment by an employer (without deduction from the remuneration of the employee) (1) of the tax imposed upon an employee under section 3101 of the federal Internal Revenue Code, or (2) of any payment required from an employee under a state unemployment compensation law, with respect to remuneration paid to an employee for domestic service in a private home of the employer or for agricultural labor;

(d) Any payments made to a former employee during the period of active military service in the armed forces of the United States by such employer, whether legally required or not;

(e) Any payment made to, or on behalf of, an employee or his beneficiary (1) from or to a trust described in section 401(a) of the federal Internal Revenue Code which is exempt from tax under section 501(a) of such code at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as an employee and not as a beneficiary of the trust, or (2) under or to an annuity plan which, at the time of such payment is a plan described in section 403(a) of the federal Internal Revenue Code, or (3) under or to a bond purchase plan which, at the time of such payment, is a qualified bond purchase plan described in section 405(a) of the federal Internal Revenue Code ( ; )

((F) ON OR BEFORE JULY 1 OF EACH YEAR THE COMMISSIONER SHALL DETERMINE THE AVERAGE ANNUAL WAGE PAID BY EMPLOYERS SUBJECT TO SECTIONS 268.03 TO 268.24 IN THE FOLLOWING MANNER :)

((1) THE SUM OF THE TOTAL MONTHLY EMPLOYMENT REPORTED FOR THE PREVIOUS CALENDAR YEAR SHALL BE DIVIDED BY 12 TO DETERMINE THE AVERAGE MONTHLY EMPLOYMENT;)

((2) THE SUM OF THE TOTAL WAGES REPORTED FOR THE PREVIOUS CALENDAR YEAR SHALL BE DIVIDED BY THE AVERAGE MONTHLY EMPLOYMENT TO DETERMINE THE AVERAGE ANNUAL WAGE.)

(THE AVERAGE ANNUAL WAGE DETERMINED SHALL BE EFFECTIVE FOR THE CALENDAR YEAR NEXT SUCCEEDING THE DETERMINATION).

Sec. 3. Minnesota Statutes 1984, section 268.04, subdivision 29, is amended to read:

Subd. 29. "Credit week" is any week for which wages or back pay, actually or constructively paid, wages overdue and delayed beyond the usual time of payment, and back pay by or from one or more employers to an employee for insured work equal or exceed 30 (PERCENT OF THE AVERAGE WEEKLY WAGE) *times the adult minimum wage in effect under section 177.24, subdivision 1, on December 31 of the year two years before the year in which the claim is made. The product shall be computed to the nearest whole dollar.* (ON OR BEFORE JUNE 30 OF EACH YEAR THE COMMISSIONER SHALL DETERMINE THE AVERAGE WEEKLY WAGE PAID BY EMPLOYERS SUBJECT TO SECTIONS 268.03 TO 268.24 IN THE FOLLOWING MANNER:)

((A) THE SUM OF THE TOTAL MONTHLY EMPLOYMENT REPORTED FOR THE PREVIOUS CALENDAR YEAR SHALL BE DIVIDED BY 12 TO DETERMINE THE AVERAGE MONTHLY EMPLOYMENT;)

((B) THE SUM OF THE TOTAL WAGES REPORTED FOR THE PREVIOUS CALENDAR YEAR SHALL BE DIVIDED BY THE AVERAGE MONTHLY EMPLOYMENT TO DETERMINE THE AVERAGE ANNUAL WAGE; AND)

((C) THE AVERAGE ANNUAL WAGE SHALL BE DIVIDED BY 52 TO DETERMINE THE AVERAGE WEEKLY WAGE.)

(THE AVERAGE WEEKLY WAGE AS SO DETERMINED COMPUTED TO THE NEAREST WHOLE DOLLAR SHALL APPLY TO CLAIMS FOR BENEFITS WHICH ESTABLISH A BENEFIT YEAR WHICH BEGINS SUBSEQUENT TO DECEMBER 31 OF THE YEAR OF THE COMPUTATION.)

Sec. 4. Minnesota Statutes 1984, section 268.06, subdivision 5, is amended to read:

Subd. 5. [BENEFITS CHARGED AS AND WHEN PAID.] Benefits paid to an individual pursuant to a valid claim shall be charged against the account of his employer as and when paid, except that benefits paid to an individual who earned base period wages for part-time employment shall not be charged to an employer that is liable for payments in lieu of contributions or to the experience rating account of an employer if the employer: (1) provided weekly base period part-time employment; (2) con-

tinues to provide weekly employment equal to at least 90 percent of the part-time employment provided in the base period; and (3) is an interested party because of the individual's loss of other employment.

*For the purpose of this subdivision, an employer is deemed to satisfy clause (2) if:*

*(a) the weekly employment in the base period was on an on call as needed basis; and*

*(b) the employer continues to employ the individual on the same basis and provides employment substantially equal to the employment provided in the base period.*

The amount of benefits so chargeable against each base period employer's account shall bear the same ratio to the total benefits paid to an individual as the base period wage credits of the individual earned from such employer bear to the total amount of base period wage credits of the individual earned from all his base period employers.

In making computations under this provision, the amount of wage credits if not a multiple of \$1, shall be computed to the nearest multiple of \$1.

Benefits shall not be charged to an employer that is liable for payments in lieu of contributions or to the experience rating account of an employer for unemployment that is directly caused by a major natural disaster declared by the president pursuant to section 102(2) of the Disaster Relief Act of 1974 (42 United States Code 5122(2)), if the unemployed individual would have been eligible for disaster unemployment assistance with respect to that unemployment but for the individual's receipt of unemployment insurance benefits.

Sec. 5. Minnesota Statutes 1984, section 268.06, subdivision 8, is amended to read:

Subd. 8. [DETERMINATION OF CONTRIBUTION RATES.] For each calendar year the commissioner shall determine the contribution rate of each employer by adding the minimum rate to the experience ratio (, EXCEPT THAT IF THE RATIO FOR THE CURRENT CALENDAR YEAR INCREASES OR DECREASES THE EXPERIENCE RATIO FOR THE PRECEDING CALENDAR YEAR BY MORE THAN ONE AND ONE-HALF PERCENTAGE POINTS FOR 1982; AND 2-1/2 PERCENTAGE POINTS FOR 1983 AND EACH YEAR THEREAFTER, THE INCREASE OR DECREASE FOR THE CURRENT YEAR SHALL BE LIMITED TO ONE AND ONE-HALF PERCENTAGE POINTS FOR 1982; AND 2-1/2 PERCENTAGE POINTS FOR 1983 AND

EACH YEAR THEREAFTER, PROVIDED THAT A SMALL BUSINESS EMPLOYER SHALL BE ELIGIBLE, UPON APPLICATION, FOR A REDUCTION IN THE LIMITATION TO 1-1/2 PERCENTAGE POINTS FOR 1983 AND EACH YEAR THEREAFTER. "SMALL BUSINESS EMPLOYER" FOR THE PURPOSE OF THIS SUBDIVISION MEANS AN EMPLOYER WITH AN ANNUAL COVERED PAYROLL OF \$250,000 OR LESS, OR FEWER THAN 20 EMPLOYEES IN THREE OF THE FOUR QUARTERS ENDING JUNE 30, OF THE PREVIOUS CALENDAR YEAR).

The minimum rate for all employers shall be one percent if the amount in the unemployment compensation fund is less than \$80,000,000 on June 30 of the preceding calendar year; or nine-tenths of one percent if the fund is more than \$80,000,000 but less than \$90,000,000; or eight-tenths of one percent if the fund is more than \$90,000,000 but less than \$110,000,000; or seven-tenths of one percent if the fund is more than \$110,000,000 but less than \$130,000,000; or six-tenths of one percent if the fund is more than \$130,000,000 but less than \$150,000,000; or five-tenths of one percent if the fund is more than \$150,000,000 but less than \$170,000,000; or three-tenths of one percent if the fund is more than \$170,000,000 but less than \$200,000,000; or one-tenth of one percent if the fund is \$200,000,000 or more; provided that no employer shall have a contribution rate of more than 7.5 percent.

For the purposes of this section the unemployment compensation fund shall not include any moneys advanced from the Federal Unemployment Account in the unemployment trust fund in accordance with Title XII of the Social Security Act, as amended. (NO EMPLOYER FIRST ASSIGNED AN EXPERIENCE RATIO IN ACCORDANCE WITH SUBDIVISION 6, SHALL HAVE HIS CONTRIBUTION RATE INCREASED OR DECREASED BY MORE THAN ONE AND ONE-HALF PERCENTAGE POINTS FOR 1982; AND 2-1/2 PERCENTAGE POINTS FOR 1983 AND EACH YEAR THEREAFTER OVER THE CONTRIBUTION RATE ASSIGNED FOR THE PRECEDING CALENDAR YEAR IN ACCORDANCE WITH SUBDIVISION 3A, PROVIDED THAT A SMALL BUSINESS EMPLOYER SHALL BE ELIGIBLE, UPON APPLICATION, FOR A REDUCTION IN THE LIMITATION TO 1-1/2 PERCENTAGE POINTS FOR 1983 AND EACH YEAR THEREAFTER.)

Sec. 6. Minnesota Statutes 1984, section 268.07, subdivision 2, is amended to read:

Subd. 2. [WEEKLY BENEFIT AMOUNT AND DURATION.] If the commissioner finds that an individual has earned (15) 20, or more, credit weeks within the base period of employment in insured work with one or more employers, benefits shall be payable to such individual during his benefit year as follows:

(1) Weekly benefit amount shall be equal to (60) *one* percent of the (FIRST \$85, 40 PERCENT OF THE NEXT \$85 AND 50 PERCENT OF THE REMAINDER OF THE AVERAGE WEEKLY WAGE OF SUCH INDIVIDUAL) *individual's total base period wage credits*. The amount so computed if not a whole dollar shall be rounded down to the next lower dollar amount. (THE MAXIMUM WEEKLY BENEFIT AMOUNT OF CLAIMS FOR BENEFITS WHICH ESTABLISH A BENEFIT YEAR SUBSEQUENT TO JULY 1, 1979 SHALL BE 66-2/3 PERCENT OF THE AVERAGE WEEKLY WAGE, EXCEPT AS PROVIDED IN CLAUSE (D).)

(ON OR BEFORE JUNE 30 OF EACH YEAR THE COMMISSIONER SHALL DETERMINE THE AVERAGE WEEKLY WAGE PAID BY EMPLOYERS SUBJECT TO SECTIONS 268.03 TO 268.24 IN THE FOLLOWING MANNER:)

((A) THE SUM OF THE TOTAL MONTHLY EMPLOYMENT REPORTED FOR THE PREVIOUS CALENDAR YEAR SHALL BE DIVIDED BY 12 TO DETERMINE THE AVERAGE MONTHLY EMPLOYMENT.)

((B) THE SUM OF THE TOTAL WAGES REPORTED FOR THE PREVIOUS CALENDAR YEAR SHALL BE DIVIDED BY THE AVERAGE MONTHLY EMPLOYMENT TO DETERMINE THE AVERAGE ANNUAL WAGE.)

((C) THE AVERAGE ANNUAL WAGE SHALL BE DIVIDED BY 52 TO DETERMINE THE AVERAGE WEEKLY WAGE.)

(THE MAXIMUM WEEKLY BENEFIT AMOUNT AS SO DETERMINED COMPUTED TO THE NEAREST WHOLE DOLLAR SHALL APPLY TO CLAIMS FOR BENEFITS WHICH ESTABLISH A BENEFIT YEAR WHICH BEGINS SUBSEQUENT TO JUNE 30 OF EACH YEAR.)

((D) THE MAXIMUM WEEKLY BENEFIT AMOUNT FOR CLAIMS FOR BENEFITS WHICH ESTABLISH A BENEFIT YEAR SUBSEQUENT TO JUNE 30, 1982, AND PRIOR TO JULY 1, 1983, SHALL BE \$184.)

(THE MAXIMUM WEEKLY BENEFIT AMOUNT FOR CLAIMS FOR BENEFITS WHICH ESTABLISH A BENEFIT YEAR SUBSEQUENT TO JUNE 30, 1983, AND PRIOR TO JULY 1, 1984, SHALL BE \$191.)

*The minimum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1985, shall be \$56.*

The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1984, and prior to July 1, 1985, shall be \$198.

*The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1985, and prior to July 1, 1986, shall be \$200.*

*The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1986, and prior to July 1, 1987, shall be \$208.*

*The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1987, shall be \$216.*

(2) An individual's maximum amount of regular benefits payable in a benefit year shall not exceed the lesser of (a) 26 times his weekly benefit amount or (b) (70)  $66\frac{2}{3}$  percent of the number of credit weeks earned by such an individual computed to the nearest whole week times his weekly benefit amount.

(3) Each eligible individual who is unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less that part of his earnings, including holiday pay, payable to him with respect to such week which is in excess of \$25 or \$200 for earnings from service in the national guard or a United States military reserve unit. Jury duty pay is not considered as earnings and shall not be deducted from benefits paid. Such benefit, if not a whole dollar amount shall be rounded down to the next lower dollar amount.

(4) The provisions of clauses (1) and (2) shall apply to claims for benefits which establish a benefit year subsequent to June 30, 1983.

Sec. 7. Minnesota Statutes 1984, section 268.07, subdivision 2a, is amended to read:

Subd. 2a. [(EXCEPTION) SEASONALITY EXCEPTIONS.] Notwithstanding the provisions of subdivision 2, the following seasonality exceptions shall apply:

(a) If the commissioner finds that an individual has earned credit weeks in seasonal employment, benefits shall be payable only if the commissioner finds that the individual has earned (15) 20 credit weeks in employment which is not seasonal, in addition to any credit weeks in seasonal employment. For the purposes of this (SUBDIVISION) clause, "seasonal employment" means employment with a single employer in the recreation or tourist industry which is available with the employer for (15) 20 consecutive weeks or less each calendar year.

(b) *If the commissioner finds that an individual has been paid for weeks of regular unemployment compensation benefits in the same calendar quarter in the previous two years: (1) regular benefits shall not be payable to that individual during that same calendar quarter for a number of weeks equal to the mean number of weeks the individual received regular benefits during that calendar quarter in the previous two years; and (2) the individual's duration of regular benefits shall be reduced by the mean number of weeks the individual received regular benefits during that calendar quarter in the previous two years or the number of weeks left in the calendar quarter, whichever is less. The mean number of weeks the individual received regular benefits during that calendar quarter in the previous two years shall be computed by taking the total number of weeks the individual received regular benefits during that calendar quarter in the previous two years, dividing by two, and rounding up to the nearest whole number of weeks. For the purposes of this clause, the calendar quarter shall be based on calendar weeks with a 53rd calendar week periodically to adjust for leap year and deviation of the calendar weeks from the calendar year.*

Sec. 8. [268.073] [STATE EXTENDED BENEFITS.]

*Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given them:*

(a) *"State insured unemployment rate" means the percentage derived by dividing the average weekly number of individuals filing claims for regular benefits in this state under chapter 268 for weeks of unemployment with respect to the most recent 13 consecutive week period, as determined by the commissioner on the basis of his or her reports to the United States Secretary of Labor, by the average monthly employment covered under this law for the first four of the most recent six completed calendar quarters ending before the end of the 13-week period.*

(b) *"County insured unemployment rate" means the percentage derived by dividing the average weekly number of individuals, who reside in the given Minnesota county, filing claims for regular benefits in this state under chapter 268 for weeks of unemployment with respect to the most recent 13 consecutive week period, as determined by the commissioner on the basis of his or her reports to the United States Secretary of Labor, by the average monthly employment covered under this law, in the county, for the first four of the most recent six completed calendar quarters ending before the end of the 13-week period.*

*Subd. 2. [ELIGIBILITY AND AMOUNT.] In addition to all other benefits under this chapter, an individual shall be eligible for up to four weeks of state extended benefits each benefit year if:*

(1) *the individual has exhausted his or her regular benefits under section 268.07 and the individual has exhausted or is not*



*eligible for federal extended benefits, federal supplemental benefits, or any other unemployment compensation benefits under federal or other state law;*

*(2) the individual resides in a county which has had within the eight-week period preceding the current calendar week, a county insured unemployment rate equal to twice the state insured unemployment rate; and*

*(3) the individual would be eligible for regular benefits under this chapter during the week in which he or she receives state extended benefits except that the individual has exhausted his or her regular benefits.*

*State extended benefits for a week shall be equal to the individual's regular benefit amount under section 268.07.*

Sec. 9. Minnesota Statutes 1984, section 268.08, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY CONDITIONS.] An individual shall be eligible to receive benefits with respect to any week of unemployment only if the commissioner finds that the individual:

(1) has registered for work at and thereafter has continued to report to an employment office, or agent of the office, in accordance with rules the commissioner may adopt; except that the commissioner may by rule waive or alter either or both of the requirements of this clause as to types of cases or situations with respect to which the commissioner finds that compliance with the requirements would be oppressive or would be inconsistent with the purposes of sections 268.03 to 268.24;

(2) has made a claim for benefits in accordance with rules as the commissioner may adopt; and

(3) was able to work and was available for work, and was actively seeking work. The individual's weekly benefit amount shall be reduced one-fifth for each day the individual is unable to work or is unavailable for work. Benefits shall not be denied by application of this clause to an individual who is in training with the approval of the commissioner or in training approved pursuant to section 236 of the Trade Act of 1974, as amended;

An individual is deemed unavailable for work with respect to any week which occurs in a period when the individual is a full-time student in attendance at, or on vacation from an established school, college or university unless a majority of the credit weeks earned in the base period were for services performed during weeks in which the student was attending school as a full-time student.

An individual serving as a juror shall be considered as available for work and actively seeking work on each day the individual is on jury duty.

(4) has been unemployed for a waiting period of one week during which the individual is otherwise eligible for benefits under sections 268.03 to 268.24. (HOWEVER, PAYMENT FOR THE WAITING WEEK SHALL BE MADE TO THE INDIVIDUAL AFTER THE INDIVIDUAL HAS QUALIFIED FOR AND BEEN PAID BENEFITS FOR FOUR WEEKS OF UNEMPLOYMENT IN A BENEFIT YEAR WHICH PERIOD OF UNEMPLOYMENT IS TERMINATED BECAUSE OF THE INDIVIDUAL'S RETURN TO EMPLOYMENT.) No individual is required to serve a waiting period of more than one week within the one year period subsequent to filing a valid claim and commencing with the week within which the valid claim was filed.

Sec. 10. Minnesota Statutes 1984, section 268.08, subdivision 3, is amended to read:

Subd. 3. [NOT ELIGIBLE.] An individual shall not be eligible to receive benefits for any week with respect to which he is receiving, has received, or has filed a claim for remuneration in an amount equal to or in excess of his weekly benefit amount in the form of

(1) termination, severance, or dismissal payment or wages in lieu of notice whether legally required or not; provided that if a termination, severance, or dismissal payment is made in a lump sum, the employer may allocate such lump sum payment over a period equal to the lump sum divided by the employee's regular pay while employed by such employer; provided any such payment shall be applied for a period immediately following the last day of work (BUT NOT TO EXCEED 28 CALENDAR DAYS); or

(2) vacation allowance paid directly by the employer for a period of requested vacation, including vacation periods assigned by the employer under the provisions of a collective bargaining agreement, or uniform vacation shutdown; or

(3) compensation for loss of wages under the workers' compensation law of this state or any other state or under a similar law of the United States, or under other insurance or fund established and paid for by the employer except that this does not apply to an individual who is receiving temporary partial compensation pursuant to section 176.101, subdivision 3k; or

(4) 50 percent of the pension payments from any fund, annuity or insurance maintained or contributed to by a base period employer including the armed forces of the United States if the

employee contributed to the fund, annuity or insurance and all of the pension payments if the employee did not contribute to the fund, annuity or insurance; or

(5) 50 percent of a primary insurance benefit under title II of the Social Security Act as amended, or similar old age benefits under any act of congress or this state or any other state.

Provided, that if such remuneration is less than the benefits which would otherwise be due under sections 268.03 to 268.24, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration; provided, further, that if the appropriate agency of such other state or the federal government finally determines that he is not entitled to such benefits, this provision shall not apply. If the computation of reduced benefits, required by this subdivision, is not a whole dollar amount, it shall be rounded down to the next lower dollar amount.

Sec. 11. Minnesota Statutes 1984, section 268.09, subdivision 1, is amended to read:

Subdivision 1. [DISQUALIFYING CONDITIONS.] An individual separated from employment under clauses (1), (2), or (3) shall be disqualified for waiting week credit and benefits. For separations under clauses (1) and (2), the disqualification shall continue until (FOUR) *ten* calendar weeks have elapsed following his separation and the individual has earned (FOUR) *ten* times his weekly benefit amount in insured work.

(1) [VOLUNTARY LEAVE.] The individual voluntarily and without good cause attributable to the employer discontinued his employment with such employer. For the purpose of this clause, a separation from employment by reason of its temporary nature or for inability to pass a test or for inability to meet performance standards necessary for continuation of employment or based solely on a provision in a collective bargaining agreement by which an individual has vested discretionary authority in another to act in behalf of the individual shall not be deemed voluntary.

A separation shall be for good cause attributable to the employer if it occurs as a consequence of sexual harassment. Sexual harassment means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other conduct or communication of a sexual nature when: (1) the employee's submission to such conduct or communication is made a term or condition of the employment, (2) the employee's submission to or rejection of such conduct or communication is the basis for decisions affecting employment, or (3) such conduct or communication has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment and the employer

knows or should know of the existence of the harassment and fails to take timely and appropriate action.

(2) [DISCHARGE FOR MISCONDUCT.] The individual was discharged for misconduct, not amounting to gross misconduct connected with his work or for misconduct which interferes with and adversely affects his employment.

An individual shall not be disqualified under clauses (1) and (2) of this subdivision under any of the following conditions:

(a) The individual voluntarily discontinued his employment to accept work offering substantially better conditions of work or substantially higher wages or both;

(b) The individual is separated from employment due to his own serious illness provided that such individual has made reasonable efforts to retain his employment;

An individual who is separated from his employment due to his illness of chemical dependency which has been professionally diagnosed or for which he has voluntarily submitted to treatment and who fails to make consistent efforts to maintain the treatment he knows or has been professionally advised is necessary to control that illness has not made reasonable efforts to retain his employment.

(c) The individual accepts work from a base period employer which involves a change in his location of work so that said work would not have been deemed to be suitable work under the provisions of subdivision 2 and within a period of 13 weeks from the commencement of said work voluntarily discontinues his employment due to reasons which would have caused the work to be unsuitable under the provision of said subdivision 2;

(d) The individual left employment because he had reached mandatory retirement age and was 65 years of age or older;

(e) The individual is terminated by his employer because he gave notice of intention to terminate employment within 30 days. This exception shall be effective only through the calendar week which includes the date of intended termination, provided that this exception shall not result in the payment of benefits for any week for which he receives his normal wage or salary which is equal to or greater than his weekly benefit amount;

(f) The individual is separated from employment due to the completion of an apprenticeship program, or segment thereof, approved pursuant to chapter 178;

(g) The individual voluntarily leaves part-time employment with a base period employer while continuing full-time employ-

ment if the individual attempted to return to part-time employment after being separated from the full-time employment, and if substantially the same part-time employment with the base period employer was not available for the individual.

(3) [DISCHARGE FOR GROSS MISCONDUCT.] The individual was discharged for gross misconduct connected with his work or gross misconduct which interferes with and adversely affects his employment. For a separation under this clause, the commissioner shall impose a total disqualification for the benefit year and cancel all of the wage credits from the last employer from whom he was discharged for gross misconduct connected with his work.

For the purpose of this clause "gross misconduct" is defined as misconduct involving assault and battery or the malicious destruction of property or arson or sabotage or embezzlement or any other act, including theft, the commission of which amounts to a felony or gross misdemeanor. For an employee of a health care facility, gross misconduct also includes misconduct involving an act of patient or resident abuse as defined in section 626.557, subdivision 2, clause (d).

If an individual is convicted of a felony or gross misdemeanor for the same act or acts of misconduct for which the individual was discharged, the misconduct is conclusively presumed to be gross misconduct if it was connected with his work.

(4) [LIMITED OR NO CHARGE OF BENEFITS.] Benefits paid subsequent to an individual's separation under any of the foregoing clauses, excepting clauses (2)(c) and (2)(e), shall not be used as a factor in determining the future contribution rate of the employer from whose employment such individual separated.

Benefits paid subsequent to an individual's failure, without good cause, to accept an offer of suitable re-employment shall not be used as a factor in determining the future contribution rate of the employer whose offer of re-employment he failed to accept or whose offer of re-employment was refused solely due to the distance of the available work from his residence, the individual's own serious illness or his other employment at the time of the offer.

(5) An individual who was employed by an employer shall not be disqualified for benefits under this subdivision for any acts or omissions occurring after his separation from employment with the employer.

(6) [DISCIPLINARY SUSPENSIONS.] An individual shall be disqualified for waiting week credit and benefits for the duration of any disciplinary suspension of 30 days or less

resulting from his own misconduct. Disciplinary suspensions of more than 30 days shall constitute a discharge from employment.

Sec. 12. Minnesota Statutes 1984, section 268.09, subdivision 2, is amended to read:

Subd. 2. [FAILURE TO APPLY FOR OR ACCEPT SUITABLE WORK OR RE-EMPLOYMENT.] An individual shall be disqualified for waiting week credit and benefits during the week of occurrence and until (FOUR) *ten* calendar weeks have elapsed following his refusal or failure and he has earned (FOUR) *ten* times his weekly benefit amount in insured work if the commissioner finds that he has failed, without good cause, either to apply for available, suitable work of which he was advised by the employment office, or the commissioner or to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the commissioner, or to accept a base period employer's offer of re-employment offering substantially the same or better hourly wages and conditions of work as were previously provided by that employer in his base period.

(a) In determining whether or not any work is suitable for an individual, the commissioner shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience, his length of unemployment and prospects of securing local work in his customary occupation, (AND) the distance of the available work from his residence, *and how the work's wage compares with the wage the individual received at his previous employment. With respect to the work's wage, the work shall be deemed suitable if the work is otherwise suitable and the work's wage is at least: 85 percent of the individual's former wage when the individual has not received more than six weeks of benefits during his or her current period of unemployment; 75 percent of the individual's former wage when the individual has received more than six weeks of benefits, but not more than 14 weeks during his or her current period of unemployment; and 65 percent of the individual's former wage when the individual has received more than 14 weeks of benefits during his or her current period of unemployment.*

(b) Notwithstanding any other provisions of sections 268.03 to 268.24, no work shall be deemed suitable, and benefits shall not be denied thereunder to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(1) if the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(2) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(3) if as a condition of being employed the individual would be required to join a union or to resign from or refrain from joining any bona fide labor organization;

(4) if the individual is in training with the approval of the commissioner.

**Sec. 13. [EFFECTIVE DATE.]**

*Section 8 of this article is effective October 1, 1985. Clause (b) of section 7 of this article shall apply to claims made on or after July 1, 1987.*

**Sec. 14. [REPEALER.]**

*Minnesota Statutes 1984, section 268.04, subdivision 30, is repealed.*

**ARTICLE 2**

**TRANSFER OF AUTHORITY TO OFFICE OF  
ADMINISTRATIVE HEARINGS**

**Section 1. [TRANSFER FROM DEPARTMENT OF ECONOMIC SECURITY.]**

*Subdivision 1. [PURPOSE.] It is the purpose and intent of this article to transfer all unemployment compensation hearing responsibilities and related functions except for appeal hearings before the commissioner or his or her authorized representative from the department of economic security to the office of administrative hearings.*

*Subd. 2. [PERSONNEL; EQUIPMENT.] All unemployment compensation referees at the department of economic security are transferred to the office of administrative hearings. Notwithstanding any laws to the contrary, all unemployment compensation referees employed by the department of economic security at the time of this transfer are eligible for appointment as unemployment judges within the office of administrative hearings, and shall be appointed as such on transfer. All personnel and positions at the department of economic security presently providing support to the hearing related functions transferred pursuant to this article, including those involved in the scheduling of hearings, processing, and mailing of hearing notices, preparation and serving of referees' decisions or correspondence, travel coordination, accounting, answering of telephones, and preparation of transcripts are transferred to the office of administrative hearings.*

*All equipment and supplies used solely by the transferred personnel in the performance of their duties are transferred to the office of administrative hearings.*

*Subd. 3. [COOPERATION.] Commencing with the passage and signing of this act, the commissioner, the commissioners of administration, finance, and employee relations and the chief administrative law judge shall cooperate in assuring a smooth transfer of the referees and related personnel and equipment in order to carry out the purposes of this article. The commissioner shall provide office space at the department of economic security for the chief administrative law judge to use prior to the transfer in order to complete a review of the existing hearing system and personnel prior to the effective date of the transfer. The commissioner of administration, after consultation with the commissioner of economic security, the commissioner of finance, and the chief administrative law judge, shall determine the appropriate location of office space for the transferred personnel. The commissioner shall continue to provide space for the conduct of hearings in the same facilities and locations which are presently utilized for that purpose.*

*Subd. 4. [RULES.] The chief administrative law judge may make emergency rules for the purpose of adopting procedural rules for unemployment compensation hearings. The rules shall not conflict with any provisions of chapter 268 and shall comply with any applicable federal laws, rules, or regulations.*

*Subd. 5. [TIMELINESS.] To satisfy United States Department of Labor funding requirements the office of administrative hearings shall meet or exceed timeliness standards under federal regulation in the conduct of unemployment compensation hearings.*

Sec. 2. Minnesota Statutes 1984, section 14.03, subdivision 2, is amended to read:

Subd. 2. [CONTESTED CASE PROCEDURE.] The contested case procedures of the administrative procedure act provided in sections 14.57 to 14.70 do not apply to (a) the Minnesota municipal board, (b) the commissioner of corrections, (c) the unemployment insurance program (AND), *except for those hearings held by an administrative law judge of the office of administrative hearings*, (d) the social security disability determination program in the department of economic security, ((D)) (e) the director of mediation services, ((E)) (f) the workers' compensation division in the department of labor and industry, ((F)) (g) the workers' compensation court of appeals, ((G)) (h) the board of pardons, or ((H)) (i) the public employment relations board.

Sec. 3. Minnesota Statutes 1984, section 14.51, is amended to read:

#### 14.51 [PROCEDURAL RULES FOR HEARINGS.]

The chief administrative law judge shall adopt rules to govern the procedural conduct of all hearings, relating to both rule adop-



tion, amendment, suspension or repeal hearings, contested case hearings, (AND) workers' compensation hearings, and *unemployment compensation hearings*. (TEMPORARY) *Emergency* rulemaking authority is granted to the chief administrative law judge for the purpose of (IMPLEMENTING LAWS 1981, CHAPTER 346, SECTIONS 2 TO 6, 103 TO 122, 127 TO 135, AND 141) *the adoption of procedural rules for unemployment compensation hearings*. The procedural rules for hearings shall be binding upon all agencies and shall supersede any other agency procedural rules with which they may be in conflict. The procedural rules for hearings shall include in addition to normal procedural matters provisions relating to recessing and reconvening new hearings when the proposed final rule of an agency is substantially different from that which was proposed at the public hearing. The procedural rules shall establish a procedure whereby the proposed final rule of an agency shall be reviewed by the chief administrative law judge to determine whether or not a new hearing is required because of substantial changes or failure of the agency to meet the requirements of sections 14.13 to 14.18. Upon his own initiative or upon written request of an interested party, the chief administrative law judge may issue a subpoena for the attendance of a witness or the production of books, papers, records or other documents as are material to the matter being heard. The subpoenas shall be enforceable through the district court in the district in which the subpoena is issued.

Sec. 4. Minnesota Statutes 1984, section 14.53, is amended to read:

14.53 [COSTS ASSESSED.]

In consultation with the commissioner of administration the chief administrative law judge shall assess agencies the cost of services rendered to them in the conduct of hearings. All agencies shall include in their budgets provisions for such assessments. *The chief administrative law judge shall assess all costs associated with unemployment compensation hearings to the department of economic security, but shall be limited to funds provided to the department for such purposes by the federal government.*

Sec. 5. Minnesota Statutes 1984, section 43A.18, subdivision 4, is amended to read:

Subd. 4. [PLANS NOT ESTABLISHED BUT APPROVED BY COMMISSIONER.] Notwithstanding any other law to the contrary, total compensation for employees listed in this subdivision shall be set by appointing authorities within the limits of compensation plans that have been approved by the commissioner before becoming effective.

(a) Total compensation for employees who are not covered by a collective bargaining agreement in the offices of the governor, attorney general, secretary of state, state auditor and

state treasurer shall be determined by the governor, attorney general, secretary of state, state auditor and state treasurer, respectively.

(b) Total compensation for unclassified positions pursuant to section 43A.08, subdivision 1, clause (h), in the higher education coordinating board, and in the state board of vocational technical education shall be determined by the state university board and the state board for community colleges, the higher education coordinating board, and the state board of vocational technical education, respectively.

(c) Total compensation for classified administrative law judges and *unemployment judges* in the office of administrative hearings shall be determined by the chief administrative law judge.

Sec. 6. Minnesota Statutes 1984, section 179A.10, subdivision 1, is amended to read:

Subdivision 1. [EXCLUSIONS.] The commissioner of employee relations shall meet and negotiate with the exclusive representative of each of the units specified in this section. The units provided in this section are the only appropriate units for executive branch state employees. The following employees shall be excluded from any appropriate unit:

(1) the positions and classes of positions in the classified and unclassified services defined as managerial by the commissioner of employee relations in accordance with section 43A.18, subdivision 3, and so designated in the official state compensation schedules;

(2) unclassified positions in the state university system and the community college system defined as managerial by their respective boards;

(3) positions of physician employees compensated under section 43A.17, subdivision 4;

(4) positions of all unclassified employees appointed by a constitutional officer;

(5) positions in the bureau of mediation services and the public employment relations board;

(6) positions of employees whose classification is pilot or chief pilot;

(7) administrative law judge, *unemployment judge*, and compensation judge positions in the office of administrative hearings; and

(8) positions of all confidential employees.

Sec. 7. Minnesota Statutes 1984, section 268.06, subdivision 18, is amended to read:

Subd. 18. [NOTICE TO EMPLOYER.] The commissioner shall at least twice each year notify each employer of the benefits as determined by the department which have been charged to his account subsequent to the last notice. Unless reviewed in the manner hereinafter provided, charges set forth in such notice, or as modified by a redetermination, a decision of (A REFEREE) *an unemployment judge*, or the commissioner, shall be final and shall be used in determining the contribution rates for all years in which the charges occur within the employer's experience period and shall not be subject to collateral attack by way of review of a rate determination, application for adjustment or refund, or otherwise.

Sec. 8. Minnesota Statutes 1984, section 268.06, subdivision 19, is amended to read:

Subd. 19. [NOTICE OF RATE.] The commissioner shall mail to each employer notice of his rate of contributions as determined for any calendar year pursuant to this section. Such notice shall contain the contribution rate, factors used in determining the individual employer's experience rating, and such other information as the commissioner may prescribe. Unless reviewed in the manner hereinafter provided, the rate as determined or as modified by a redetermination, a decision of (A REFEREE) *an unemployment judge*, or the commissioner shall be final except for fraud and shall be the rate upon which contributions shall be computed for the calendar year for which such rate was determined, and shall not be subject to collateral attack for any errors, clerical or otherwise, whether by way of claim for adjustment or refund, or otherwise. If the legislature changes any of the factors used to determine the contribution rate of any employer for any year subsequent to the original mailing of such notice for the year, the earlier notice shall be void. The notice based on the new factors shall be deemed to be the only notice of rate of contributions for that year and shall be subject to the same finality, redetermination and review procedures as provided above.

Sec. 9. Minnesota Statutes 1984, section 268.06, subdivision 20, is amended to read:

Subd. 20. [PROTEST, REVIEW, REDETERMINATION, APPEAL.] A review of the charges made to an employer's account as set forth in the notice of charges referred to in subdivision 18 and a review of an employer's contribution rate as set forth in the notice of his rate for any calendar year as provided in subdivision 19, may be had by the employer if he files with the commissioner a written protest setting forth his reasons there-

for within 30 days from the date of the mailing of the notice of charges or contribution rate to him. The date shall appear on the notice. Upon receipt of the protest, the commissioner shall refer the matter to an official designated by him to review the charges appearing on the notice appealed from or the computations of the protesting employer's rate, as the case may be, to determine whether or not there has been any clerical error or error in computation in either case. The official shall either affirm or make a redetermination rectifying the charges or rate as the case may be, and a notice of the affirmation or redetermination shall immediately be mailed to the employer. If the employer is not satisfied with the affirmation or redetermination, he may appeal by filing a notice with the department within ten days after the date of mailing appearing upon the redetermination. Upon the receipt of the appeal, the commissioner shall refer the matter to (A REFEREE) *the office of administrative hearings* for a hearing and after opportunity for a fair hearing, the (REFEREE) *unemployment judge* shall affirm, modify or set aside the original determination with its affirmation or the redetermination, as appears just and proper. The commissioner may at any time upon his own motion correct any clerical error of the department resulting in charges against an employer's account or any error in the computation of an employer's contribution rate. The (REFEREE) *unemployment judge* may order the consolidation of two or more appeals whenever, in his judgment, consolidation will not be prejudicial to any interested party. At any hearing a written report of any employee of the department which has been authenticated shall be admissible in evidence. Appeals from the decision of the (REFEREE) *unemployment judge* shall be provided by section 268.10, subdivision 5.

Sec. 10. Minnesota Statutes 1984, section 268.10, subdivision 2, is amended to read:

Subd. 2. [EXAMINATION OF CLAIMS; DETERMINATION; APPEAL.] (1) An official, designated by the commissioner, shall promptly examine each claim for benefits filed to establish a benefit year pursuant to this section, and, on the basis of the facts found, shall determine whether or not such claims are valid, and if valid, the weekly benefit amount payable, the maximum benefit amount payable during the benefit year, and the date the benefit year terminates, and this determination shall be known as the determination of validity. Notice of the determination of validity or any redetermination as provided for in clause (4) shall be promptly given the claimant and all other interested parties. If within the time limits for filing a protest an employer notifies the department that an individual's weekly benefit amount as determined under section 268.07 exceeds the individual's weekly wages earned with the employer, the individual's weekly benefit amount shall be the lesser of (1) the weekly benefit amount as determined under section 268.07, or (2) the weekly benefit amount which is 50 percent of the quotient derived by dividing the total wage credits earned in the individual's base period credit weeks from all employers in

insured work by the number of base period credit weeks. If within the time specified for the filing of wage and separation information as provided in subdivision 1, clause (2), the employer makes an allegation of disqualification or raises an issue of the chargeability to his account of benefits that may be paid on such claim, if the claim is valid, the issue thereby raised shall be promptly determined by said official and a notification of the determination delivered or mailed to the claimant and the employer. If an initial determination or an (APPEAL TRIBUNAL) *unemployment judge* decision or the commissioner's decision awards benefits, the benefits shall be paid promptly regardless of the pendency of any appeal period or any appeal or other proceeding which may thereafter be taken. Except as provided in clause (6), if an (APPEAL TRIBUNAL) *unemployment judge* decision modifies or reverses an initial determination awarding benefits, or if a commissioner's decision modifies or reverses an (APPEAL) *unemployment judge* decision awarding benefits, any benefits paid under the award of such initial determination or (APPEAL TRIBUNAL) *unemployment judge* decision shall be deemed erroneous payments.

(2) At any time within 24 months from the date of the filing of a valid claim for benefits by an individual, an official of the department or any interested party or parties raises an issue of claimant's eligibility for benefits for any week or weeks in accordance with the requirements of the provisions of sections 268.03 to 268.24 or any official of the department or any interested party or parties or benefit year employer raises an issue of disqualification in accordance with the regulations of the commissioner, a determination shall be made thereon and a written notice thereof shall be given to the claimant and such other interested party or parties or benefit year employer. A determination issued under this clause which denies benefits for weeks for which the claimant has previously been paid benefits is an overpayment of those benefits subject to section 268.18.

(3) A determination issued pursuant to clauses (1) and (2) shall be final unless an appeal therefrom is filed by a claimant or employer within 15 days after the mailing of the notice of the determination to his last known address or personal delivery of the notice. Every notice of determination shall contain a prominent statement indicating in clear language the method of appealing the determination, the time within which such an appeal must be made, and the consequences of not appealing the determination. A timely appeal from a determination of validity in which the issue is whether an employing unit is an employer within the meaning of this chapter or whether services performed for an employer constitute employment within the meaning of this chapter shall be subject to the provisions of section 268.12, subdivision 13.

(4) At any time within 24 months from the date of the filing of a valid claim for benefits by an individual, the commissioner on his own motion may reconsider a determination of

validity made thereon and make a redetermination thereof if he finds that an error in computation or identity or the crediting of wage credits has occurred in connection therewith or if the determination was made as a result of a nondisclosure or misrepresentation of a material fact. A determination or redetermination issued under this clause which denies benefits for weeks for which the claimant has previously been paid benefits is an overpayment of those benefits subject to section 268.18.

(5) However, the commissioner may in his discretion refer any disputed claims directly to (A REFEREE) *the office of administrative hearings* for hearing and determination in accordance with the procedure outlined in subdivision 3 and the effect and status of such determination in such a case shall be the same as though the matter had been determined upon an appeal to the (TRIBUNAL) *unemployment judge* from an initial determination.

(6) If (A REFEREE'S) *an unemployment judge's* decision affirms an initial determination awarding benefits or the commissioner affirms an (APPEAL TRIBUNAL) *unemployment judge* decision awarding benefits, the decision, if finally reversed, shall not result in a disqualification and benefits paid shall neither be deemed overpaid nor shall they be considered in determining any individual employer's future contribution rate under section 268.06.

Sec. 11. Minnesota Statutes 1984, section 268.10, subdivision 3, is amended to read:

Subd. 3. [APPEAL; HEARING.] *Upon receipt of an appeal from an initial determination made under subdivision 2, the commissioner shall immediately forward the appeal and all necessary documents to the chief administrative law judge for assignment of an unemployment judge to hear the case and the scheduling of a date, time, and place for the hearing. Unless an appeal is withdrawn, the date for hearing before (A REFEREE) an unemployment judge shall be set and notice of the hearing shall be mailed to the last known address of all interested parties at least ten days prior to the date set for the hearing. The notice shall be mailed by the office of administrative hearings. The hearing may be conducted by means of a conference telephone call except that the appellant may request that the hearing be conducted in person. The hearing shall be a trial de novo, and, upon the evidence presented, the (REFEREE) unemployment judge shall affirm, modify, or set aside the initial determination. Where the same or substantially similar evidence is relevant and material to the issues in appeals by more than one individual or in appeals by one individual with respect to two or more weeks of unemployment, the appeals may be consolidated into one hearing pursuant to the procedural rules adopted by the chief hearing examiner. The (REFEREE) unemployment judge shall exclude from any consolidated hearing the appeal of an*

individual who may be prejudiced because of the consolidation. (A REFEREE) *An unemployment judge shall not hear any appeal in which the (REFEREE) unemployment judge has a direct interest. The parties and the commissioner shall be notified of the (REFEREE'S) unemployment judge's decision and the reason for it. The (REFEREE'S) unemployment judge's decision is deemed to be the final decision unless a further appeal is initiated pursuant to subdivision 5.*

Sec. 12. Minnesota Statutes 1984, section 268.10, subdivision 4, is amended to read:

Subd. 4. [(REFEREES) TRANSCRIPTS; REVIEW OF DECISIONS.] (IN ORDER TO ASSURE THE PROMPT DISPOSITION OF ALL CLAIMS FOR BENEFITS, THE COMMISSIONER SHALL APPOINT ONE OR MORE IMPARTIAL REFEREES. THE COMMISSIONER SHALL BY RULE ADOPT A PROCEDURE BY WHICH REFEREES HEAR AND DECIDE DISPUTED CLAIMS, SUBJECT TO APPEAL TO THE COMMISSIONER. NO PERSON SHALL PARTICIPATE ON BEHALF OF THE COMMISSIONER IN ANY CASE IN WHICH THAT PERSON IS AN INTERESTED PARTY. THE COMMISSIONER MAY DESIGNATE ALTERNATES TO SERVE IN THE ABSENCE OR DISQUALIFICATION OF A REFEREE) *The office of administrative hearings shall cause a transcript to be prepared of all cases heard by an unemployment judge from which an appeal is made to the commissioner, or in any case to be reviewed by motion of the commissioner where the commissioner requests a transcript. There shall be no charges, fees, transcript costs, or other cost imposed upon the employee in prosecuting an appeal. All decisions of (REFEREES) unemployment judges shall be made available to the public in accordance with rules the commissioner may prescribe, except that names of interested parties may be deleted.*

Sec. 13. Minnesota Statutes 1984, section 268.10, subdivision 5, is amended to read:

Subd. 5. [REVIEW BY COMMISSIONER.] Within 30 days after mailing or personal delivery of the notice of (A REFEREE'S) *an unemployment judge's decision to the claimant or employer at the last known address, a party may appeal from the decision and obtain a review of it by the commissioner or an authorized representative. An appeal from an unemployment judge's decision must be filed with the chief administrative law judge. Upon receipt of an appeal, the chief administrative law judge shall notify the commissioner of the appeal and shall cause a transcript of the hearing to be prepared. Upon completion of the transcript, the entire file shall be transmitted to the commissioner. The commissioner within the same period of time may on the commissioner's own motion order a review of a decision. Upon review, the commissioner or authorized representative may*

affirm, modify, or set aside any finding of fact or decision, or both, of the (REFEREE) *unemployment judge* on the basis of the evidence previously submitted in the case, or remand the matter back to the (REFEREE) *unemployment judge* for the taking of additional evidence and new findings and decision based on all of the evidence before the (REFEREE) *unemployment judge*. Notice of all hearings on review shall be given to all interested parties in the same manner as provided for by subdivision 3. (THE COMMISSIONER OR AUTHORIZED REPRESENTATIVE MAY REMOVE TO HIMSELF OR HERSELF OR TRANSFER TO ANOTHER REFEREE THE PROCEEDINGS ON ANY CLAIM PENDING BEFORE A REFEREE. ANY PROCEEDINGS REMOVED TO THE COMMISSIONER OR AUTHORIZED REPRESENTATIVE SHALL BE HEARD UPON NOTICE IN ACCORDANCE WITH THE REQUIREMENTS OF SUBDIVISION 3.) The department of economic security shall mail to all interested parties a notice of the filing of and a copy of the findings and decision of the commissioner or his representative.

Sec. 14. Minnesota Statutes 1984, section 268.10, subdivision 6, is amended to read:

Subd. 6. [COMMISSIONER.] The manner in which disputed claims are presented, the reports required from the claimant and from employers, and the conduct of (HEARINGS AND) appeals shall be in accordance with the rules adopted by the commissioner (FOR DETERMINING THE RIGHTS OF THE PARTIES, WHETHER OR NOT THE REGULATIONS). *Rules relating to the conduct of hearings before unemployment judges shall be adopted by the chief administrative law judge. The rules of the commissioner and the chief administrative law judge need not conform to common law or statutory rules of evidence and other technical rules of procedure. A full and complete record shall be kept of all proceedings in connection with a disputed claim. All testimony at any hearing shall be recorded, but need not be transcribed unless the disputed claim is further appealed.*

Sec. 15. Minnesota Statutes 1984, section 268.10, subdivision 9, is amended to read:

Subd. 9. [REPRESENTATION BY ATTORNEY.] In any proceeding under these sections before (A REFEREE) *an unemployment judge* or the commissioner, a party may be represented by an agent or attorney, but no individual claiming benefits shall be charged fees of any kind in a proceeding before (A REFEREE) *an unemployment judge*, the commissioner, commissioner's representatives, or by any court or any officers thereof. Any individual claiming benefits in any proceedings before the commissioner or his representatives or a court may be represented by counsel or other duly authorized agent, except that said agent in any court proceedings under these sections,



must be an attorney at law; but no counsel shall either charge or receive for the services more than an amount approved by the commissioner and no fees shall be collected from an individual claiming benefits by any agent unless he is an attorney at law.

Sec. 16. Minnesota Statutes 1984, section 268.12, subdivision 8, is amended to read:

Subd. 8. [RECORDS; REPORTS.] (1) Each employing unit shall keep true and accurate work records for such periods of time and containing such information as the commissioner may prescribe. Such records shall be open to inspection, audit, and verification, and be subject to being copied by any authorized representative of the commissioner at any reasonable time and as often as may be necessary. The commissioner, (APPEAL REFEREE) *unemployment judge*, or any other duly authorized representative of the commissioner, may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which the commissioner, (APPEAL REFEREE) *unemployment judge*, or any other duly authorized representative of the commissioner deems necessary for the effective administration of sections 268.03 to 268.24, provided that quarterly contribution and wage report forms shall include the employee's name, social security number, and total wages paid to the employee.

(2) The commissioner may cause to be made such summaries, compilations, photographs, duplications, or reproductions of any records, reports, or transcripts thereof as he may deem advisable for the effective and economical preservation of the information contained therein, and such summaries, compilations, photographs, duplications or reproductions, duly authenticated, shall be admissible in any proceeding under sections 268.03 to 268.24, if the original record or records would have been admissible therein. Notwithstanding any restrictions contained in section 16B.50, except restrictions as to quantity, the commissioner is hereby authorized to duplicate, on equipment furnished by the federal government or purchased with funds furnished for that purpose by the federal government, records, reports, summaries, compilations, instructions, determinations, or any other written matter pertaining to the administration of the Minnesota economic security law.

(3) Notwithstanding any inconsistent provisions elsewhere, the commissioner may provide for the destruction or disposition of any records, reports, transcripts, or reproductions thereof, or other papers in his custody, which are more than two years old, the preservation of which is no longer necessary for the establishment of contribution liability or benefit rights or for any purpose necessary to the proper administration of sections 268.03 to 268.24, including any required audit thereof, provided, that the commissioner may provide for the destruction or disposition of any record, report, or transcript, or other paper

in his custody which has been photographed, duplicated, or reproduced in the manner provided in clause (2).

(4) Notwithstanding the provisions of the Minnesota State Archives Act the commissioner shall with the approval of the legislative auditor destroy all benefit checks and benefit check authorization cards that are more than two years old and no person shall make any demand, bring any suit or other proceeding to recover from the state of Minnesota any sum alleged to be due him on any claim for benefits after the expiration of two years from the date of filing such claim.

Sec. 17. Minnesota Statutes 1984, section 268.12, subdivision 9, is amended to read:

Subd. 9. [TESTIMONIAL POWERS.] (1) In the discharge of the duties imposed by sections 268.03 to 268.24, the commissioner, (APPEAL REFEREE) *unemployment judge*, or any duly authorized representative of the commissioner, shall have power to administer oaths and affirmations, take depositions, certify to official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with a disputed claim or the administration of these sections;

(2) Witnesses, other than interested parties or officers and employees of an employing unit which is an interested party, subpoenaed pursuant to this subdivision or sections 268.03 to 268.24, shall be allowed fees the same as witness fees in civil actions in district court, which fees need not be paid in advance of the time of giving of testimony, and such fees of witnesses so subpoenaed shall be deemed part of the expense of administering these sections;

(3) In case of contumacy by, or refusal to obey, a subpoena issued to any person, any court of this state within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which such person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the commissioner, or (REFEREE) *unemployment judge*, or any duly authorized representative of the commissioner, shall have jurisdiction to issue to such person an order requiring such person to appear before the commissioner, (THE CHAIRMAN OF AN APPEAL TRIBUNAL, REFEREE) *unemployment judge*, or any duly authorized representative of the commissioner, there to produce evidence if so ordered or there to give testimony relative to the matter under investigation or in question; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

Sec. 18. Minnesota Statutes 1984, section 268.12, subdivision 10, is amended to read:

Subd. 10. [SELF-INCRIMINATION.] No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, and other records before the commissioner, (THE CHAIRMAN OF AN APPEAL TRIBUNAL, REFEREE) *unemployment judge*, or any duly authorized representative of the commissioner, or in obedience to the subpoena of any of them in any cause or proceeding before the commissioner, (AN APPEAL TRIBUNAL, REFEREE) *unemployment judge*, or any duly authorized representative of the commissioner on the grounds that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Sec. 19. Minnesota Statutes 1984, section 268.12, subdivision 13, is amended to read:

Subd. 13. [DETERMINATIONS.] (1) An official, designated by the commissioner, upon his own motion or upon application of an employing unit, shall determine if an employing unit is an employer within the meaning of this chapter or as to whether services performed for it constitute employment within the meaning of this chapter, and shall notify the employing unit of the determination. The determination shall be final unless the employing unit, within 30 days after the mailing of notice of the determination to the employing unit's last known address, files a written appeal from it.

(2) (THE COMMISSIONER SHALL DESIGNATE ONE OR MORE REFEREES TO CONDUCT HEARINGS ON APPEALS) *Upon receipt of an appeal under clause (1), the commissioner shall refer the matter to the office of administrative hearings for a hearing.* The employing unit and any claimant whose filed claim for benefits may be affected by a determination issued under clause (1) shall be interested parties to an appeal. The (REFEREE) *unemployment judge* shall fix a time and place within this state for the hearing and give interested parties written notice of it, by mail, not less than ten days prior to the time of the hearing. In the discharge of the duties imposed by this subdivision, the (REFEREE) *unemployment judge* may administer oaths and affirmations, take depositions, certify to official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with the subject matter of the hearing. The written report of any employee of the department of economic security, made in the regular course of the performance of the employee's

duties, shall be competent evidence of the facts contained in it and shall be prima facie correct, unless refuted by other credible evidence.

(3) Upon the conclusion of the hearing, the (REFEREE) *unemployment judge* shall serve upon the interested parties by mail findings of fact and decision. The decision of the (REFEREE) *unemployment judge*, together with his findings of fact and reasons in support of them, is final unless an interested party, within 30 days after the mailing of a copy of it to the interested parties' last known addresses, files an appeal with the (COMMISSIONER) *chief administrative law judge*, or unless the commissioner, within 30 days after mailing of the decision, on his own motion orders the matter certified to him for review. Appeal from and review by the commissioner of the decision of the (REFEREE) *unemployment judge* shall be in the manner provided by rule. The commissioner may without further hearing affirm, modify, or set aside the findings of fact or decision, or both, of the (REFEREE) *unemployment judge* on the basis of the evidence previously submitted in the case, or direct the taking of additional evidence. The commissioner may disregard the findings of fact of the (REFEREE) *unemployment judge* and examine the testimony taken and make any findings of fact as the evidence taken before the (REFEREE) *unemployment judge* may, in the judgment of the commissioner, require, and make any decision as the facts found by him require. The commissioner shall notify the employing unit of his findings and decision by mail, mailed to the interested parties' last known addresses. The decision of the commissioner is final unless judicial review of it is sought as provided by this subdivision. Any interested party to a proceeding before the commissioner may obtain a transcript of the testimony taken before the (REFEREE) *unemployment judge* upon payment to the commissioner of the cost of the transcript at the rate of ten cents per 100 words.

(4) The court of appeals may, by writ of certiorari to the commissioner, review all questions of law and fact presented by the record in accordance with chapter 14. The commissioner shall not be required to certify the record to the court unless the party commencing the proceedings for review pays to the commissioner the cost of certification of the record at the rate of ten cents per 100 words less any amount previously paid by the party for a transcript. The commissioner shall, upon receipt of the payment, prepare and certify to the court a true and correct type-written copy of all matters contained in the record. The costs collected by the commissioner shall be deposited in the economic security administration fund provided for in section 268.15.

(5) A final decision of the commissioner or referee, in the absence of appeal, is conclusive for all the purposes of sections 268.03 to 268.24 except as otherwise provided, and, together with the records therein made, shall be admissible in any subsequent judicial proceeding involving liability for contributions. A final

decision of the commissioner or referee may be introduced in any proceeding involving a claim for benefits.

(6) In the event a final decision of the commissioner or (REFEREE) *unemployment judge* determines the amount of contributions due under sections 268.03 to 268.24, then, if the amount, together with interest and penalties, is not paid within 30 days after the decision, the provisions of section 268.161 shall apply. The commissioner shall proceed thereunder, substituting a certified copy of the final decision in place of the contribution report.

Sec. 20. Minnesota Statutes 1984, section 268.18, subdivision 1, is amended to read:

Subdivision 1. [ERRONEOUS PAYMENTS.] Any claimant for benefits who, by reason of his own mistake or through the error of any individual engaged in the administration of sections 268.03 to 268.24 or because of a determination or redetermination issued pursuant to section 268.10, subdivision 2, has received any sum as benefits to which he was not entitled under these sections, shall promptly return such benefits in cash to the nearest office of the Minnesota department of economic security. If such claimant fails to return such benefits, the department of economic security shall, as soon as it discovers such erroneous payment, determine the amount thereof and notify said individual to return the same. Unless the claimant files a written appeal with the department of economic security within 15 days after the mailing of the notice of determination to his last known address or personal delivery of the notice, the determination shall become final. If the claimant files an appeal with the department in writing within the time aforesaid the matter shall be set for hearing before (A REFEREE OF THE DEPARTMENT) *an unemployment judge of the office of administrative hearings* and heard as other benefit matters are heard in accordance with section 268.10 with the same rights of review as outlined for benefit cases in that section. The commissioner of the department of economic security is hereby authorized to deduct from any future benefits payable to the claimant under these sections in either the current or any subsequent benefit year an amount equivalent to the overpayment determined or the overpayment may be collected without interest by civil action in the name of the commissioner. If a claimant has been overpaid benefits under the law of another state and that state certifies to the department the facts involved and that the individual is liable under its law to repay the benefits and requests the department to recover the overpayment, the commissioner is authorized to deduct from future benefits payable to the claimant in either the current or any subsequent benefit year an amount equivalent to the amount of overpayment determined by that state. Benefits paid for weeks more than three years prior to the discovery of error are not erroneous payments.

Sec. 21. Minnesota Statutes 1984, section 268.18, subdivision 2, is amended to read:

Subd. 2. [FRAUD.] Any claimant who files a claim for or receives benefits by knowingly and willfully misrepresenting or misstating any material fact or by knowingly and willfully failing to disclose any material fact which would make him ineligible for benefits under sections 268.03 to 268.24 is guilty of fraud. After the discovery of facts by the commissioner indicating fraud in claiming or obtaining benefits under sections 268.03 to 268.24, he is hereby authorized to make a determination that the claimant was ineligible for each week with reference to which benefits were claimed or obtained by fraud for the amount as was in excess of what the claimant would have been entitled to had he not made the fraudulent statements or failed to disclose any material facts. The commissioner also may disqualify an individual from benefits for one to 52 weeks in which the claimant is otherwise eligible for benefits following the week in which the fraud was determined. A disqualification imposed for fraud shall not be removed by subsequent insured work or the expiration of a benefit year but shall not apply to any week more than 104 weeks after the week in which the fraud was determined. The claimant shall promptly repay in cash to the department of economic security any benefits fraudulently obtained. Unless the claimant files a written appeal with the department of economic security within 15 days after the mailing of the notice of determination to his last known address or personal delivery of the notice, the determination shall become final. If the claimant appeals from the determination within the time above specified the matter shall be referred to (A REFEREE) *an unemployment judge* for a hearing as in other benefit cases and thereafter the procedure for review shall be the same as set forth in section 268.10. The commissioner is hereby authorized to deduct from future benefits payable to the claimant in either the current or any subsequent benefit year an amount equivalent to the amount of overpayment determined or the overpayment may be collected without interest by civil action in the name of the commissioner. If a claimant has been overpaid benefits under the law of another state and that state certifies to the department the facts involved and that the individual is liable to repay the benefits and requests the department to recover the overpayment, the commissioner is authorized to deduct from future benefits payable to the claimant in either the current or any subsequent benefit year an amount equivalent to the amount of overpayment determined by that state. A determination of fraud may be made at any time.

Sec. 22. [EFFECTIVE DATE.]

*Article 2 is effective October 1, 1985."*

Amend the title as follows:

Page 1, line 18, after "14.53;" insert "43A.18, subdivision 4; 179A.10, subdivision 1;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 853, A bill for an act relating to flood plain management; establishing a state flood hazard mitigation program to mitigate the damaging effects of floods on public and private properties; authorizing grants-in-aid to local government units for flood damage mitigation; appropriating money; amending Minnesota Statutes 1984, section 104.02; proposing coding for new law in Minnesota Statutes, chapter 104.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 855, A bill for an act relating to retirement; St. Louis Park firefighters service, disability, and survivor benefits; amending Laws 1969, chapter 576, sections 3, subdivision 1; and 4, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [423A.07] [ADDITIONS TO BOARD.]

*Notwithstanding any other law, each local police and salaried firefighters relief association may amend its bylaws and its articles of incorporation, if necessary, to provide for the inclusion of retirees on its board.*

*Upon adoption of the amendments, the relief association must file a copy of the amended bylaws with the executive secretary of the legislative commission on pensions and retirement. A relief association amending its articles of incorporation must comply with any statutory requirements pertaining to the filing of amended articles of incorporation.*

Sec. 2. Laws 1969, chapter 576, section 3, subdivision 1, is amended to read:

Sec. 3. Subdivision 1. In lieu of a service pension as provided for in Minnesota Statutes, Section 424.21, the fire department relief association may provide a service pension to a regularly employed full time member of the association as defined in Minnesota Statutes, Section 424.03, who has completed a period or periods of service in the fire department equal to (20) *ten* years or more, and after he has arrived at the age of 50 years or more *or would have attained 20 years of service had active membership continued, whichever is later*, and has retired from the payroll of the fire department, such pension to be a sum equal to (50) *26* percent, and in addition thereto, *2.6 percent for each year of service beyond ten years but not to exceed 20 years plus one percent per year for each year of service beyond 20 years*, not to exceed a sum equal to (60) *62* percent, of the salary as payable from time to time during the period of the pension payment to firemen of the highest grade, not including officers of the department, in the employ of the city of St. Louis Park, such pension to be payable for (HIS NATURAL) life in conformity with the bylaws of the association.

Sec. 3. Laws 1969, chapter 576, section 4, subdivision 1, is amended to read:

Sec. 4. Subdivision 1. In lieu of the disability pension and limitations provided for in Minnesota Statutes, Section 424.20, the fire department relief association shall provide for disability benefits to a member of the association on active duty in the department (OF). *For members who have not completed 20 years of service the disability amount is a sum equal to 50 percent of the applicable salary. For members who have completed 20 years of service the disability amount is a sum equal to (50) 52 percent, and in addition thereto, one percent per year for each year of service performed in the department beyond 20 years, not to exceed a sum equal to (60) 62 percent, of the salary as payable from time to time during the period of pension payment to firemen of the highest grade, not including officers of the department, in the employ of the city of St. Louis Park, such pension to be payable for such periods of time and at such times as the bylaws of the association provide.*

#### Sec. 4. [BYLAW AMENDMENT.]

*Pursuant to Minnesota Statutes, section 356.24, authority is granted to the St. Louis Park fire department relief association to amend its bylaws or articles as required for the purpose of providing a prorated survivor benefit to the surviving spouse and dependent children of a deceased retired firefighter who had at least ten but less than 20 years of service at the time of death. The prorated benefit shall be in that proportion that the years of service of the decedent bears to 20 years.*



**Sec. 5. [VESTED RIGHTS.]**

*No provision of this act shall be construed as reducing or impairing benefits for members vested prior to the effective date of this act.*

*Those benefits include increases granted by resolution of the St. Louis Park city council pursuant to Laws 1980, chapter 607, article XV, section 7. Those increases were as follows:*

*(a) An additional 2.35 percent of the top firefighter salary shall be added to the service pension of members who have completed at least 20 years service.*

*(b) An additional 2.35 percent of the top firefighter salary shall be added to the disability benefits available to members who have completed at least 20 years of service.*

**Sec. 6. [EFFECTIVE DATE.]**

*Section 1 is effective the day following final enactment. The remaining sections are effective upon approval by the governing body of the city of St. Louis Park and upon compliance with Minnesota Statutes, section 645.021."*

Delete the title and insert:

*"A bill for an act relating to retirement; police and salaried firefighters relief associations; permitting retirees on the board of trustees; St. Louis Park firefighters service, disability, and survivor benefits; amending Laws 1969, chapter 576, sections 3, subdivision 1; and 4, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 423A."*

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 872, A bill for an act relating to crimes; providing for peace officer training of persons who are employed by the commissioner of natural resources and who possess peace officer authority for the purpose of enforcing game and fish laws; providing for the financing of such training through surcharges on penalties imposed for violations of certain laws; amending Minnesota Statutes 1984, section 609.101.

Reported the same back with the following amendments:

Page 1, line 16, after "a" insert "*petty misdemeanor such as a*"

Page 1, line 19, after "sentence" insert "*for the felony, gross misdemeanor, or misdemeanor*"

Page 1, line 20, after the first "fine" insert "*of any amount, including a fine of less than \$100*"

Page 2, line 14, after "*resources*" insert "*who are licensed pursuant to section 626.84, subdivision 1, clause (c), and*"

Amend the title as follows:

Page 1, line 3, after "of" delete the rest of the line and insert "certain licensed employees of the"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

H. F. No. 876, A bill for an act relating to hazardous waste; establishing a hazardous substance compensation trust account; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115B.

Reported the same back with the following amendments:

Page 6, line 10, after "person" insert "*(1) dismisses the court action with prejudice at the time the claim is filed with the fund, or (2)*"

With the recommendation that when so amended the bill pass.

The report was adopted.

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 879, A bill for an act relating to agriculture; providing famine relief for African people; appropriating money.

Reported the same back with the following amendments:

Page 1, after line 11, insert:

**"Sec. 2. [STATE FOOD RELIEF PROGRAM.]**

*Subdivision 1. [ADMINISTRATION.] The commissioner of agriculture shall disburse all funds or Minnesota commodities received under this section to nonprofit international relief organizations which are tax exempt under section 501(c)3 of the Internal Revenue Code of 1954, as amended through December 31, 1984. To the extent possible, the commissioner should distribute funds to the nonprofit relief organizations that are best able to leverage other funds and to provide the greatest amount of commodity purchases for the least cost. Funds disbursed by the commissioner should be used for the purchase of Minnesota commodities.*

*Subd. 2. [CONTRIBUTIONS.] Minnesota residents, businesses, farm organizations, and commodity councils are challenged to match state contributions in both funds and donations of needed agricultural commodities. Matching donations may be made directly to the nonprofit relief organization or passed through the commissioner."*

Page 1, line 12, before "GRANTS" insert "SEED"

Page 2, delete lines 2 to 7 and insert:

**"Sec. 4. [REPORT.]**

*The commissioner shall report to the legislature on the extent of relief provided by this act on or before February 1, 1986. The report must contain a summary of the funds and commodities received and disbursed, the amount of funds or commodities provided to each nonprofit relief organization, and, if possible, an accounting from each relief organization of how the funds were spent or the commodities were used."*

Page 2, line 11, delete "2" and insert "3"

Page 2, after line 12, insert:

*"\$ . . . . . is appropriated from the general fund to the commissioner of agriculture for disbursement to nonprofit organizations as provided in section 2, to be available until June 30, 1985.*

**Sec. 6. [EFFECTIVE DATE.]**

*This act is effective the day following final enactment."*

Renumber the sections in sequence.

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 881, A bill for an act relating to natural resources; providing for annual timber harvest public informational meetings; amending Minnesota Statutes 1984, section 90.041, subdivision 4.

Reported the same back with the following amendments:

Page 1, line 17, delete "*final*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 897, A bill for an act relating to education; establishing the state council on vocational technical education; proposing coding for new law in Minnesota Statutes, chapter 136C.

Reported the same back with the following amendments:

Page 1, line 12, after "*agency*" insert "*in the executive branch*"

Page 1, line 13, after "*1984*" insert a comma

Page 2, lines 19 and 20, delete "*Notwithstanding other law, the council shall establish the compensation of the executive director.*"

Page 2, after line 26, insert:

"Sec. 2. [TRANSITION.]

*All employees of the council on the effective date of this act are appointed to the civil service of the state and shall become state employees without competitive or qualifying examination. The commissioner of employee relations shall place the employees in the proper job classifications. Each employee is appointed at no loss in salary, but no increase in salary until the employee's salary comes within the range for that job classification. The commissioner of employee relations shall establish the compensation range for the executive director of the council. Accumulations of sick leave and vacation benefits earned by the*

*employee shall transfer subject to any maximum allowed in the appropriate state compensation plan."*

Renumber the sections in sequence

With the recommendation that when so amended the bill pass.

The report was adopted.

Onnen from the Committee on Health and Human Services to which was referred:

H. F. No. 910, A bill for an act relating to human services; authorizing the commissioner to establish a state advisory planning council; requiring counties to contract with nonprofit organizations; changing set aside project amounts; amending Minnesota Statutes 1984, sections 245.70, subdivision 1; 245.71; 245.711, subdivision 2; and 245.713, subdivision 2.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 930, A bill for an act relating to retirement; volunteer firefighters serving new fire district; service credit; amending Minnesota Statutes 1984, section 424A.02, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 15, after "*department*" insert a comma and after "*and*" insert "*is*"

Page 1, line 20, delete "*calculated in accordance with section*"

Page 1, line 21, delete "*69.772, subdivision 2,*"

Page 1, line 22, after "*only*" insert "*, and shall be in an amount equal to the accrued liability for the appropriate years of service calculated in accordance with section 69.772, subdivision 2*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 939, A bill for an act relating to solid waste and sewage sludge management; restricting land disposal of solid waste in the metropolitan area; providing for the financing of resource recovery facilities in the metropolitan area by counties and the metropolitan council; changing provisions relating to designation plans, local disposal fees, metropolitan sludge and sludge ash facilities, and metropolitan county ordinances; defining terms; allocating and appropriating money from the metropolitan landfill contingency action and abatement funds; amending Minnesota Statutes 1984, sections 115A.03, subdivision 27; 115A.84, subdivisions 3 and 4; 115A.919; 473.153, subdivisions 5, 6b, and 7; 473.811, subdivisions 5 and 5a; 473.831; 473.840, subdivision 2; 473.842, by adding subdivisions; 473.843, subdivision 7; and 473.844, subdivisions 2 and 5; Laws 1984, chapter 644, section 81, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 115A and 473.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 115A.03, is amended by adding a subdivision to read:

*Subd. 25a. “Recyclable materials” means materials that are separated from solid waste by the generator and collected separately for the purpose of recycling. Recyclable materials includes paper, glass, metals, automobile oil, and batteries.*

Sec. 2. Minnesota Statutes 1984, section 115A.03, is amended by adding a subdivision to read:

*Subd. 25b. “Recycling” means the process of collecting and preparing recyclable materials for reuse in their original form or for use in manufacturing processes.*

Sec. 3. Minnesota Statutes 1984, section 115A.03, subdivision 27, is amended to read:

Subd. 27. “Resource recovery” means the reclamation for sale, use, or reuse of materials, substances, energy, or other products contained within or derived from waste.

Sec. 4. Minnesota Statutes 1984, section 115A.84, subdivision 3, is amended to read:

Subd. 3. [PLAN APPROVAL.] A district or county planning a designation for waste generated wholly within the metropolitan area defined in section 473.121 shall submit its designa-

tion plan to the metropolitan council for review and approval or disapproval. Other districts or counties shall submit the designation plan to the waste management board for review and approval or disapproval. The reviewing authority shall complete its review and make its decision within (90) 120 days following submission of the plan for review. The reviewing authority shall approve the designation plan if the plan satisfies the requirements of subdivision 2. *The reviewing authority may attach conditions to its approval that relate to matters required in a designation ordinance under section 115A.86, subdivision 1, paragraph (a), clauses (1) to (4), and paragraph (b). Amendments to plans must be submitted for review in accordance with this subdivision.*

Sec. 5. Minnesota Statutes 1984, section 115A.84, subdivision 4, is amended to read:

Subd. 4. [EXCLUSION OF CERTAIN MATERIALS.] When it approves the designation plan, the reviewing authority shall exclude from the designation materials that the reviewing authority determines will be processed at another resource recovery facility if:

(1) the other resource recovery facility is substantially completed or will be substantially completed within 18 months of the time that the designation plan is approved by the reviewing authority; and

(2) the other facility has or will have contracts for purchases of its product; and

(3) the materials are or will be under contract for delivery to the other facility at the time the other facility is completed.

In order to qualify for the exclusion of materials under this subdivision, the operator or owner of the other resource recovery facility shall file with the reviewing authority and the district or county or counties a written description of the facility, its intended location, its waste supply sources, purchasers of its products, its design capacity and other information that the reviewing authority and the district or county or counties may reasonably require. The information must be filed as soon as it becomes available but not later than *30 days following* the date when the county or district submits its designation plan for approval.

The reviewing authority may revoke the exclusion granted under this subdivision when it approves the designation ordinance under section 115A.86 if in its judgment the excluded materials will not be processed at the other facility.

Sec. 6. [115A.918] [DEFINITIONS.]

*Subdivision 1. [SCOPE.] The definitions in this section apply to this section and sections 115A.919 and 115A.921.*

*Subd. 2. [CLOSURE.] "Closure" means actions that will prevent, mitigate, or minimize the threat to public health and the environment posed by a closed solid waste disposal facility including application of final cover; grading and seeding of final cover; installation of an adequate monitoring system, if necessary; and construction of ground and surface water diversion structures.*

*Subd. 3. [OPERATOR.] "Operator" means:*

*(1) the permittee of a mixed municipal solid waste disposal facility that has an agency permit; or*

*(2) the person in control of a mixed municipal solid waste disposal facility that does not have an agency permit.*

*Subd. 4. [POSTCLOSURE, POSTCLOSURE CARE.] "Postclosure" and "postclosure care" mean actions taken for the care, maintenance, and monitoring of a solid waste disposal facility after closure that will prevent, mitigate, or minimize the threat to public health and environment posed by the closed facility.*

*Subd. 5. [RESPONSE.] "Response" has the meaning given it in section 115B.02, subdivision 18.*

Sec. 7. Minnesota Statutes 1984, section 115A.919, is amended to read:

**115A.919 [COUNTY FEE AUTHORITY.]**

A county may impose a fee, by cubic yard of waste or its equivalent, on operators of facilities for the disposal of mixed municipal solid waste located within the county. The fee in the metropolitan area may not exceed 25 cents per cubic yard or its equivalent. The revenue from the fees shall be credited to the county general fund and shall be used only for landfill abatement purposes, or costs of closure, postclosure care, and response actions or for purposes of mitigating and compensating for the local risks, costs, and other adverse effects of facilities.

Waste residue from energy and resource recovery facilities at which solid waste is processed for the purpose of extracting, reducing, converting to energy, or otherwise separating and preparing solid waste for reuse shall be exempt from one-half the amount of the fee imposed by a county under this section if there is at least an 85 percent volume reduction in the solid waste processed. Before any fee is reduced, the verification procedures of



section 473.843, subdivision 1, paragraph (c), must be followed and submitted to the appropriate county.

Sec. 8. [115A.95] [RECYCLABLE MATERIALS.]

*A resource recovery facility that is burning waste, or converting waste to energy or to materials for combustion, and is owned or operated by a public agency or supported by public funds or by obligations issued by a public agency may not accept recyclable materials.*

Sec. 9. Minnesota Statutes 1984, section 400.04, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] Any county may conduct a solid waste management program which may include activities authorized by sections 400.01 to 400.17 and such other activities as are necessary and convenient to effectively carry out the purposes of sections 400.01 to 400.17. *A county that enters into a joint powers agreement under section 471.59 with a metropolitan county as defined in section 473.121, subdivision 4, to accomplish a solid waste management purpose may exercise the powers of the metropolitan county for the purpose of solid waste management under the joint powers agreement.*

Sec. 10. Minnesota Statutes 1984, section 473.153, subdivision 5, is amended to read:

Subd. 5. [ENVIRONMENTAL REVIEW.] An environmental impact statement must be completed on the environmental effects of the council's decisions required by subdivision 6. The statement must be prepared and reviewed in accordance with chapter 116D and the rules issued pursuant thereto, except as otherwise required by this section. The statement must not address or reconsider alternatives eliminated from consideration pursuant to subdivisions 1 and 2 and must not address the matters (TO BE DECIDED) *subject to decision* by the council pursuant to subdivision 6b.

Sec. 11. Minnesota Statutes 1984, section 473.153, subdivision 6b, is amended to read:

Subd. 6b. [CERTIFICATION OF NEED.] No new facility for disposing of ash and other waste generated by the commission shall be permitted in the metropolitan area without a certification of need issued by the council indicating the council's determination:

(a) that the disposal of waste with concentrations of hazardous materials is necessary; and

(b) that (THE) additional ash disposal capacity (PLANNED FOR THE FACILITY) is needed.

The council shall certify need only to the extent that there are no feasible and prudent methods of reducing the concentrations of hazardous materials in the waste and no feasible and prudent alternatives to (THE) ash disposal (FACILITY), including large-scale composting and co-composting of sludge, which would minimize adverse impact upon natural resources. Methods and alternatives that are speculative or conjectural shall not be deemed to be feasible and prudent. Economic considerations alone shall not justify the certification of need or the rejection of methods or alternatives, including large-scale composting and co-composting of sludge as an alternative to incineration. In its certification the council shall not consider alternatives which have been eliminated from consideration by the selection of sites pursuant to (SUBDIVISIONS) *subdivision 2 (AND 6)*.

Sec. 12. Minnesota Statutes 1984, section 473.153, subdivision 7, is amended to read:

Subd. 7. [EXEMPTIONS.] Nothing in this section shall be construed to preclude the commission from continuing to use existing sewage sludge disposal facilities. In addition, to the same extent and upon the same conditions as sewage sludge may be applied on private property pursuant to section 473.516, subdivisions 3 and 4, the commission may use any site of *less than 500 acres* owned by the commission for the purpose of land-spreading sewage sludge (FOR A PERIOD NO LONGER THAN FOUR YEARS). Any property currently used by the commission and permitted by the agency for disposing of the commission's solid waste may continue to be used for that purpose by the commission, as permitted by the agency (, FOR A PERIOD NOT TO EXCEED FOUR YEARS).

Sec. 13. Minnesota Statutes 1984, section 473.803, subdivision 1b, is amended to read:

Subd. 1b. [LAND DISPOSAL ABATEMENT PROPOSAL.] By April 1, 1982, after considering the council's disposal abatement report submitted to the counties pursuant to section 473.-149, subdivision 2a, each county shall submit to the council a proposal to reduce to the greatest feasible and prudent extent the need for and practice of land disposal of mixed municipal solid waste. The proposal must address at least waste reduction, separation, and resource recovery. The proposal must include objectives, immediately and over specified time periods, for reducing the land disposal of mixed municipal solid waste generated within the county. The proposal must describe specific functions to be performed and activities to be undertaken by the county and cities and towns within the county to achieve the objectives and must describe the estimated cost, proposed manner of financing, and timing of the functions and activities. The proposal must include alternatives which could be used to achieve the objectives if the proposed functions and activities are not

established. By August 1, 1984, each county shall provide the council with an analysis of the solid waste generated in the county, by classification of generators and by composition.

*Subd. 1bb. [COUNTY ABATEMENT PLAN.] Each county shall revise its master plan to include a land disposal abatement element to implement the council's land disposal abatement plan adopted under section 473.149, subdivision 2d, and shall submit the revised plan to the council for review under subdivision 2 within nine months after the adoption of the council's metropolitan abatement plan. The county plan must (EMBODY AND BE CONSISTENT WITH AT LEAST) implement the local abatement objectives for the county and cities within the county as stated in the council's plan. The county abatement plan must include specific and quantifiable county objectives, based on the council's objectives, for abating to the greatest feasible and prudent extent the need for and practice of land disposal of mixed municipal solid waste and of specific components of the solid waste stream generated in the county, stated in annual increments through the date specified in section 26 and in two five-year increments thereafter. The plan must include measurable performance standards for local abatement of solid waste through resource recovery and waste reduction and separation programs and activities for the county as a whole and for statutory or home rule charter cities of the first, second, and third class, respectively, in the county, stated in annual increments through the date specified in section 26 and in two five-year increments thereafter. The performance standards must implement the metropolitan and county abatement objectives. The plan must include standards and procedures to be used by the county in determining annually under subdivision 3 whether a city within the county has implemented the plan and has satisfied the performance standards for local abatement. The master plan revision required by this subdivision must be prepared in consultation with the advisory committee established pursuant to subdivision 4.*

Sec. 14. Minnesota Statutes 1984, section 473.803, subdivision 3, is amended to read :

*Subd. 3. [ANNUAL REPORT.] Each metropolitan county shall prepare and submit annually to the council for its approval a report containing information, as the council may prescribe in its policy plan, concerning solid waste generation and management within the county. The report shall include a statement of progress in achieving the land disposal abatement objectives for the county and classes of cities in the county as stated in the council's policy plan and county master plan. The report must list cities that have not satisfied the county performance standards for local abatement required by subdivision 1bb. The report must include a schedule of rates and charges in effect or proposed for the use of any solid waste facility owned or operated by or on its behalf, together with a statement of the basis for such charges.*

Sec. 15. Minnesota Statutes 1984, section 473.811, subdivision 5, is amended to read:

Subd. 5. [ORDINANCES; SOLID WASTE COLLECTION AND TRANSPORTATION.] Each metropolitan county may adopt ordinances governing the collection of solid waste. *A county may adopt, but may not be required to adopt, an ordinance that requires the separation from mixed municipal waste, by generators before collection, of materials that can readily be separated for use or reuse as substitutes for raw materials or for transformation into a usable soil amendment.* Each local unit of government within the metropolitan area shall adopt an ordinance governing the collection of solid waste within its boundaries. If the county within which it is located has adopted (AN) a collection ordinance, the local unit shall adopt either the county ordinance by reference or a more strict ordinance. *If the county within which it is located has adopted a separation ordinance, the ordinance applies in all local units within the county that have failed to meet the local abatement performance standards, as stated in the most recent annual county report.* Ordinances of counties and local government units may establish reasonable conditions respecting but shall not prevent the transportation of solid waste by a licensed collector through and between counties and local units, except as required for the enforcement of any designation of a facility by the council pursuant to section 473.827. A licensed collector or a metropolitan county or local government unit may request review by the council of an ordinance adopted under this subdivision. The council shall approve or disapprove the ordinance within 60 days of the submission of a request for review. The ordinance shall remain in effect unless it is disapproved. Ordinances of counties and local units of government shall provide for the enforcement of any designation of facilities by the council under section 473.827. Nothing in this subdivision shall be construed to limit the authority of the local government unit to regulate and license collectors of solid waste or to require review or approval by the council for ordinances regulating collection.

Sec. 16. Minnesota Statutes 1984, section 473.811, subdivision 5a, is amended to read:

Subd. 5a. [ORDINANCES; SOLID WASTE FACILITIES.] Each metropolitan county shall by ordinance establish and from time to time revise rules, regulations, and standards for solid waste facilities within the county, relating to location, sanitary operation, periodic inspection and monitoring, maintenance, termination and abandonment, and other pertinent matters. *The county ordinance may require facilities accepting mixed municipal solid waste for disposal to install scales.* The county ordinance shall require permits or licenses for solid waste facilities and shall require that such facilities be registered with a county office.

Sec. 17. Minnesota Statutes 1984, section 473.811, is amended by adding a subdivision to read:

*Subd. 11. [EXEMPTION FROM LEVY LIMIT.] Any levy to pay the increased costs to a statutory or home rule charter city or town of implementing waste reduction and source separation programs and facilities consistent with the applicable county master plan adopted under section 473.803 is in addition to any other taxes authorized by law and must be disregarded in the calculation of limits imposed by chapter 275.*

Sec. 18. Minnesota Statutes 1984, section 473.823, subdivision 6, is amended to read:

*Subd. 6. [COUNCIL; CERTIFICATION OF NEED.] No new mixed municipal solid waste disposal facility or capacity shall be permitted in the metropolitan area without a certificate of need issued by the council indicating the council's determination that the additional disposal capacity planned for the facility is needed in the metropolitan area. The council shall amend its policy plan, adopted pursuant to section 473.149, to include standards and procedures for certifying need that conform to the certification standards stated in this subdivision. The standards and procedures shall be based on the council's disposal abatement plan adopted pursuant to section 473.149, subdivision 2d, the council's solid waste disposal facilities development schedule adopted under section 473.149, subdivision 2e, and the provisions of any master plans of counties (ADOPTED PURSUANT TO SECTION 473.803, SUBDIVISION 1B AND) that have been approved by the council under section 473.803, subdivision 2, and that are consistent with the council's abatement plan and development schedule. The council shall certify need only to the extent that there are no feasible and prudent alternatives to the disposal facility, including waste reduction, source separation and resource recovery which would minimize adverse impact upon natural resources. Alternatives that are speculative or conjectural shall not be deemed to be feasible and prudent. Economic considerations alone shall not justify the certification of need or the rejection of alternatives. In its certification the council shall not consider alternatives which have been eliminated from consideration by the adoption of the inventory pursuant to section 473.149, subdivision 2b, or the selection of sites under section 473.833, subdivision 3.*

Sec. 19. Minnesota Statutes 1984, section 473.831, is amended to read:

**473.831 [DEBT OBLIGATIONS; SOLID WASTE (DISPOSAL).]**

**Subdivision 1. [GENERAL OBLIGATION BONDS.]** The council may by resolution authorize the issuance of general obli-

gation bonds of the council to provide funds for the (ENVIRONMENTAL ANALYSIS AND ACQUISITION OF PERMANENT OR TEMPORARY RIGHT, TITLE, OR INTEREST IN REAL PROPERTY, INCLUDING EASEMENTS AND DEVELOPMENT RIGHTS, FOR SITES AND SURROUNDING BUFFER AREAS FOR SOLID WASTE DISPOSAL FACILITIES PURSUANT TO THIS SECTION AND SECTIONS 473.833 AND 473.840) *purposes specified in subdivision 2* and (TO PROVIDE FUNDS) for refunding obligations issued under this section. The bonds shall be sold, issued, and secured in the manner provided in chapter 475 for general obligation bonds, and the council shall have the same power and duties as a municipality and its governing body in issuing bonds under chapter 475, except as otherwise provided in this chapter. No election shall be required, and the net debt limitations in chapter 475 shall not apply. The council shall have the power levy ad valorem taxes for debt service of the council's solid waste bonds upon all taxable property within the metropolitan area, without limitation of rate or amount and without affecting the amount or rate of taxes which may be levied by the council for other purposes or by any local government unit in the area. Each of the county auditors shall annually assess and extend upon the tax rolls in his county the portion of the taxes levied by the council in each year which is certified to him by the council. The principal amount of bonds issued pursuant to this section shall not exceed \$15,000,000.

Subd. 2. [USE OF PROCEEDS.] The proceeds of bonds issued under subdivision 1 shall be used by the council (, FOR THE PURPOSES PROVIDED IN SUBDIVISION 1 AND):

(a) *to provide funds for the environmental analysis of solid waste disposal sites; and*

(b) *to make grants to metropolitan counties to pay: (1) the cost of the environmental review of sites, (2) the acquisition of development rights for all or part of the period that the development limitation imposed by section 473.806 is in effect, (AND) (3) the acquisition of (ALL PROPERTY OR) permanent or temporary right, title, or interests in property, including easements and development rights, for solid waste disposal sites and surrounding buffer areas required to be acquired by the county, pursuant to sections 473.833 and 473.840, by the council's policy plan and development schedule adopted pursuant to section 473.149, subdivision 2e, and (4) the acquisition and improvement of resource recovery facilities.*

If the council is required by law or regulation to prepare environmental analyses on one or more solid waste disposal sites and surrounding buffer areas, the council may use the proceeds of the bonds issued under subdivision 1 to contract for consultant services in the preparation of such analyses only upon a finding that equivalent expertise is not available among its own staff.

Sec. 20. Minnesota Statutes 1984, section 473.840, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] (a) "Qualifying property" is a parcel of real property any part of which is located within the site or buffer area of a candidate site (SELECTED) under section 473.153, (SUBDIVISION 2, FOR PURPOSES OF ENVIRONMENTAL REVIEW UNDER SUBDIVISION 5 OF THAT SECTION,) or a site included in the metropolitan inventory adopted under section 473.149, subdivision 2b, for the purposes of environmental review under section 473.833, subdivision 2a.

(b) An "eligible owner" is a person who: (1) owns the entire parcel of qualifying property; (2) owned the entire parcel of property at the time the site was selected as a candidate site or included in the metropolitan inventory; (3) since the site was selected or included in the inventory, has for at least six months offered to sell the entire parcel on the open market through a licensed real estate agent; and (4) has not previously entered a contract under subdivision 4 for the sale of any or all of the parcel.

Sec. 21. Minnesota Statutes 1984, section 473.842, is amended by adding a subdivision to read:

*Subd. 1a. [CLOSURE.] "Closure" means actions that will prevent, mitigate, or minimize the threat to public health and the environment posed by a closed solid waste disposal facility including application of final cover; grading and seeding of final cover; installation of an adequate monitoring system, if necessary; and construction of ground and surface water diversion structures.*

Sec. 22. Minnesota Statutes 1984, section 473.842, is amended by adding a subdivision to read:

*Subd. 4a. [POSTCLOSURE, POSTCLOSURE CARE.] "Postclosure" and "postclosure care" mean actions taken for the care, maintenance, and monitoring of a solid waste disposal facility after closure that will prevent, mitigate, or minimize the threat to public health and environment posed by the closed facility.*

Sec. 23. Minnesota Statutes 1984, section 473.843, subdivision 7, is amended to read:

Subd. 7. [ADMINISTRATIVE EXPENSES.] Any amount expended by the commissioner of revenue from a general fund appropriation to enforce and administer this section must be reimbursed to the general fund, and the amount necessary to make the reimbursement is appropriated, *one-half* from the land-

fill abatement fund and one-half from the landfill contingency action fund, to the commissioner of finance for transfer to the general fund.

Sec. 24. Minnesota Statutes 1984, section 473.844, subdivision 2, is amended to read:

Subd. 2. [ALLOCATION.] (a) Up to ten percent of the money in the fund may be appropriated to the agency for transfer to the metropolitan council for grants under subdivision 1, clause (3).

(b) Up to five percent of the money in the fund may be appropriated to the agency for transfer to the metropolitan council for technical assistance and (GRANT) administration of grants and loans and municipal cost recovery payments under this section.

Sec. 25. Minnesota Statutes 1984, section 473.844, subdivision 5, is amended to read:

Subd. 5. [LANDFILL ABATEMENT COST RECOVERY.] By January 31, 1986, and each January 31 afterwards, the (DIRECTOR OF THE AGENCY) council shall pay each statutory and home rule charter city and town in the metropolitan area: (1) an amount not to exceed 50 cents per household, as defined in section 477A.011, subdivision 3a, for qualifying landfill abatement and resource recovery expenses incurred in the previous calendar year; and (2) \$4 per ton of recyclable material collected and recycled from residential sources within the city or town. To qualify under (THIS SUBDIVISION) clause (1), the landfill abatement and resource recovery must be included in the applicable county master plan or approved by the metropolitan council, and the city or town must certify its expenses (FOR THE LANDFILL ABATEMENT AND RESOURCE RECOVERY). To qualify under clause (2), the city or town must certify, in the manner and form determined by the council, the tons collected and recycled. The amounts necessary to make these payments are appropriated from the metropolitan landfill abatement fund to the director of the agency for transfer to the council.

Sec. 26. [473.848] [RESTRICTION ON DISPOSAL.]

After January 1, 1990, waste disposal facilities located in the metropolitan area may not accept mixed municipal solid waste for disposal unless the waste has been transferred to the disposal facility from a resource recovery facility identified by the council. For purposes of this section, mixed municipal solid waste does not include street sweepings, construction debris, mining waste, foundry sand, and other materials, if they are not capable of being processed by resource recovery as determined by the council.



Sec. 27. Laws 1984, chapter 644, section 81, subdivision 2, is amended to read:

Subd. 2. [REIMBURSEMENT.] Any amount expended by the agency and metropolitan council from the appropriations in subdivision 1 shall be reimbursed to the general fund (, AND). The amount necessary to make the reimbursement of the appropriation in section 25, clause (1) is appropriated from the landfill abatement fund to the commissioner of finance for transfer to the general fund, and the amount necessary to make the reimbursement of the appropriation in section 25, clause (2) is appropriated from the landfill contingency action fund to the commissioner of finance for transfer to the general fund.

Sec. 28. [ANOKA COUNTY; RESOURCE RECOVERY.]

Subdivision 1. [SERVICE CHARGES; EXPENDITURES.] Anoka county may exercise the powers of a county under Minnesota Statutes, section 400.08, in addition to the powers that the county may exercise under other law. The county may expend funds for resource recovery purposes under sections 473.801 to 473.845.

Subd. 2. [LEASE OR SALE OF PROPERTY.] Anoka county may sell or lease any facilities or property or property rights to accomplish the purposes specified by sections 473.149, 473.151, and 473.801 to 473.823, 473.827, 473.831, 473.833, and 473.834. The property may be sold or leased in the manner provided by section 458.196, or may be sold or leased in the manner and on the terms and conditions determined by the county board. Each metropolitan county may convey to or permit the use of the property by a local government unit, with or without compensation, without submitting the matter to the voters of the county. No real property or property rights acquired under this section may be disposed of in any manner unless and until the county has submitted to the agency and the metropolitan council for review and comment the terms on and the use for which the property will be disposed of. The agency and the council shall review and comment on the proposed disposition within 60 days after each has received the data relating thereto from the county.

Subd. 3. [APPLICATION.] This section applies to Anoka county the day after compliance with Minnesota Statutes, section 645.021, subdivision 3.

Sec. 29. [APPROPRIATION.]

Subdivision 1. [AMOUNTS.] The following amounts are appropriated from the metropolitan landfill abatement fund to the pollution control agency for the purposes stated:

(a) for transfer to the metropolitan council for expenditure under section 473.844, subdivision 1, clause (1),

\$ . . . . . \$ . . . . .

(b) for transfer to the metropolitan council for expenditure under section 473.844, subdivision 1, clause (2),

\$ . . . . . \$ . . . . .

(c) for transfer to the metropolitan council for expenditure under section 473.844, subdivision 1, clause (3),

\$ . . . . . \$ . . . . .

(d) for transfer to the metropolitan council for expenditure under section 473.844, subdivision 1, clause (4),

\$ . . . . . \$ . . . . .

Any unencumbered balances remaining in the first year do not cancel but are available for the second year of the biennium for the same purpose.

Subd. 2. [CONTINGENCY.] The appropriations in this section are contingent upon payment of the general fund reimbursements required in Laws 1984, chapter 644, section 81, subdivision 2, as amended, and subdivision 3, and the appropriations in sections 473.843, subdivision 7, and 473.844, subdivision 5. If in any year the amount remaining in the abatement fund after these payments is insufficient for the appropriations in this section, the appropriation in clause . . . is reduced accordingly.

Sec. 30. [APPLICATION.]

Sections 10 to 26 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Delete the title and insert:

"A bill for an act relating to solid waste and sewage sludge management; restricting land disposal of solid waste in the metropolitan area; providing for the financing of resource recovery facilities in the metropolitan area by local governments and the metropolitan council; imposing restrictions on publicly funded resource recovery facilities; changing provisions relating to designation plans, local disposal fees, metropolitan sludge and sludge ash facilities, and metropolitan county plans and ordinances; defining terms; allocating and appropriating money from the metropolitan landfill contingency action and abatement funds; amending Minnesota Statutes 1984, sections 115A.03,

subdivision 27, and by adding subdivisions; 115A.84, subdivisions 3 and 4; 115A.919; 400.04, subdivision 1; 473.153, subdivisions 5, 6b, and 7; 473.803, subdivisions 1b and 3; 473.811, subdivisions 5, 5a, and by adding a subdivision; 473.823, subdivision 6; 473.831; 473.840, subdivision 2; 473.842, by adding subdivisions; 473.843, subdivision 7; and 473.844, subdivisions 2 and 5; Laws 1984, chapter 644, section 81, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 115A and 473."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Local and Urban Affairs.

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 956, A bill for an act relating to solid waste management; extending and making changes in the state program for providing capital assistance to local governments for processing facilities; authorizing bonds; appropriating bond funds; amending Minnesota Statutes 1984, sections 115A.49; 115A.52; 115A.-54, by adding a subdivision; and 115A.59.

Reported the same back with the following amendments:

Page 5, line 4, before the period insert "*, including work necessary to prepare the report required under section 5*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 960, A bill for an act relating to peace officers; eligibility for benefits of certain firefighters killed in the line of duty; amending Minnesota Statutes 1984, sections 352E.01, subdivision 2; and 352E.04.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 971, A bill for an act relating to environment; requiring government action to determine and decrease the health risks attributable to exposure to or absorption of lead; providing for duties of the pollution control agency and the commissioner of health; providing a penalty; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 116; 144; and 325E.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [116.46] [DEFINITIONS.]

*Subdivision 1. [SCOPE.] As used in sections 1 to 5, the terms defined in this section have the meanings given them.*

*Subd. 2. [AGENCY.] "Agency" means the pollution control agency.*

*Subd. 3. [COMMISSIONER.] "Commissioner" means the state commissioner of health appointed pursuant to section 144.011.*

*Subd. 4. [RESPONSE ACTION.] "Response action" means measures to limit exposure to soil lead contaminated sites, including such measures as fencing, covering sites with vegetation, removal and replacement of contaminated soil, and other appropriate measures.*

*Subd. 5. [ELEVATED BLOOD LEAD LEVEL.] "Elevated blood lead level" means a confirmed concentration of 25 micrograms or more of lead in each deciliter of whole blood.*

Sec. 2. [116.47] [IDENTIFICATION OF LEAD CONTAMINATED SOIL SITES.]

*Subdivision 1. [PRELIMINARY SCREENING.] By January 1, 1986, the agency must identify and develop a preliminary list of sites in the state where significant concentrations of lead in soil are probable and where response action may be required to reduce lead exposure. This list is not subject to the rulemaking provisions of chapter 14. In identifying these sites the agency must consider:*

- (1) *both stationary and mobile lead emission sources;*
- (2) *dispersion and depositional patterns of lead emissions;*  
*and*

(3) *the presence of populations susceptible to lead exposure or lead absorption, including children at day care centers, schools, parks, and playgrounds, children who have elevated blood lead level, and children whose socioeconomic status predispose a higher exposure to lead or increased lead absorption.*

*Subd. 2. [SOIL TESTING.] By January 1, 1987, the agency must sample, to the extent that funds are available, sites on the preliminary list to determine what soil lead levels exist. The agency must refer to the commissioner those sites on the preliminary list where soil lead exceeds the interim soil lead standard of 1,000 parts per million. After adoption of the rules required under section 3, subdivisions 1 and 2, the agency shall refer to the commissioner all sites with levels above the soil lead standard adopted in the rules.*

*Subd. 3. [HEALTH SCREENING.] For each site referred by the agency, the commissioner must review the existing health data on the resident population or collect data on blood lead levels if present data is inadequate. If elevated blood lead levels are found in a population at a site, the commissioner shall examine the site for all sources of lead exposure and report to the agency its findings and recommendations to reduce elevated blood lead levels.*

### Sec. 3. [116.48] [SOIL LEAD CLEANUP.]

*Subdivision 1. [SOIL LEAD STANDARD.] By January 1, 1988, the agency must adopt rules that establish a level of soil lead contamination which poses a threat to the health or welfare of susceptible populations and require response action.*

*Subd. 2. [PRIORITIES FOR RESPONSE ACTION.] By January 1, 1988, the agency must adopt rules establishing criteria for determining the priority for purposes of response action among sites that pose a threat to health or welfare under subdivision 1. The rules must take into account the potential for children's contact with the soil and the existing level of lead in the soil and may consider the relative risk to the public health, the size of the population at risk, the blood lead levels of resident populations, and other appropriate factors. After these 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.*

*Subd. 3. [INTERIM PRIORITIES.] Until the rules required by subdivisions 1 and 2 become effective and to the extent that funds are available, the agency must take response action at sites on the preliminary list with levels above the interim standard. Until the rules in subdivision 2 become effective, areas with the highest soil lead level and the greatest number of children exposed shall be given priority for response action.*

*Subd. 4. [ACCESS TO PROPERTY.] The agency or any member, employee, or agent of it authorized by the agency may, upon presentation of credentials, enter upon any public or private property for the purpose of conducting surveys or investigations and taking response actions.*

*Subd. 5. [MAINTENANCE OF RESPONSE ACTIONS.] No person shall disturb response actions taken by the agency or the integrity of any existing ground cover at sites where the soil exceeds the lead level established in subdivision 1 unless the agency finds that the disturbance:*

*(1) is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or*

*(2) is necessary to reduce a threat to human health or the environment.*

*Subd. 6. [REPORT ON RESPONSE ACTIONS.] By January 1, 1987, the agency shall submit to the legislature a report describing the extent of soil lead contamination, the blood lead levels of populations at contaminated sites, the size of a population at risk from soil lead exposure, and an estimate of the cost of response actions required to prevent exposure to lead contaminated soil.*

#### **Sec. 4. [116.49] [LEAD POLLUTION CONTROL FUND.]**

*Subdivision 1. [ESTABLISHMENT.] The lead pollution control fund is created as an account in the state treasury. The purpose of this fund is to respond to environmental and public health problems caused by the emission of lead into the air, soil, and water.*

*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:*

*(1) preparation by the agency for taking response actions dealing with lead contaminated soil, including investigations, monitoring and testing activities, rule development, and establishment of standard methods for sampling and laboratory analysis of soil lead;*

*(2) taking response actions necessary to prevent or minimize the exposure of persons to soil lead;*

*(3) development and operation of programs by the commissioner to perform blood screening tests on persons to determine blood lead levels, to review existing blood lead data, and to estab-*

*lish standard laboratory testing and reporting requirements for blood lead testing;*

*(4) education by the agency and the commissioner about lead in the environment;*

*(5) revising agency rules to establish reasonably available control measures to reduce lead from the sandblasting of painted surfaces;*

*(6) payment of costs to adopt rules for soil lead contamination and priorities for response action; and*

*(7) development and operation of programs by the commissioner or the agency to determine the extent of lead contamination in the environment.*

**Sec. 5. [144.491] [COMMISSIONER'S DUTIES RELATING TO LEAD ABSORPTION.]**

*The commissioner of health shall take appropriate acts to:*

*(1) provide coordination and advice to community programs that test children for lead in their blood in order to assure that these testing services are conducted in a safe and appropriate manner, are targeted to children throughout the state risking lead contamination or absorption, and generate data which may be analyzed on a statewide basis;*

*(2) provide coordination and advice, in order to assure adequate skill and efficiency, to those laboratories within the state that conduct Erythrocyte Protoporphyrin testing, confirmatory blood lead testing, and testing of paint chips and other environmental lead sources in support of local lead absorption testing programs;*

*(3) provide for public and professional education concerning lead contamination or absorption and its health effects on children;*

*(4) review of state and local housing codes and advise the governing bodies or administrative departments adopting or administering those codes in order to assure that the hazard of absorption or contamination from leaded paint is adequately addressed or considered, and provide technical support for enforcement of these codes by local health departments and local building inspection departments; and*

*(5) study and determine the extent of exposure to lead in drinking water caused by plumbing and develop recommendations and techniques for reducing this exposure.*

## Sec. 6. [APPROPRIATION; COMPLEMENT.]

*The following amounts are appropriated for the purposes stated:*

(a) \$ . . . . . is appropriated from the general fund and transferred to the lead pollution control fund established in section 4. This appropriation is available until expended.

(b) \$ . . . . . is appropriated from the lead pollution control fund established in section 4 to the pollution control agency for the purposes of administering sections 1 to 4. One-half of this amount is available for the fiscal year ending June 30, 1986, and one-half is available for the fiscal year ending June 30, 1987.

(c) All money in the lead pollution control fund not otherwise appropriated is appropriated for the purposes of response action as defined in section 1, subdivision 4. This appropriation is available until June 30, 1987.

(d) \$ . . . . . is appropriated from the general fund to the commissioner of health for the purpose of administering section 5. This appropriation is available until June 30, 1987.

*The complement of the pollution control agency is increased by . . . . . positions.*

*The complement of the department of health is increased by . . . . . positions.*

## Sec. 7. [FINDING; APPROPRIATIONS.]

*Subdivision 1. [FINDINGS.] The legislature finds that 12 northern counties in the state have been impacted more than other counties by the fall of acid rain and that as a result, the acidity of the soil in these counties is greater than in others. The legislature further finds that the state department of transportation owns approximately 100,000 cubic yards of lime sludge that would be highly effective as an agent to neutralize the acidity of the soil in these 12 northern counties, thus improving the condition of the soil for agricultural purposes. For these reasons, and because in several of these counties the residents have been severely adversely impacted by recent economic conditions, the legislature finds it would be highly appropriate and desirable to provide state funding to the commissioner of transportation to support the sale of the lime sludge in the counties of Chisago, Isanti, Mille Lacs, Kanabec, Pine, Carlton, Aitkin, St. Louis, Cook, Lake, Itasca, and Koochiching.*

*Subd. 2. [APPROPRIATION.] \$ . . . . . is appropriated from the general fund to the commissioner of transportation for the purpose of facilitating the sale and transportation of*



*100,000 cubic yards of lime sludge owned by the department of transportation and located on the west bank of the Mississippi River within the city of Minneapolis. Priority shall be given to disposal options which will allow utilization of this material for agricultural purposes in the counties named in subdivision 1. This appropriation does not cancel and remains available until expended.*

*Subd. 3. [FEDERAL ASSISTANCE.] The commissioner of transportation shall apply for and use all appropriate sources of financial reimbursement available from the United States for the purpose of the sale and transport authorized in subdivision 2."*

Amend the title as follows:

Page 1, line 6, after "health" insert "; facilitating the sale and transportation of certain lime sludge"

Page 1, line 8, delete the first semicolon and insert "and" and delete "; and 325E"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Fjoslien from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 982, A bill for an act relating to veterans; providing space in the veterans service building for certain veterans organizations; amending Minnesota Statutes 1984, section 197.58.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 988, A bill for an act relating to consumer protection; prohibiting certain deceptive advertising practices; amending Minnesota Statutes 1984, sections 325F.68, by adding a subdivision; and 325F.69, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 22, before the colon insert "*at this location or within a relevant market area*"

Page 1, delete line 25

Page 2, delete line 1

Page 2, line 11, delete "(5)" and insert "(4)"

Renumber the remaining clauses

With the recommendation that when so amended the bill pass.

The report was adopted.

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 990, A bill for an act relating to agriculture; providing for registration of crop and livestock buyers in licensing application; establishing a registration system for buyers of farm products; describing when farm products are purchased subject to a security interest; restricting certain financing statements to only cover crops; reducing the effective period of financing statements covering crops; amending Minnesota Statutes 1984, sections 17A.04, subdivisions 2, 5, and by adding a subdivision; 223.17, by adding a subdivision; 336.9-307; 336.9-402; 336.9-403; 336.42; proposing coding for new law as Minnesota Statutes, chapter 223A; repealing Minnesota Statutes 1984, section 386.43.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Financial Institutions and Insurance.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 997, A bill for an act relating to the city of Crystal; regulating the holding of public offices by council members; providing for the adoption of emergency ordinances.

Reported the same back with the following amendments:

Page 1, line 19, before the period, insert "*, and shall expire December 31, 1987*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1008, A bill for an act relating to improvement of the Duluth zoo; appropriating funds from the general fund for its improvement.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 1010, A bill for an act relating to education; authorizing the collection and setoff of debts to the state university system; proposing coding for new law in Minnesota Statutes, chapter 136.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 487.30, is amended by adding a subdivision to read:

*Subd. 3a. [JURISDICTION; STUDENT LOANS.] Notwithstanding the provisions of subdivision 1 or any rule of court to the contrary, the conciliation court has jurisdiction to determine a civil action commenced by a plaintiff educational institution, including but not limited to, a state university or community college, with administrative offices in the county in which the conciliation court is located, to recover the amount of a student loan or loans even though the defendant or defendants are not residents of the county under the following conditions:*

*(a) the student loan or loans were originally awarded in the county in which the conciliation court is located;*

*(b) the loan or loans are overdue at the time the action is commenced;*

*(c) the amount of any single loan sought to be recovered does not exceed \$2,500;*

*(d) notice that payment on the loan is overdue has previously been sent by first class mail to the borrower to the last known address reported by the borrower to the educational institution; and*

*(e) the notice states that the educational institution may commence a conciliation court action in the county where the loan was awarded to recover the amount of the loan.*

*Notwithstanding any law or rule or civil procedure to the contrary, a summons in any action commenced under this subdivision may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the overdue loan or loans to the summons before it is issued.*

Sec. 2. Minnesota Statutes 1984, 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 paragraph (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 paragraph (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 dishonored check issued in the county, even though the defendant or defendants are not residents of Hennepin county, if the notice of nonpayment or dishonor 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 may commence a conciliation court action in the county where the dishonored check was issued to recover the amount of the check. This clause does not apply to a check 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 to the summons before it is issued.

*(d) Notwithstanding the provisions of paragraph (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 educational institution, including but not limited to, a state university or community college, with administrative offices in the county in which the conciliation court is located,*

*to recover the amount of a student loan or loans even though the defendant or defendants are not residents of Hennepin county under the following conditions:*

*(1) the student loan or loans were originally awarded in Hennepin county;*

*(2) the loan or loans are overdue at the time the action is commenced;*

*(3) the amount of any single loan sought to be recovered does not exceed \$2,500;*

*(4) notice that payment on the loan is overdue has previously been sent by first class mail to the borrower to the last known address reported by the borrower to the educational institution; and*

*(5) the notice states that the educational institution may commence a conciliation court action in Hennepin county to recover the amount of the loan.*

*Notwithstanding any law or rule or civil procedure to the contrary, a 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 overdue loan or loans to the summons before it is issued.*

Sec. 3. Minnesota Statutes 1984, 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 paragraph (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 paragraph (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 dishonored check issued in the county, even though the defendant or defendants are not residents of Ramsey county, if

the notice of nonpayment or dishonor 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 may commence a conciliation court action in the county where the dishonored check was issued to recover the amount of the check. This clause does not apply to a check 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 to the summons before it is issued.

*(d) Notwithstanding the provisions of paragraph (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 educational institution, including but not limited to, a state university or community college, with administrative offices in the county in which the conciliation court is located, to recover the amount of a student loan or loans even though the defendant or defendants are not residents of Ramsey county under the following conditions:*

*(1) the student loan or loans were originally awarded in Ramsey county;*

*(2) the loan or loans are overdue at the time the action is commenced;*

*(3) the amount of any single loan sought to be recovered does not exceed \$2,500;*

*(4) notice that payment on the loan is overdue has previously been sent by first class mail to the borrower to the last known address reported by the borrower to the educational institution; and*

*(5) the notice states that the educational institution may commence a conciliation court action in Ramsey county to recover the amount of the loan.*

*Notwithstanding any law or rule or civil procedure to the contrary, a 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 overdue loan or loans to the summons before it is issued."*

Delete the title and insert:

"A bill for an act relating to education; authorizing the collection of student loans in conciliation courts; amending Minnesota

Statutes 1984, section 487.30, by adding a subdivision; 488A.12, subdivision 3; and 488A.29, subdivision 3."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Judiciary.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 1019, A bill for an act relating to retirement; Virginia police; definition of prevailing pay; retirement and survivor benefit supplements; amending Laws 1982, chapter 574, sections 3, subdivision 9; and 5.

Reported the same back with the following amendments:

Page 1, line 19, before the period insert "*In the case of police officers who are required to accept a position of lower rank prior to their retirement, the pension shall be based on the prevailing pay of the higher rank*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1032, A bill for an act relating to the borough of Belle Plaine; permitting Belle Plaine to use the term "borough" for all purposes; amending Minnesota Statutes 1984, sections 410.015; and 413.02, subdivision 5, and 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.

Schreiber from the Committee on Taxes to which was referred:

H. F. No. 1057, A bill for an act relating to the revenue recapture act; including the University of Minnesota in the definition of claimant agency; amending Minnesota Statutes 1984, sections 270A.02; and 270A.03, subdivision 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 1070, A bill for an act relating to occupations and professions; requiring the commissioner of corrections to establish a program to prevent sexual exploitation by psychotherapists; extending the sexual exploitation task force; appropriating money; amending Laws 1984, chapter 631, section 1, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 241.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 1077, A bill for an act relating to retirement; disability benefits for newly hired Faribault firefighters; amending Laws 1947, chapter 43, by adding a section.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [RATIFICATION OF RESCISSION BY FARI-  
BAULT CITY COUNCIL.]

*The action of the Faribault city council of March 26, 1985, rescinding the adoption of the resolution of the Faribault city council of August 8, 1980, exempting from phase out the Faribault police and firefighters relief associations, is ratified and confirmed.*

*By rescission of the resolution of August 8, 1980, and the enactment of the March 26, 1985, resolution, all salaried firefighters and police officers hired prior to October 23, 1984, shall remain as members of the Faribault firefighters relief association or Faribault relief association, whichever is applicable. All salaried firefighters and police officers hired on or after October 23, 1984, shall be members of the public employees retirement association.*

*By rescission of the resolution of August 8, 1980, the provisions of Laws 1980, chapter 607, article 15, sections 4, 5, and 7, are made applicable to the municipality and relief associations, where applicable.*

Sec. 2. [PAYMENT OF AMORTIZATION STATE AID.]



*Pursuant to Laws 1980, chapter 607, article 15, section 5, the city of Faribault, having modified the coverage of its salaried firefighters and police, shall be entitled to the payment of the amounts of amortization state aid as provided by law now coded in Minnesota Statutes, section 423A.02.*

*The amounts of the amortization state-aid payments for years after 1985 shall be paid to the city of Faribault following application to the commissioner of finance pursuant to section 432A.02. Payments of amortization state aid for years 1980 through 1985 shall be paid by the commissioner of finance upon special application from the city of Faribault upon appropriation of the amount in section 3.*

**Sec. 3. [APPROPRIATION.]**

*There is appropriated from the general fund the amount of \$225,672 for the purpose of paying the amortization state-aid payments to the city of Faribault for the years 1980 through 1985.*

**Sec. 4. [EFFECTIVE DATE.]**

*Section 1 is effective the day following final enactment. Sections 2 and 3 are effective July 1, 1985."*

Delete the title and insert:

**"A bill for an act relating to retirement; Faribault firefighters and police relief associations; approval of rescission of exemption from modification of pension coverage; 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.

Knickerbocker from the Committee on Governmental Operations to which was referred:

**H. F. No. 1095, A bill for an act relating to retirement; public employees retirement association; permitting certain former municipal court judges to receive a deferred early retirement annuity notwithstanding the law in effect on the date of their termination of public service; amending Minnesota Statutes 1984, section 353.34, 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.

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1109, A bill for an act relating to state government; concerning the state procurement of goods and services from small businesses; removing geographical distribution requirements and preference program limitations; amending Minnesota Statutes 1984, section 16B.19, subdivision 5; 16B.21, subdivision 1; and 16B.22.

Reported the same back with the following amendments:

Page 2, after line 33, insert:

"Sec. 2. Minnesota Statutes 1984, section 16B.19, subdivision 6, is amended to read:

Subd. 6. [CONTRACTS IN EXCESS OF \$200,000; SET-ASIDE.] The commissioner as a condition of awarding state procurements for construction contracts or approving contracts for consultant, professional, or technical services pursuant to section 16B.17 in excess of \$200,000 shall require that at least ten percent of the contract award to a prime contractor be subcontracted to a business owned and operated by a socially or economically disadvantaged person or persons *or that at least ten percent of the contract award be expended in purchasing materials or supplies from said person or persons. If there is no socially or economically disadvantaged person or persons or other small businesses able to perform the subcontract or to provide the supplies or materials, the construction contract or contract for consultant, professional, or technical services may be awarded notwithstanding the ten percent requirement provided that the ten percent requirement is made up in other such contracts awarded or to be awarded by the same agency.* Any subcontracting or purchasing of supplies and materials pursuant to this subdivision (MAY NOT) *must* be included in determining the total amount of awards required by subdivisions 1, 2, and 5. In the event small businesses owned and operated by socially and economically disadvantaged persons are unable to perform ten percent of the prime contract award, the commissioner shall require that other small businesses perform at least ten percent of the prime contract award. The commissioner may determine that small businesses owned and operated by socially and economically disadvantaged persons are unable to perform at least ten percent of the prime contract award prior to the advertising for bids. Each construction contractor bidding on a project over \$200,000 shall submit with the bid a list of the businesses owned and operated by socially or economically disadvantaged persons that are proposed to be utilized on the project with a statement indicating the portion of the total bid to be performed by each business. The commissioner shall reject any bid to which this subdivision applies that does not contain this information. Prime contractors receiving construction contract awards in excess of

\$200,000 shall furnish to the commissioner the name of each business owned and operated by a socially or economically disadvantaged person or persons or other small business that is performing work *or supplying supplies and materials* on the prime contract and the dollar amount of the work performed or to be performed *or the supplies and materials to be supplied*.

This subdivision does not apply to prime contractors that are themselves small businesses owned and operated by socially or economically disadvantaged persons, as duly certified pursuant to section 16B.22.

Sec. 3. Minnesota Statutes 1984, section 16B.19, subdivision 9, is amended to read:

Subd. 9. [PROCUREMENT PROCEDURES.] All laws and rules pertaining to solicitations, bid evaluations, contract awards, and other procurement matters apply equally to procurements designated for small businesses. In the event of conflict with other rules, *section 16B.18 and rules adopted under it govern if section 16B.18 applies. If it does not apply, sections 16B.19 to 16B.22 and rules adopted under those sections govern.*

Sec. 4. Minnesota Statutes 1984, section 16B.19, is amended by adding a subdivision to read:

Subd. 10. [APPLICABILITY.] *This section does not apply to construction contracts or contracts for consultant, professional, or technical services pursuant to section 16B.17 which are financed in whole or in part with federal funds and which are subject to federal disadvantaged business enterprise regulations."*

Page 5, after line 1, insert:

"Sec. 7. Minnesota Statutes 1984, section 645.445, subdivision 5, is amended to read:

Subd. 5. "Socially or economically disadvantaged person" means a person who has been deprived of the opportunity to develop and maintain a competitive position in the economy because of social or economic conditions. This disadvantage may arise from cultural, social or economic circumstances, or background, physical location if the person resides or is employed in an area designated a labor surplus area by the United States department of labor, or other similar cause. It includes racial minorities, women, or persons who have suffered a substantial physical disability. *For purposes of sections 16B.19 to 16B.22, the definition of "socially or economically disadvantaged person" includes sheltered workshops and work activity programs."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "subdivision 5" and insert "subdivisions 5, 6, 9, and by adding a subdivision"

Page 1, line 7, delete "and" and before the period insert "; and 645.445, subdivision 5"

With the recommendation that when so amended the bill pass.

The report was adopted.

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1145, A bill for an act relating to liquor; recodifying statutory provisions relating to intoxicating liquor and nonintoxicating malt liquor; amending Minnesota Statutes 1984, sections 260.015, subdivision 22; 299A.02; 473F.02, subdivision 17; and 624.701; proposing coding for new law in Minnesota Statutes, chapter 171; proposing coding for new law as Minnesota Statutes, chapters 297C and 340A; repealing Minnesota Statutes 1984, sections 340.001 to 340.988.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1152, A bill for an act relating to Winona county; authorizing the sale of certain property.

Reported the same back with the following amendments:

Page 1, line 10, after "sale" insert "*free of any public purposes requirement or limitation*"

Page 2, line 14, delete "59.08" and insert "595.08"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Carlson, D., from the Committee on Transportation to which was referred :

H. F. No. 1180, A bill for an act relating to traffic regulations; regulating traffic at unmarked T-intersections; amending Minnesota Statutes 1984, section 169.20, subdivisions 1 and 3.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred :

H. F. No. 1242, A bill for an act relating to retirement; authorizing an amendment to the articles of incorporation of the Duluth teachers retirement fund association.

Reported the same back with the following amendments :

Page 2, line 5, delete "*one percent greater than*"

Page 2, line 7, after "*have*" insert "*up to one percent*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Fjoslien from the Committee on General Legislation and Veterans Affairs to which was referred :

S. F. No. 69, A bill for an act relating to transportation; re-designating portion of trunk highway; amending Minnesota Statutes 1984, section 161.14, subdivision 6.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Transportation.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

S. F. No. 207, A bill for an act relating to crimes; defining sports bookmaking; amending Minnesota Statutes 1984, sections 299C.065, subdivision 1; and 609.75, subdivision 7.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Fjoslien from the Committee on General Legislation and Veterans Affairs to which was referred:

S. F. No. 247, A bill for an act relating to veterans; establishing a memorial to veterans of certain wars in the Court of Honor on the Capitol grounds.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

S. F. No. 546, A bill for an act relating to agriculture; appropriating money for the state board of vocational technical education and the agricultural extension service of the University of Minnesota.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [LEGISLATIVE FINDINGS.]

*The legislature finds that a crisis situation exists in rural Minnesota that demands state action. The legislature finds that there is a lack of comprehensive, sound, financial data on which to design a state relief program for farmers. The severe problems facing farmers require an immediate and comprehensive data collection effort to thoroughly document the extent and nature of the problem in order to allow the state to design an agriculture program that will best utilize the state's limited resources and best direct the state resources to the farmers who are most in need. The legislature further finds that this crisis can in part be eased and this need be met by providing additional support for efforts of the agricultural extension service and*

*vocational technical education system aimed at enhancing farm financial recordkeeping and evaluating existing farm financial information.*

**Sec. 2. [TASK FORCE CREATED.]**

*Subdivision 1. [MEMBERSHIP.] The data collection task force is created to consist of two members of the house of representatives appointed by the speaker of the house, two members of the senate appointed by the senate committee on committees, the director of the agricultural extension service, the director of the vocational technical education system, a representative appointed by the governor, and two representatives appointed by the commissioner of agriculture.*

*Subd. 2. [DUTIES.] The duties of the data collection task force are to:*

*(1) develop a uniform procedure for collecting data on the financial status of agriculture in Minnesota;*

*(2) oversee the implementation of the farm crisis intervention act; and*

*(3) report the results of the program to the legislature no later than December 31, 1985.*

*Subd. 3. [REPORT.] The report to the legislature must summarize the financial condition of farmers in Minnesota and include summary statistics on the number of foreclosures, the degree and extent of delinquent payments, the amount and types of outstanding debt including information on the interest charged on that debt, the levels and changes in levels on farm asset values, the level of income and expenditures, and the relevant tax burdens. The report must also include any other information that the data collection task force determines is relevant. The staff needed to assemble the report shall come from the existing staff of the agricultural extension service and the vocational technical education system.*

*Subd. 4. [DATA PRIVACY.] To the extent allowable under the data privacy act, all data shall be summarized and made available for release to the legislature. The task force shall forward the public information that it collects to the department of agriculture.*

*Subd. 5. [COMPENSATION.] The expenses and per diem payments of the legislative members of the task force shall be paid from the legislative expense fund of their respective body. Compensation and expenses for nonlegislative members of the task force shall be in accordance with the provisions of section 15.059 except that payments shall be as follows. Public employees*

*will not receive the \$35 per day and will not be subject to the corresponding loss of compensation and benefits as required by section 15.059. Members who are not public employees will receive compensation and expenses as provided in section 15.059. Compensation and expenses of nonlegislative members shall be paid in equal parts by the legislative expense funds of the house and senate.*

*Subd. 6. [EXPIRATION.] The data collection task force shall cease to exist within ten days of submitting its report to the legislature.*

### Sec. 3. [APPROPRIATIONS; AVTI.]

*There is appropriated \$1,166,550 from the general fund to the state board of vocational technical education to provide farm financial crisis intervention services, to be available until June 30, 1985, as follows:*

(1) Computer software, hardware, and training	\$564,200
(2) Support staff vo-ag farm management instructors	\$159,000
(3) Travel supplement for vo-ag agents	\$ 54,600
(4) Tuition supplement	\$150,000
(5) Project activity, coordination, and publicity	\$ 40,000
(6) Emergency financial planning and loan processing support for FMHA	\$198,750

*This appropriation is not subject to the allocation procedures for instructional aid in Minnesota Statutes, chapter 136C.*

### Sec. 4. [APPROPRIATIONS; A.E.S.]

*Subdivision 1. [FARM CRISIS INTERVENTION.] There is appropriated \$402,500 from the general fund to the University of Minnesota for use by its agricultural extension service in providing farm financial crisis intervention services, to be available until June 30, 1985, as follows:*

(1) Computer hardware, software training and compensation	\$277,500
(2) Travel supplement for agricultural extension service agents	\$100,000
(3) Project activity, coordination, and publicity	\$ 25,000



*Subd. 2. [LIMITATION.] The money appropriated in this section is in addition to money already available to the agricultural extension service and may not be used to pay for programs, staff, or materials which are already budgeted or funded.*

Sec. 5. [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. Nos. 10, 86, 91, 191, 234, 245, 264, 285, 323, 360, 379, 409, 514, 576, 611, 619, 623, 634, 677, 694, 708, 729, 766, 796, 800, 815, 831, 839, 847, 855, 876, 881, 897, 930, 960, 982, 988, 997, 1019, 1032, 1057, 1095, 1109, 1145, 1152, 1180 and 1242 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 207, 247 and 546 were read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Bishop introduced:

H. F. No. 1370, A bill for an act relating to statutes; revising the text of certain laws to remove redundant and obsolete language, to simplify grammar and syntax, and to improve the style of language without causing changes in the meaning of the laws affected; amending Minnesota Statutes 1984, chapters 35; 37; 92; 219; 315; 344; 390; 458; 589; 629; and 631; Laws 1959, chapter 699, section 4; Laws 1961, chapter 545, section 1; Laws 1963, chapters 254, section 1; and 827, section 1; Laws 1965, chapter 344, as amended; Laws 1967, chapter 541, section 1, as amended; Laws 1971, extra session, chapter 35, sections 7, 8, and 9; Laws 1974, chapter 218; Laws 1975, chapter 326, section 1; Laws 1976, chapter 234, section 3, as amended; Laws 1979, chapters 269, section 1; and 303, article 10, section 16; Laws 1980, chapter 453, section 1; and chapter 595, section 5; Laws 1982, chapter 523, article 24, section 2; Laws 1983, chapters 110, sections 1 and 2; and 257, section 1; Laws 1984, chapters 397, section 1; 498, section 1; and 548, section 9;

repealing Minnesota Statutes 1984, sections 458.13; 458.16, subdivision 3; 458.192, subdivision 3a; 458.41; 458.50; 458.51; 458.52; 458.54; 458.55; 458.56; 458.57; 458.58; and 458.60.

The bill was read for the first time and referred to the Committee on Judiciary.

**Bishop introduced:**

H. F. No. 1371, 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; reenacting certain laws; providing instructions to the revisor; amending Minnesota Statutes 1984, sections 3C.12, subdivision 2; 8.31, subdivision 2; 13.37, subdivision 2; 14.47, subdivision 8; 16A.065; 16A.133, subdivision 1; 16B.64, subdivision 2; 21.92; 35.09, subdivision 1; 42.09, subdivision 9; 46.046, subdivision 1; 47.101, subdivisions 2 and 3; 47.29, subdivision 1; 47.30, subdivisions 2 and 3; 47.51; 48.89, subdivision 1; 60A.03, subdivision 2; 62D.04, subdivision 1; 62D.041, subdivision 5; 62D.09; 62H.06; 83.23, subdivision 3; 106.631, subdivisions 2 and 4; 116J.58, subdivision 4; 122.531, subdivisions 3a and 5; 124A.03, subdivision 3; 204B.14, subdivision 5; 214.13, subdivision 4; 240.16, subdivision 6; 256B.431, subdivision 4; 257.67, subdivision 3; 260.121, subdivision 3; 268.04, subdivision 32; 268.08, subdivision 1; 268.675, subdivision 1; 270.84, subdivision 1; 290.531; 290A.111, subdivision 2; 296.18, subdivision 1; 297A.391; 307.06; 309.502; 349.51, subdivision 5; 352.01, subdivision 2A; 360.531, subdivision 7; 363.071, subdivision 1; 388.051, subdivision 2; 422A.101, subdivision 2; 453.55, subdivision 11; 473.384, subdivision 6; 473.446, subdivision 1; 474.17, subdivision 3; 474.19, subdivisions 3 and 7; 519.01; 525.619; 571.41, subdivision 5b; amending Laws 1984, chapter 463, article 7, section 53, subdivision 2; reenacting Minnesota Statutes 1984, sections 10A.31, subdivision 5; 62D.03, subdivision 4; repealing Minnesota Statutes 1984, sections 124A.035, subdivision 6; 177.295; 204B.19, subdivision 3; repealing Laws 1977, chapter 434, sections 4 and 5; chapter 386, section 1; Laws 1978, chapter 772, section 8; Laws 1980, chapter 522, section 4; Laws 1983, chapter 222, section 14; chapter 247, sections 122, 176, and 217; chapter 253, section 19; chapter 299, section 20; chapter 301, section 220; chapter 314, article 11, section 19; chapter 359, section 149; Laws 1984, chapter 464, section 12, clause (g), and the second paragraph after clause (g); chapter 468, section 1; chapter 471, sections 14, 15, and 16; chapter 514, article 2, section 13; chapter 541, section 1; chapter 543, section 8; chapter 618, section 59; that part of Laws 1984, chapter 629, section 2, that amends section 375.193; Laws 1984, chapter 638, section 3; chapter 654, article 2, section 118.

The bill was read for the first time and referred to the Committee on Judiciary.

**Murphy introduced :**

**H. F. No. 1372, A bill for an act relating to fines; providing for distribution of more state and county court fine money to municipalities; amending Minnesota Statutes 1984, sections 299D.03, subdivision 5; and 487.33, subdivision 5.**

**The bill was read for the first time and referred to the Committee on Judiciary.**

**Segal, Rest and Tomlinson introduced :**

**H. F. No. 1373, A bill for an act relating to housing; requiring a written disclosure notice to accompany the sale of homes on leased land; proposing coding for new law in Minnesota Statutes, chapter 325F.**

**The bill was read for the first time and referred to the Committee on Commerce and Economic Development.**

**Begich and Battaglia introduced :**

**H. F. No. 1374, A bill for an act relating to mines and minerals; prescribing fencing of unused mine pits and shafts; providing exceptions to tort liability in regard to certain water access sites related to mining areas; providing for a study and report; providing penalties; amending Minnesota Statutes 1984, sections 3.736, subdivision 3; 180.03, subdivisions 2, 3, and 4; 180.10; and 466.03, by adding a subdivision.**

**The bill was read for the first time and referred to the Committee on Environment and Natural Resources.**

**Schreiber, Knickerbocker and Scheid introduced :**

**H. F. No. 1375, A bill for an act relating to deposit and investment of public funds; modifying the collateral requirements for public deposits; amending Minnesota Statutes 1984, sections 118.005, subdivision 1; 118.01; 475.66, subdivision 1; and 475.76, subdivision 1.**

**The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.**

Nelson, D.; Heap; Backlund; Wenzel and McEachern introduced:

H. F. No. 1376, 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 kinds of personnel licensed by the board of teaching and the state board of education; changing the membership of the board of teaching; amending Minnesota Statutes 1984, sections 125.03, subdivisions 1 and 4; 125.05, subdivisions 1 and 2; 125.08; and 125.183, subdivision 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Anderson, G.; Tunheim; Peterson; Brinkman and Rodosovich introduced:

H. F. No. 1377, A bill for an act relating to taxation; modifying the procedure used by the state board of equalization for determining property values for taxes payable in 1986.

The bill was read for the first time and referred to the Committee on Taxes.

Price, Skoglund, Kostohryz, Beard and Vellenga introduced:

H. F. No. 1378, A bill for an act relating to animals; prohibiting keeping of certain wild, exotic, or vicious animals; imposing a penalty; proposing coding for new law in Minnesota Statutes, chapter 346.

The bill was read for the first time and referred to the Committee on Judiciary.

Kvam, Himle and Seaberg introduced:

H. F. No. 1379, A bill for an act relating to state government; providing for a warranty for certain small business preferences and set-asides; amending Minnesota Statutes 1984, section 16B.-19, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Redalen introduced:

H. F. No. 1380, A bill for an act relating to taxation; modifying the procedure used by the state board of equalization for determining property values for taxes payable in 1986.

The bill was read for the first time and referred to the Committee on Taxes.

Redalen introduced:

H. F. No. 1381, A bill for an act relating to taxation; property; providing for homestead classification in certain cases for agricultural land occupied by persons holding a remainder interest in the property; amending Minnesota Statutes 1984, section 273.13, subdivision 6.

The bill was read for the first time and referred to the Committee on Taxes.

Cohen introduced:

H. F. No. 1382, A bill for an act relating to courts; providing for transcript fees in the second judicial district; amending Minnesota Statutes 1984, section 486.06; proposing coding for new law in Minnesota Statutes, chapter 486.

The bill was read for the first time and referred to the Committee on Judiciary.

Stanisus introduced:

H. F. No. 1383, A bill for an act relating to corrections; requiring supervision of inmates by correctional officers of same sex; proposing coding for new law in Minnesota Statutes, chapter 243.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Sparby, Lieder and Tunheim introduced:

H. F. No. 1384, A bill for an act relating to natural resources; appropriating money to relocate agricultural dikes along the Red River; amending Laws 1981, chapter 361, section 3, subdivision 3.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Boo, Thiede and Welle introduced :

H. F. No. 1385, A bill for an act relating to health ; authorizing the committees on health and human services to develop a policy and action plan concerning state hospitals.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Boo; Carlson, L.; Dyke; Carlson, J., and Hartinger introduced :

H. F. No. 1386, A bill for an act relating to post-secondary education; changing the task force on average cost funding; changing the requirements for post-secondary education system plans; amending Minnesota Statutes 1984, sections 135A.05; and 135A.06, subdivision 3, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Murphy introduced :

H. F. No. 1387, A bill for an act relating to retirement; public employees generally; allowing deferred members to retire at the age applicable to current members; amending Minnesota Statutes 1984, sections 352.115, subdivision 1; and 353.30, subdivision 1c.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Richter and McDonald introduced :

H. F. No. 1388, A bill for an act relating to agriculture; requiring certain levels of solids-not-fat in fluid milk marketed in Minnesota; encouraging the promotion and increased use of "cream line" milk; amending Minnesota Statutes 1984, sections 17.54, by adding a subdivision; and 32.391, subdivision 1.

The bill was read for the first time and referred to the Committee on Agriculture.

Johnson introduced :

H. F. No. 1389, A bill for an act relating to transportation; railroads; prescribing fees for commencement of various proceedings before the transportation regulation board; proposing coding for new law in Minnesota Statutes, chapter 219.

The bill was read for the first time and referred to the Committee on Transportation.

Scheid and Osthoff introduced:

H. F. No. 1390, A bill for an act relating to public finance; modifying provisions that allocate industrial revenue bond authority; clarifying the duties of the department of energy and economic development; amending Minnesota Statutes 1984, sections 116J.58, subdivision 4; 474.16, subdivisions 1, 4, and 5, and by adding subdivisions; 474.17, subdivisions 1, 2, and 3; 474.18, subdivisions 1, 2, 3, and 4, and by adding a subdivision; 474.19, subdivisions 1, 2, 3, 4, 5, 6, and 7, and by adding subdivisions; 474.20, subdivisions 1 and 2; 474.22; and 474.23.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Bishop and Levi introduced:

H. F. No. 1391, A bill for an act relating to economic security; defining temporary housing; deleting a sunset provision; requiring certain followup information on persons assisted; appropriating money; amending Minnesota Statutes 1984, section 268.38, subdivisions 1, 2, 6, 7, and 8.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Bishop, Kvam, Levi, Heap and Boo introduced:

H. F. No. 1392, A bill for an act relating to economic development; providing a state advocacy function for business license applicants; amending Minnesota Statutes 1984, section 116J.76.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Vellenga and O'Connor introduced:

H. F. No. 1393. A bill for an act relating to the Minneapolis/St. Paul housing finance board.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Kelly, Scheid, Price, Simoneau and Osthoff introduced:

H. F. No. 1394, A bill for an act relating to animals; authorizing a statewide program of spaying and neutering dogs and cats; creating a spaying and neutering fund; imposing a surcharge on certain pet food sold in Minnesota; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 343.

The bill was read for the first time and referred to the Committee on Agriculture.

Kalis, Brinkman, Kvam, Tunheim and Brown introduced:

H. F. No. 1395, A bill for an act relating to taxation; income; exempting capital gains from farm foreclosure sales; amending Minnesota Statutes 1984, section 290.01, subdivision 20b.

The bill was read for the first time and referred to the Committee on Taxes.

Bishop, Frerichs and Gutknecht introduced:

H. F. No. 1396, A bill for an act relating to public lands; authorizing Olmsted county to acquire a road easement in certain state land.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Jaros, Greenfield, Pappas, Clark and Skoglund introduced:

H. F. No. 1397, A resolution memorializing the President and Congress of the United States to enact a program of national health insurance.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Segal, Greenfield, Wynia, Boo and Halberg introduced:

H. F. No. 1398, A bill for an act relating to human services; requiring county boards to provide services to mentally ill persons; specifying duties of the commissioner; authorizing rule-making; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 253C.

The bill was read for the first time and referred to the Committee on Health and Human Services.



Segal; Clark; Nelson, K., and McEachern introduced:

H. F. No. 1399, A bill for an act relating to education; requiring licensed school nurses; regulating the administration of medication by school personnel; amending Minnesota Statutes 1984, section 123.35, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 126.

The bill was read for the first time and referred to the Committee on Education.

Olsen, S., by request, introduced:

H. F. No. 1400, A bill for an act relating to education; authorizing the conveyance of certain lands from the state to independent school district No. 270; providing for the release of certain conditions and reservations contained in prior deeds.

The bill was read for the first time and referred to the Committee on Taxes.

Uphus, Wenzel, Schoenfeld, Omann and McDonald introduced:

H. F. No. 1401, A bill for an act relating to agriculture; finding conditions exist that have caused a loss of agricultural credit; declaring an agricultural economic emergency exists; providing seed, fertilizer, herbicides, and fuel loans; making emergency loans to counties; guaranteeing loans; appropriating money; amending Minnesota Statutes 1984, sections 395.14; 395.15; 395.16; 395.17; 395.18; 395.19; 395.20; 395.21; 395.22; 395.23; and 395.24.

The bill was read for the first time and referred to the Committee on Agriculture.

Schreiber; McDonald; Anderson, G., and Quist introduced:

H. F. No. 1402, A bill for an act relating to agricultural resource loan guaranty program; modifying the terms of the state's guaranty; permitting purchases of private guarantees; repealing the authority to issue state general obligation bonds; authorizing the issuance of revenue bonds; restricting the use of tax increments; appropriating money; amending Minnesota Statutes 1984, sections 41A.01; 41A.02, subdivisions 5, 7, 8, and by adding a subdivision; 41A.03, subdivisions 1, 3, and by adding a subdivision; 41A.04, subdivisions 1 and 3; 41A.05, subdivisions 1, 2, 3, and by adding a subdivision; and 41A.06, subdivisions

1 and 5; proposing coding for new law in Minnesota Statutes, chapter 41A; repealing Laws 1984, chapter 502, article 10, section 12.

The bill was read for the first time and referred to the Committee on Budget.

Pappas, Rest and Lieder introduced:

H. F. No. 1403, A bill for an act relating to environment; requiring government action to determine and decrease the health risks attributable to exposure to or absorption of lead; providing for duties of the pollution control agency and the commissioner of health; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 116 and 144.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Rest introduced:

H. F. No. 1404, A bill for an act relating to retirement; teachers; participation in variable annuity division; amending Minnesota Statutes 1984, section 354.62, subdivision 2; repealing Minnesota Statutes 1984, section 354.621.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Halberg introduced:

H. F. No. 1405, A bill for an act relating to contempt of court; providing penalties for failure to file a complete income tax return pursuant to court order; proposing coding for new law in Minnesota Statutes, chapter 588.

The bill was read for the first time and referred to the Committee on Judiciary.

Kahn, Greenfield, Piepho, Elioff and Wynia introduced:

H. F. No. 1406, A bill for an act relating to education; clarifying the term "Minnesota resident" for purposes of financial aid; amending Minnesota Statutes 1984, sections 136A.101, by adding a subdivision; 136A.15, subdivision 7; and 136A.233, subdivision 2.

The bill was read for the first time and referred to the Committee on Education.

Halberg, Seaberg and Rees introduced :

H. F. No. 1407, A bill for an act relating to traffic regulations ; prescribing state patrol vehicle markings and flashing light ; limiting trooper testimony ; amending Minnesota Statutes 1984, section 169.98, subdivision 2, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Jacobs and O'Connor introduced :

H. F. No. 1408, A bill for an act relating to utilities ; regulating certain intrastate gas pipelines ; amending Minnesota Statutes 1984, section 216B.02, subdivision 4.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

Dempsey, Brinkman, Sherman, Rees and Scheid introduced :

H. F. No. 1409, A bill for an act relating to commerce ; requiring certain agreements to extend credit to be in writing ; proposing coding for new law in Minnesota Statutes, chapter 513.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Welle ; Nelson, K. ; Nelson, D. ; Knuth and Beard introduced :

H. F. No. 1410, A bill for an act relating to education ; providing a state aid incentive for class size reductions in kindergarten through grade 12 ; appropriating money ; proposing coding for new law in Minnesota Statutes, chapter 124.

The bill was read for the first time and referred to the Committee on Education.

Boo ; Carlson, L., and Bishop introduced :

H. F. No. 1411, A bill for an act relating to education ; authorizing an income-contingent loan repayment program for medical, dental, pharmacy, and veterinary students ; appropriating money ; proposing coding for new law in Minnesota Statutes, chapter 136A.

The bill was read for the first time and referred to the Committee on Education.

Olson, E.; McDonald; Tunheim; Lieder and Brown introduced:

H. F. No. 1412, A bill for an act relating to education; authorizing forgiveness of certain portions of student loans for teachers of secondary mathematics and science in certain rural school districts; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136A.

The bill was read for the first time and referred to the Committee on Education.

Munger; Carlson, D.; Boo; Frerichs and Redalen introduced:

H. F. No. 1413, A resolution memorializing the President and Congress of the United States and the Secretary of Transportation of the need for continued funding of Amtrak.

The bill was read for the first time and referred to the Committee on Transportation.

Boo; Carlson, L.; Dyke; Carlson, J., and Boerboom introduced:

H. F. No. 1414, A bill for an act relating to post-secondary education; limiting the use and removing the cap of unexpended balances; prohibiting amounts carried forward from being deducted from later appropriations; amending Minnesota Statutes 1984, sections 135A.03, subdivision 4; 136.031; 136.67, subdivision 5; and 136C.04, subdivision 4a.

The bill was read for the first time and referred to the Committee on Education.

Rose introduced:

H. F. No. 1415, A bill for an act relating to game and fish; providing a split season opener for the walleyed pike season; amending Minnesota Statutes 1984, section 98.48, subdivision 23.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Elioff, Begich, Battaglia and Minne introduced:

H. F. No. 1416, A bill for an act relating to motor vehicles; abolishing certain fees related to special license plates issued to former prisoners of war; amending Minnesota Statutes 1984, section 168.125, subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation.

Redalen introduced:

H. F. No. 1417, A bill for an act relating to the city of Harmony; allocating money from state-aid funds to replace bridge.

The bill was read for the first time and referred to the Committee on Transportation.

Onnen introduced:

H. F. No. 1418, A bill for an act relating to human services; authorizing the department to enter into shared service agreements; amending Minnesota Statutes 1984, section 246.57, subdivisions 1 and 2; repealing Minnesota Statutes 1984, section 246.57, subdivision 3.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Zaffke and Quist introduced:

H. F. No. 1419, A bill for an act relating to health; requiring the commission on long-term health care to review the state hospital study findings and make recommendations.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Sviggum, Solberg, Greenfield and Segal introduced:

H. F. No. 1420, A bill for an act relating to human services; establishing demonstration projects for services to the mentally ill and chemically dependent; appropriating money.

The bill was read for the first time and referred to the Committee on Health and Human Services.

McKasy, Halberg, Quinn, McPherson and Bishop introduced:

H. F. No. 1421, A bill for an act relating to commerce; defining "trade secret"; amending Minnesota Statutes 1984, section 325C.01, subdivision 5.

The bill was read for the first time and referred to the Committee on Judiciary.

Ozment, Clausnitzer, Riveness, Piper and Elioff introduced :

H. F. No. 1422, 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 1984, section 241.021, subdivision 4.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Burger, Brandl, Frerichs, Omann and Erickson introduced :

H. F. No. 1423, A bill for an act relating to education; authorizing the higher education coordinating board to contract for a project; requiring reports; appropriating money.

The bill was read for the first time and referred to the Committee on Education.

Cohen introduced :

H. F. No. 1424, A bill for an act relating to courts; providing for transcript fees in the second judicial district; amending Minnesota Statutes 1984, section 486.06; proposing coding for new law in Minnesota Statutes, chapter 486.

The bill was read for the first time and referred to the Committee on Judiciary.

Segal, Rest, Sparby and Pappas introduced :

H. F. No. 1425, A bill for an act relating to taxation; income; providing an exclusion for certain income for people age 65 and over; amending Minnesota Statutes 1984, sections 290.01, subdivision 20b; and 290.08, subdivision 26.

The bill was read for the first time and referred to the Committee on Taxes.

Uphus, Wenzel and Redalen introduced :

H. F. No. 1426, A bill for an act relating to agriculture; changing the agricultural land preservation pilot county program; amending Minnesota Statutes 1984, sections 40A.03, subdivisions 1 and 2; 40A.15, subdivisions 2 and 4.

The bill was read for the first time and referred to the Committee on Agriculture.

Carlson, D.; Boo; Knickerbocker; Battaglia and Neuenchwander introduced:

H. F. No. 1427, A bill for an act relating to the economic crisis in northeastern Minnesota; creating the Northeastern Minnesota Economic Development Corporation to promote economic development in northeastern Minnesota and to provide incentives for industrial and manufacturing enterprises to locate in northeastern Minnesota; providing for a board of directors and an advisory committee; establishing a northeastern Minnesota economic recovery fund; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 116N.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Schreiber, Scheid, Knickerbocker, Pauly and Nelson, D., introduced:

H. F. No. 1428, A bill for an act relating to Hennepin county; providing for the election of the park reserve district board; amending Laws 1979, chapter 288, section 2, subdivision 1; repealing Laws 1979, chapter 288, section 2, subdivisions 2, 3, and 4; and section 3.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Segal, Staten, Rest and Clark introduced:

H. F. No. 1429, A bill for an act relating to child abuse; authorizing the commissioner of human services to order the suspension of facility employees accused of child abuse, pending investigation or prosecution; amending Minnesota Statutes 1984, section 626.556, subdivision 10b.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Battaglia; Carlson, L.; Carlson, D.; Kahn and Nelson, D., introduced:

H. F. No. 1430, A bill for an act relating to the environment; appropriating money to the commissioner of natural resources for payment to Lake county for improvements to the environmental learning center at Isabella, Minnesota.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Bishop, Seaberg and Pappas introduced:

H. F. No. 1431, A bill for an act relating to statutes; conforming various laws to judicial decisions of unconstitutionality and suggestions for clarity; amending Minnesota Statutes 1984, sections 3.736, subdivision 3; 65B.44, subdivision 6; 181.13; 268.06, subdivision 5; 429.061, subdivision 1; 471.705, subdivision 2; 609.11, subdivision 8; and 631.09; repealing Minnesota Statutes 1984, section 422A.156.

The bill was read for the first time and referred to the Committee on Judiciary.

Richter introduced:

H. F. No. 1432, A bill for an act relating to liquor; authorizing the city of Sebeka to issue a temporary on-sale license.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Boo, Munger and Jaros introduced:

H. F. No. 1433, A bill for an act relating to retirement; Duluth firefighters relief association; consolidation into the public employees police and fire fund; terminating the special fund of the Duluth firefighters relief association; transferring of assets and records; repealing Laws 1955, chapter 188; Laws 1961, chapter 186; Laws 1963, chapter 208; Laws 1965, chapter 179; Laws 1975, chapter 127; Laws 1976, chapter 78, section 4; and Laws 1977, chapter 164, section 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Begich, Elioff, Solberg, Battaglia and Minne introduced:

H. F. No. 1434, A bill for an act relating to utilities; establishing a study of the effects of deregulation of certain gas and electric utility functions; appropriating money.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.



Quist introduced:

H. F. No. 1435, A bill for an act relating to local government; providing for the maintenance of town cartways; amending Minnesota Statutes 1984, section 164.08, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Onnen, Segal, Greenfield, Kvam and Stanius introduced:

H. F. No. 1436, A bill for an act relating to occupations and professions; revising the standards for licensing and disciplining physicians; establishing reporting requirements for health professionals and granting immunity to those complying with reporting requirements; appropriating money; recodifying certain provisions in Minnesota Statutes, chapter 147; amending Minnesota Statutes 1984, sections 147.02, subdivision 1; 147.021; 147.03; 147.073; 147.074; 147.09; 147.10; and 176.011, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 147; repealing Minnesota Statutes 1984, sections 147.02, subdivision 2; 147.06; 147.07; 147.072; 147.101; 147.11; 147.12; 147.13; 147.16; 147.17; 147.18; 147.19; 147.20; and 147.23.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Burger introduced:

H. F. No. 1437, A bill for an act relating to human services; refining the vulnerable adults reporting act; clarifying definitions and records provisions; amending Minnesota Statutes 1984, section 626.557, subdivisions 2, 5, 8, 9, 10, 11, 12, 15, 17, and 19, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Onnen; Quist; Sviggum; Carlson, J., and Stanius introduced:

H. F. No. 1438, A bill for an act relating to health and human services; providing for maternal and child health grant distribution; requiring parent contribution; providing day care program rates; abolishing state share of Title IV-E foster care payments; creating permanency planning grants to counties; providing services for the elderly; creating a consolidated chemical dependency services fund; clarifying case management services

for the mentally retarded; changing the health maintenance organization provisions; requiring a health care market report; expanding duties of the interagency board for quality assurance; creating a legislative commission on quality assurance and cost containment; requiring a study of home health care, services for mentally retarded persons, and services for mentally ill persons; requiring a study of guardianship; requiring a home equity conversion study; establishing prepaid health plans; changing nursing home reimbursement provisions; expanding medical assistance for young mothers; increasing incentives for enforcing child support payments; placing certain limitations on aid to families with dependent children and general assistance; appropriating money; amending Minnesota Statutes 1984, sections 62D.03; 62D.04; 62D.05, subdivision 2, and by adding a subdivision; 62D.07, subdivision 3; 62D.08; 62D.10, by adding subdivisions; 62D.12, subdivision 1; 62D.14; 62D.16; 62D.17; 62D.20; 62D.21; 144.695; 144.70; 145.882; 145.884; 145.885; 145.886; 245.84; 246.04; 246.18; 246.23; 246.50, by adding a subdivision; 246.51, subdivision 1; 246.54; 256.045, subdivision 3, and by adding a subdivision; 256.74, subdivision 5, and by adding subdivisions; 256.79; 256.82, subdivision 2; 256.87, subdivisions 1, 1a, and 3; 256.967; 256.969, subdivisions 1, 2, and by adding a subdivision; 256.99; 256B.02, subdivisions 2, 3, 8, and by adding a subdivision; 256B.042, by adding a subdivision; 256B.06, subdivision 1; 256B.062; 256B.091, subdivision 8; 256B.092, subdivisions 5, 7, and by adding subdivisions; 256B.17, subdivision 6; 256B.19, subdivision 1; 256B.431, subdivisions 2b, 3, and 4; 256B.50; 256B.70; 256D.03, subdivisions 4 and 6; 256D.06, by adding subdivisions; 256D.37, subdivisions 1 and 2; 257.58, subdivision 1; 260.38; 393.07, by adding a subdivision; 518.551, subdivision 7; 518.611, subdivisions 2, 3, 4, 6, and by adding subdivisions; 518.645; proposing coding for new law in Minnesota Statutes, chapters 62D; 246; 254B; 256; 256B; and 256F; repealing Minnesota Statutes 1984, sections 256.045, subdivision 2; 256.966, subdivision 2; 257.62, subdivision 4; and 259.405.

The bill was read for the first time and referred to the Committee on Health and Human Services.

#### MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 63, 342 and 472.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 63, A bill for an act relating to the city of Fergus Falls located in Otter Tail county and the city of Detroit Lakes located in Becker county; granting the cities the powers of a port authority; authorizing the port authority to exercise the powers of a municipal housing and redevelopment authority; permitting the cities to choose the name of the port authority; requiring local approval.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 342, A bill for an act relating to occupations and professions; requiring that plumbing inspectors hold a license as master or journeyman plumbers or be a state certified plumbing inspector; establishing a certification procedure; amending Minnesota Statutes 1984, section 326.37.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

S. F. No. 472, A bill for an act relating to taxation; discontinuing enforcement of the unfair cigarette sales act; modifying certain procedures relating to taxpayer appeals; requiring apportionment of levies in specific situations; clarifying the calculation of property tax credits; clarifying the tax treatment of certain pipelines; modifying provisions relating to the payment of property taxes; allowing for sales of sample packs of cigarettes containing 25 cigarettes; altering the eligibility for confessions of judgment; providing for the recording of state deeds; modifying the deed stamp tax procedure; clarifying the computation of gross earnings tax for taconite railroads; clarifying labor credit provisions; modifying the taconite production tax distribution; reducing occupation and royalty tax rates for certain ore; clarifying process of taconite aid guarantee phase out; requiring payment of current taxes before conveyance of registered land; allowing for memorializing of state deeds on certificates of title; amending Minnesota Statutes 1984, sections 270.06; 270.076, subdivision 2; 270.11, subdivision 7; 270.12, subdivision 3; 272.02, subdivision 1; 273.123, subdivision 5; 273.13, subdivision 4; 273.138, subdivision 5; 273.33, subdivisions 1 and 2; 279.01, subdivision 1; 279.37, subdivision 1; 282.01, subdivision 6; 282.014; 282.301; 282.33, subdivision 1; 282.36; 287.25; 294.22; 297.03, subdivision 10; 298.01, subdivision 1; 298.02, subdivision 1; 298.225; 298.28, subdivision 1; 299.01, subdivision 1; 299.012, subdivision 1; 473H.10, subdivision 3; 508.47, subdivision 4; 508.71, subdivision 4; proposing coding for new law in Minne-

sota Statutes, chapter 273; repealing Minnesota Statutes 1984, sections 298.01, subdivision 2; 299.01, subdivision 2; 325D.41; and 477A.04.

The bill was read for the first time.

Dempsey moved that S. F. No. 472 and H. F. No. 556, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

### CONSENT CALENDAR

H. F. No. 835 was reported to the House.

Miller moved that H. F. No. 835 be continued on the Consent Calendar for one day. The motion prevailed.

H. F. No. 58, A bill for an act relating to the town of Moorhead; allowing the town certain powers.

The bill was read for the third 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, G.	Forsythe	Levi	Otis	Skoglund
Anderson, R.	Frederick	Lieder	Ozment	Solberg
Backlund	Frederickson	Long	Pappas	Sparby
Beard	Frerichs	Marsh	Pauly	Stanius
Becklin	Greenfield	McDonald	Peterson	Staten
Bennett	Gruenes	McEachern	Piper	Sviggum
Bishop	Gutknecht	McKasy	Poppenhagen	Thorson
Blatz	Halberg	McLaughlin	Price	Tjornhom
Boerboom	Hartinger	McPherson	Quinn	Tomlinson
Boo	Hartle	Metzen	Quist	Tunheim
Brandl	Haukoos	Miller	Redalen	Uphus
Brinkman	Heap	Minne	Rees	Valan
Brown	Himle	Munger	Rest	Valento
Burger	Jacobs	Murphy	Richter	Vanasek
Carlson, D.	Jaros	Nelson, D.	Rodosovich	Vellenga
Carlson, L.	Jennings, L.	Nelson, K.	Rose	Voss
Clausnitzer	Johnson	Neuenschwander	Sarna	Waltman
Cohen	Kalis	Norton	Schafer	Welle
Dempsey	Kelly	O'Connor	Scheid	Wenzel
DenOuden	Kiffmeyer	Ogren	Schoenfeld	Zafke
Dimler	Knickerbocker	Olsen, S.	Seaberg	Spk. Jennings, D.
Dyke	Knuth	Olsen, E.	Segal	
Elioff	Kostohryz	Omann	Shaver	
Ellingson	Krueger	Onnen	Sherman	
Erickson	Kvam	Osthoff	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 230, A bill for an act relating to state lands; authorizing the sale of certain surplus state land in Dakota county to the city of Hastings.

The bill was read for the third 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.	Elioff	Kvam	Otis	Skoglund
Anderson, R.	Ellingson	Levi	Ozment	Solberg
Backlund	Erickson	Lieder	Pappas	Sparby
Battaglia	Forsythe	Long	Pauly	Stanius
Beard	Frederick	Marsh	Piepho	Staten
Becklin	Frederickson	McDonald	Poppenhagen	Sviggum
Begich	Frerichs	McEachern	Price	Thiede
Bennett	Greenfield	McKasy	Quinn	Thorson
Bishop	Gruenes	McLaughlin	Quist	Tjornhom
Blatz	Gutknecht	McPherson	Redalen	Tomlinson
Boerboom	Halberg	Metzen	Rees	Tunheim
Boo	Hartle	Miller	Rest	Uphus
Brandl	Haukoos	Minne	Richter	Valan
Brinkman	Heap	Munger	Riveness	Valento
Brown	Himle	Murphy	Rodosovich	Vanasek
Burger	Jacobs	Nelson, D.	Rose	Vellenga
Carlson, D.	Jaros	Nelson, K.	Sarna	Voss
Carlson, J.	Jennings, L.	Neuenschwander	Schafer	Waltman
Carlson, L.	Johnson	Norton	Scheid	Welle
Clark	Kalis	O'Connor	Schoenfeld	Wenzel
Clausnitzer	Kelly	Ogren	Schreiber	Zaffke
Cohen	Kiffmeyer	Olson, S.	Seaberg	Spk. Jennings, D.
Dempsey	Knickerbocker	Olson, E.	Segal	
DenOuden	Knuth	Omann	Shaver	
Dimler	Kostohryz	Onnen	Sherman	
Dyke	Krueger	Osthoff	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 315 was reported to the House.

Ogren moved to amend H. F. No. 315, as follows:

Page 1, after line 25, insert:

“Sec. 2. [BONDS AUTHORIZED; TAX LEVY.]

*Subdivision 1. The city council of the city of Carlton in Carlton county may by resolution authorize, sell, and issue general obligation bonds of the city in an amount not exceeding \$555,000 to finance the acquisition and betterment of a new fire hall. The bonds shall be authorized, sold, and issued in accordance with Minnesota Statutes, chapter 475, except that no election shall be required to authorize their issuance except as provided in sub-*

*division 2, and the bonds shall not constitute net debt within the meaning of Minnesota Statutes, section 475.53.*

*Subd. 2. Before the issuance of the bonds, the council shall publish in the official newspaper of the city a resolution authorizing their issuance, and if within ten days after the publication a petition is filed with the city clerk requesting an election on the proposition of issuing the bonds signed by a number of qualified voters equal to ten percent of the number voting at the last general election in the city, the bonds shall not be issued until the proposition has been approved by a majority of the votes cast on it at a regular or special election.*

*Subd. 3. Before the issuance of the bonds, the council shall levy ad valorem taxes for their payment in accordance with Minnesota Statutes, section 475.61. The taxes shall not be subject to any limitation as to rate or amount, and shall not be taken into account in determining the amount of any other taxes the city is authorized to levy.*

*Subd. 4. Carlton county, any town and any city, no matter how organized, within the county may enter into binding contracts with the city of Carlton: (a) to secure from the city of Carlton fire protection service for all or part of the area within their boundaries, and (b) to provide for the payment by the county or contracting town or city to the city of Carlton, specified amounts of the principal of and interest on bonds or other obligations issued by the city of Carlton to finance the cost of fire fighting facilities or equipment, on the terms and conditions and for the period their governing bodies shall determine. They may levy ad valorem taxes for the purpose on all taxable property within their boundaries or the area to be served. The taxes shall not be taken into account in determining the amount of any other taxes the county or any town or city within the county may levy, and taxes levied to provide money to pay a portion of the debt service on bonds or other obligations of the city of Carlton shall not be subject to limitation as to rate or amount. The contracts shall not constitute net debt of the county or the contracting town or city within the meaning of Minnesota Statutes, chapter 475.*

*Subd. 5. Pursuant to Minnesota Statutes, section 645.023, this section is effective the day after final enactment, without the approval of any local government unit."*

Amend the title as follows:

Page 1, line 5, after "districts;" insert "authorizing the city of Carlton to issue general obligation bonds to finance the acquisition and betterment of a new fire hall and permitting participation by other local government units;"

The motion prevailed and the amendment was adopted.

H. F. No. 315, A bill for an act relating to local government; removing the restriction on the number of mills certain towns may levy to provide fire protection for special fire protection districts; authorizing the city of Carlton to issue general obligation bonds to finance the acquisition and betterment of a new fire hall and permitting participation by other local government units; amending Minnesota Statutes 1984, section 368.85, subdivision 6.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Krueger	Onnen	Segal
Anderson, R.	Erickson	Kvam	Otis	Shaver
Backlund	Forsythe	Levi	Ozment	Simoneau
Battaglia	Frederick	Lieder	Pappas	Skoglund
Beard	Frederickson	Long	Pauly	Solberg
Becklin	Frerichs	Marsh	Peterson	Sparby
Begich	Greenfield	McDonald	Piepho	Stanisus
Bennett	Gruenes	McEachern	Piper	Staten
Blatz	Gutknecht	McKasy	Poppenhagen	Sviggum
Boerboom	Halberg	McLaughlin	Price	Thiede
Boo	Hartinger	McPherson	Quinn	Thorson
Brandl	Hartle	Metzen	Quist	Tjornhom
Brinkman	Haukoos	Miller	Redalen	Tomlinson
Brown	Heap	Minne	Rees	Tunheim
Burger	Himle	Munger	Rest	Upphus
Carlson, D.	Jacobs	Murphy	Richter	Valan
Carlson, J.	Jaros	Nelson, D.	Riveness	Valento
Carlson, L.	Jennings, L.	Nelson, K.	Rodosovich	Vanasek
Clark	Johnson	Neuenschwander	Rose	Vellenga
Clausnitzer	Kalis	Norton	Sarna	Voss
Cohen	Kelly	O'Connor	Schafer	Waltman
Dempsey	Kiffmeyer	Ogren	Scheid	Welle
DenOuden	Knickerbocker	Olsen, S.	Schoenfeld	Wenzel
Dimler	Knuth	Oison, E.	Schreiber	Zaffke
Dyke	Kostohryz	Omann	Seaberg	Spk. Jennings, D.

The bill was passed, as amended, and its title agreed to.

H. F. No. 626 was reported to the House.

Upon objection of ten members, H. F. No. 626 was stricken from the Consent Calendar and returned to General Orders.

H. F. No. 730, A bill for an act relating to petroleum products; setting standards for heating fuel, diesel fuel, and kerosene; providing testing authority for the weights and measures division of the department of public service; amending Minnesota Statutes 1984, sections 296.01, subdivision 4, and by adding subdivisions; and 296.05, subdivisions 2 and 4; repealing Minnesota Statutes 1984, section 296.05, subdivision 3a.

The bill was read for the third 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, G.	Ellingson	Kvam	Otis	Simoneau
Anderson, R.	Erickson	Levi	Ozment	Skoglund
Backlund	Forsythe	Lieder	Pappas	Solberg
Battaglia	Frederick	Long	Pauly	Sparby
Beard	Frederickson	Marsh	Peterson	Stanius
Becklin	Frerichs	McEachern	Piepho	Staten
Begich	Greenfield	McKasy	Piper	Sviggum
Bennett	Gruenes	McLaughlin	Poppenhagen	Thiede
Blatz	Gutknecht	McPherson	Price	Thorson
Boerboom	Halberg	Metzen	Quinn	Tjornhom
Boo	Hartinger	Miller	Quist	Tomlinson
Brandl	Hartle	Minne	Redalen	Tunheim
Brinkman	Haukoos	Munger	Rees	Uphus
Brown	Heap	Murphy	Rest	Valan
Carlson, D.	Himle	Nelson, D.	Richter	Valento
Carlson, J.	Jacobs	Nelson, K.	Riveness	Vanasek
Carlson, L.	Jennings, L.	Neuenschwander	Rodosovich	Vellenga
Clark	Johnson	Norton	Rose	Voss
Clausnitzer	Kalis	O'Connor	Sarna	Waltman
Cohen	Kelly	Ogren	Schafer	Welle
Dempsey	Kiffmeyer	Olsen, S.	Scheid	Wenzel
DenOuden	Knickerbocker	Olson, E.	Schoenfeld	Zaffke
Dimler	Knuth	Omann	Schreiber	Spk. Jennings, D.
Dyke	Kostohryz	Onnen	Seaberg	
Elioff	Krueger	Osthoff	Segal	

The bill was passed and its title agreed to.

H. F. No. 894, A bill for an act relating to utilities; defining independent telephone company; amending Minnesota Statutes 1984, 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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Brandl	Dyke	Hartinger	Kiffmeyer
Anderson, R.	Brinkman	Elioff	Haukoos	Knickerbocker
Backlund	Brown	Ellingson	Heap	Knuth
Battaglia	Carlson, D.	Erickson	Himle	Kostohryz
Beard	Carlson, J.	Forsythe	Jacobs	Krueger
Becklin	Carlson, L.	Frederickson	Jaros	Kvam
Begich	Clark	Frerichs	Jennings, L.	Levi
Bennett	Clausnitzer	Greenfield	Johnson	Lieder
Blatz	Cohen	Gruenes	Kahn	Long
Boerboom	DenOuden	Gutknecht	Kalis	Marsh
Boo	Dimler	Halberg	Kelly	McDonald



McEachern	Ogren	Price	Schreiber	Tomlinson
McKasy	Olsen, S.	Quinn	Seaberg	Tompkins
McLaughlin	Olson, E.	Quist	Segal	Tunheim
McPherson	Omann	Redalen	Sherman	Uphus
Mezzen	Onnen	Rees	Simoneau	Valan
Miller	Osthoff	Rest	Skoglund	Valento
Minne	Otis	Richter	Solberg	Vanasek
Munger	Ozment	Riveness	Sparby	Vellenga
Murphy	Pappas	Rodosovich	Stanius	Voss
Nelson, D.	Pauly	Rose	Staten	Waltman
Nelson, K.	Peterson	Sarna	Sviggum	Welle
Neuenschwander	Piepho	Schafer	Thiede	Wenzel
Norton	Piper	Scheid	Thorson	Zaffke
O'Connor	Poppenhagen	Schoenfeld	Tjornhom	Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 928, A bill for an act relating to the registration of snowmobiles; correcting an erroneous repealer; amending Minnesota Statutes 1984, section 84.82, by adding a subdivision; repealing Minnesota Statutes 1984, section 84.82, subdivision 9.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Kostohryz	Osthoff	Simoneau
Anderson, R.	Ellingson	Krueger	Otis	Skoglund
Backlund	Erickson	Kvam	Ozment	Solberg
Battaglia	Forsythe	Levi	Pappas	Sparby
Beard	Frederick	Lieder	Pauly	Stanius
Becklin	Frederickson	Long	Peterson	Staten
Begich	Frerichs	Marsh	Piepho	Sviggum
Bennett	Greenfield	McDonald	Piper	Thiede
Bishop	Gruenes	McEachern	Poppenhagen	Thorson
Blatz	Gutknecht	McKasy	Price	Tjornhom
Boerboom	Halberg	McLaughlin	Quinn	Tomlinson
Boo	Hartinger	Metzen	Quist	Tompkins
Brandl	Hartle	Miller	Redalen	Tunheim
Brinkman	Haukoos	Minne	Rees	Uphus
Brown	Heap	Munger	Rest	Valan
Burger	Himle	Murphy	Richter	Valento
Carlson, D.	Jacobs	Nelson, D.	Riveness	Vanasek
Carlson, J.	Jaros	Nelson, K.	Rodosovich	Vellenga
Carlson, L.	Jennings, L.	Neuenschwander	Rose	Voss
Clark	Johnson	Norton	Sarna	Waltman
Clausnitzer	Kahn	O'Connor	Schafer	Welle
Cohen	Kalis	Ogren	Scheid	Wenzel
Dempsey	Kelly	Olsen, S.	Schoenfeld	Zaffke
DenOuden	Kiffmeyer	Olson, E.	Seaberg	Spk. Jennings, D.
Dinler	Knickerbocker	Omann	Segal	
Dyke	Knuth	Onnen	Sherman	

The bill was passed and its title agreed to.

H. F. No. 951, A bill for an act relating to the Minnesota historical society; authorizing local heritage preservation commissions; amending Minnesota Statutes 1984, section 471.193.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Levi	Pappas	Solberg
Anderson, R.	Forsythe	Lieder	Pauly	Sparby
Backlund	Frederick	Long	Peterson	Stanius
Battaglia	Frederickson	Marsh	Piepho	Staten
Becklin	Frerichs	McDonald	Piper	Sviggum
Begich	Greenfield	McEachern	Poppenhagen	Thiede
Bennett	Gruenes	McKasy	Price	Thorsen
Bishop	Gutknecht	McLaughlin	Quinn	Tjornhom
Blatz	Halberg	Metzen	Quist	Tomlinson
Boerboom	Hartinger	Miller	Redalen	Tompkins
Brandl	Haukoos	Minne	Rees	Tunheim
Brinkman	Heap	Munger	Rest	Uphus
Brown	Himle	Murphy	Richter	Valan
Burger	Jacobs	Nelson, D.	Riveness	Valento
Carlson, D.	Jaros	Nelson, K.	Rodosovich	Vanasek
Carlson, J.	Jennings, L.	Neuenschwander	Rose	Vellenga
Carlson, L.	Johnson	Norton	Sarna	Voss
Clark	Kahn	O'Connor	Schafer	Waltman
Clausnitzer	Kalis	Ogren	Scheid	Welle
Cohen	Kelly	Olsen, S.	Schoenfeld	Wenzel
Dempsey	Kiffmeyer	Olson, E.	Schreiber	Zaffke
DenOuden	Knickerbocker	Omann	Seaberg	Spk. Jennings, D.
Dimler	Knuth	Onnen	Segal	
Dyke	Kostohryz	Osthoff	Sherman	
Elioff	Krueger	Otis	Simoneau	
Ellingson	Kvam	Ozment	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 953, A bill for an act relating to the city of Hermantown; permitting the city to fix the size of its public utilities commission.

The bill was read for the third 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.	Becklin	Boerboom	Carlson, D.	Cohen
Anderson, R.	Begich	Brandl	Carlson, J.	Dempsey
Backlund	Bennett	Brinkman	Carlson, L.	DenOuden
Battaglia	Bishop	Brown	Clark	Dimler
Beard	Blatz	Burger	Clausnitzer	Dyke

Elioff	Kelly	Neuenschwander	Rees	Thiede
Ellingson	Kiffmeyer	Norton	Rest	Thorson
Erickson	Knickerbocker	O'Connor	Richer	Tjornhom
Forsythe	Knuth	Ogren	Riveness	Tomlinson
Frederick	Kostohryz	Olson, S.	Rodosovich	Tompkins
Frederickson	Krueger	Olson, E.	Rose	Tunheim
Frerichs	Kvam	Omann	Sarna	Uphus
Greenfield	Levi	Onnen	Schafer	Valan
Gruenes	Lieder	Osthoff	Scheid	Valento
Gutknecht	Long	Otis	Schoenfeld	Vanasek
Halberg	Marsh	Ozment	Schreiber	Vellenga
Hartinger	McDonald	Pappas	Seaberg	Voss
Haukoos	McEachern	Pauly	Segal	Waltman
Heap	McLaughlin	Peterson	Sherman	Welle
Himle	Metzen	Piepho	Simoneau	Wenzel
Jacobs	Miller	Piper	Skoglund	Zaffke
Jaros	Minne	Poppenhagen	Solberg	Spk. Jennings, D.
Jennings, L.	Munger	Price	Sparby	
Johnson	Murphy	Quinn	Stanius	
Kahn	Nelson, D.	Quist	Staten	
Kalis	Nelson, K.	Redalen	Svigum	

The bill was passed and its title agreed to.

H. F. No. 991 was reported to the House.

Valento moved that H. F. No. 991 be continued on the Consent Calendar for one day. The motion prevailed.

H. F. No. 1037, A bill for an act relating to utilities; exempting small, qualifying energy facilities from the certificate of need process; amending Minnesota Statutes 1984, section 216B.243, 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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Carlson, L.	Gutknecht	Kvam	Ogren
Anderson, R.	Clark	Halberg	Levi	Olsen, S.
Backlund	Clausnitzer	Hartinger	Lieder	Olson, E.
Battaglia	Cohen	Haukoos	Long	Omann
Beard	Dempsey	Heap	Marsh	Onnen
Becklin	DenOuden	Himle	McDonald	Osthoff
Begich	Dimler	Jacobs	McEachern	Otis
Bennett	Dyke	Jaros	McLaughlin	Ozment
Bishop	Elioff	Jennings, L.	McPherson	Pappas
Blatz	Ellingson	Johnson	Metzen	Pauly
Boerboom	Erickson	Kahn	Miller	Peterson
Boo	Fjoslien	Kalis	Minne	Piepho
Brandl	Forsythe	Kelly	Munger	Piper
Brinkman	Frederick	Kiffmeyer	Murphy	Poppenhagen
Brown	Frederickson	Knickerbocker	Nelson, D.	Price
Burger	Frerichs	Knuth	Neuenschwander	Quinn
Carlson, D.	Greenfield	Kostohryz	Norton	Quist
Carlson, J.	Gruenes	Krueger	O'Connor	Redalen

Rees	Scheid	Skoglund	Tjornhom	Vellenga
Rest	Schoenfeld	Solberg	Tomlinson	Voss
Richter	Schreiber	Sparby	Tompkins	Waltman
Riveness	Seaberg	Stanius	Tunheim	Welle
Rodosovich	Segal	Staten	Uphus	Wenzel
Rose	Shaver	Sviggum	Valan	Zaffke
Sarna	Sherman	Thiede	Valento	Spk. Jennings, D.
Schafer	Simoneau	Thorson	Vanasek	

The bill was passed and its title agreed to.

H. F. No. 1065, A bill for an act relating to local government; permitting the municipal board to require meetings to discuss disputed issues; amending Minnesota Statutes 1984, section 414.01, 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, G.	Elioff	Kostohryz	Otis	Sherman
Anderson, R.	Ellingson	Krueger	Ozment	Simoneau
Backlund	Erickson	Kvam	Pappas	Skoglund
Battaglia	Fjoslien	Levi	Pauly	Solberg
Beard	Forsythe	Lieder	Peterson	Sparby
Becklin	Frederick	Long	Piepho	Stanius
Begich	Frederickson	Marsh	Piper	Staten
Bennett	Frerichs	McDonald	Popenhagen	Sviggum
Bishop	Greenfield	McEachern	Price	Thiede
Blatz	Gruenes	McLaughlin	Quinn	Thorson
Boerboom	Gutknecht	McPherson	Quist	Tjornhom
Boo	Halberg	Metzen	Redalen	Tomlinson
Brandl	Hartinger	Miller	Rees	Tompkins
Brinkman	Haukoos	Minne	Rest	Tunheim
Brown	Heap	Munger	Richter	Valan
Burger	Himle	Murphy	Riveness	Valento
Carlson, D.	Jacobs	Nelson, D.	Rodosovich	Vanasek
Carlson, J.	Jaros	Neuenschwander	Rose	Vellenga
Carlson, L.	Jennings, L.	Norton	Sarna	Voss
Clark	Johnson	O'Connor	Schafer	Waltman
Clausnitzer	Kahn	Ogren	Scheid	Welle
Cohen	Kalis	Olsen, S.	Schoenfeld	Wenzel
Dempsey	Kelly	Olson, E.	Schreiber	Zaffke
DenOuden	Kiffmeyer	Omann	Seaberg	Spk. Jennings, D.
Dimler	Knickerbocker	Onnen	Segal	
Dyke	Knuth	Osthoff	Shaver	

The bill was passed and its title agreed to.

H. F. No. 1216 was reported to the House.

Redalen moved to amend H. F. No. 1216, as follows:

Page 1, line 12, after "lender." insert "*“Lender” also means the Federal Deposit Insurance Corporation.*"

The motion prevailed and the amendment was adopted.

H. F. No. 1216, A bill for an act relating to agriculture; clarifying the meaning of lender in the Minnesota emergency farm operating loans act; amending Laws 1985, chapter 4, section 3, subdivision 8.

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, G.	Erickson	Kostohryz	Onnen	Segal
Anderson, R.	Fjoslien	Krueger	Osthoff	Shaver
Backlund	Forsythe	Kvam	Otis	Sherman
Battaglia	Frederick	Levi	Ozment	Skoglund
Beard	Frederickson	Lieder	Pappas	Solberg
Becklin	Frerichs	Long	Pauly	Sparby
Begich	Greenfield	Marsh	Peterson	Stanius
Bennett	Gruenes	McDonald	Piepho	Staten
Bishop	Gutknecht	McEachern	Piper	Svigum
Blatz	Halberg	McKasy	Poppenhagen	Thiede
Boo	Hartinger	McLaughlin	Price	Thorson
Brandl	Hartle	McPherson	Quinn	Tjornhom
Brinkman	Haukoos	Metzen	Quist	Tomlinson
Brown	Hcap	Miller	Redalen	Tompkins
Burger	Himle	Minne	Rees	Tunheim
Carlson, D.	Jacobs	Munger	Richter	Uphus
Carlson, L.	Jaros	Murphy	Riveness	Valan
Clausnitzer	Jennings, L.	Nelson, D.	Rodosovich	Valento
Cohen	Johnson	Nelson, K.	Rose	Vellenga
Dempsey	Kahn	Neuenschwander	Sarna	Voss
DenOuden	Kalis	Norton	Schafer	Waltman
Dimler	Kelly	Ogren	Scheid	Wenzel
Dyke	Kiffmeyer	Olsen, S.	Schoenfeld	Zafke
Elioff	Knickerbocker	Olson, E.	Schreiber	Spk. Jennings, D.
Ellingson	Knuth	Omann	Seaberg	

The bill was passed, as amended, and its title agreed to.

S. F. No. 198, A bill for an act relating to real property; eliminating the necessity of a court order before requiring registered land surveys; authorizing the use of registered land surveys for multilevel tracts; amending the provisions relating to corporate resolutions of dissolution and to instruments executed by owners whose fee title is held in trust; amending the requirements for joint tenancy clearances; amending Minnesota Statutes 1984, sections 508.47, subdivisions 2 and 4; 508.61, subdivision 3; 508.62; 508.71, subdivision 5; 508A.47, subdivisions 2 and 4; 508A.61, subdivision 3; 508A.62; and 508A.71, subdivision 5.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

## Those who voted in the affirmative were:

Anderson, G.	Elioff	Kostohryz	Onnen	Segal
Anderson, R.	Ellingson	Krueger	Osthoff	Shaver
Backlund	Erickson	Kvam	Otis	Simoneau
Battaglia	Fjoslien	Levi	Ozment	Skoglund
Beard	Forsythe	Lieder	Pappas	Solberg
Becklin	Frederick	Long	Pauly	Stanius
Begich	Frederickson	Marsh	Peterson	Staten
Bennett	Frerichs	McDonald	Piepho	Sviggum
Bishop	Cruenes	McEachern	Piper	Thiede
Blatz	Gutknecht	McKasy	Poppenhagen	Thorson
Boerboom	Halberg	McLaughlin	Price	Tjornhom
Boo	Hartinger	McPherson	Quinn	Tomlinson
Brandl	Hartle	Metzen	Quist	Tompkins
Brinkman	Haukoos	Miller	Redalen	Tunheim
Brown	Heap	Minne	Rees	Uphus
Burger	Himle	Munger	Rest	Valan
Carlson, D.	Jacobs	Murphy	Richter	Valento
Carlson, J.	Jaros	Nelson, D.	Riveness	Vanasek
Carlson, L.	Jennings, L.	Nelson, K.	Rodosovich	Vellienga
Clark	Johnson	Neuenschwander	Rose	Voss
Clausnitzer	Kahn	Norton	Sarna	Waltman
Cohen	Kalis	O'Connor	Schafer	Welle
Dempsey	Kelly	Ogren	Scheid	Wenzel
DenOuden	Kiffmeyer	Olsen, S.	Schoenfeld	Zaffke
Dimler	Knickerbocker	Olsen, E.	Schreiber	Spk. Jennings, D.
Dyke	Knuth	Omann	Seaberg	

The bill was passed and its title agreed to.

There being no objection the order of business reverted to Reports of Standing Committees.

## REPORTS OF STANDING COMMITTEES

Fjoslien from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 1055, A bill for an act relating to charitable gambling; providing for local licensing and statewide regulation; authorizing the department of revenue to collect the tax imposed; amending Minnesota Statutes 1984, sections 340.14, subdivision 2; 349.12, subdivisions 11 and 16; 349.14; 349.16; 349.17; 349.18, subdivisions 1 and 2; 349.19; 349.20; 349.21; 349.211, subdivision 3; 349.212, as amended; 349.213, subdivision 1; 349.214, subdivision 2; 349.22, subdivision 2; 349.31, subdivision 1; 609.75, subdivision 3; and 609.761; repealing Minnesota Statutes 1984, sections 349.151; 349.161; 349.162; and 349.213, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

## "ARTICLE I

Section 1. Minnesota Statutes 1984, section 340.14, subdivision 2, is amended to read:

Subd. 2. [RESTRICTIONS.] Every licensee shall be responsible for the conduct of his place of business and for conditions of sobriety and order therein. No licensee shall keep, possess, or operate, or permit the keeping, possession, or operation of, on the licensed premises, or in any room adjoining the licensed premises, any slot machine, dice, or any gambling device or apparatus, nor permit any gambling therein, nor permit the licensed premises or any room in the same, or in any adjoining building, directly or indirectly under its control to be used as a resort for prostitutes or other disorderly persons, except that gambling devices may be kept or operated and raffles conducted on licensed premises and adjoining rooms (WHEN SUCH) *if the activities are licensed by the (CHARITABLE GAMBLING CONTROL BOARD) local unit of government under sections 349.11 to 349.213 and if the licensee is also the holder of the license to conduct lawful gambling. Raffles may also be conducted in a licensed on-sale establishment or establishment holding a permit under section 340.119 if authorized under chapter 349 and conducted in connection with a banquet or comparable event held in the establishment.* No person under 18 years of age shall be employed in any rooms constituting the place in which defined as a restaurant or hotel or motel serving food in rooms in which intoxicating liquors are sold at retail "on-sale." Persons under 18 years of age may be employed as waiters or waitresses in places defined as a restaurant, hotel or motel to serve food in rooms in which only wine is sold on-sale, provided they shall not be permitted to serve or sell wine.

Sec. 2. Minnesota Statutes 1984, section 349.12, subdivision 11, is amended to read:

Subd. 11. "Lawful purpose" means one or more of the following: (a) benefiting persons by enhancing their opportunity for religious or educational advancement, by relieving or protecting them from disease, suffering or distress, by contributing to their physical well-being, by assisting them in establishing themselves in life as worthy and useful citizens, or by increasing their comprehension of and devotion to the principles upon which this nation was founded; (b) initiating, performing, or fostering worthy public works or enabling or furthering the erection or maintenance of public structures; (c) lessening the burdens borne by government or voluntarily supporting, augmenting or supplementing services which government would normally render to the people; or (d) the improving, expanding, maintaining or repairing real property owned or leased by an organization.

"Lawful purpose" does not include the erection or acquisition of any real property, unless the (BOARD) *local unit of govern-*

ment specifically authorizes the expenditures after finding that the property will be used exclusively for one or more of the purposes specified in this clause.

Sec. 3. Minnesota Statutes 1984, section 349.12, is amended by adding a subdivision to read:

*Subd. 18. "Commissioner" is the commissioner of revenue.*

Sec. 4. Minnesota Statutes 1984, section 349.12, is amended by adding a subdivision to read:

*Subd. 19. "Local unit of government" means a county or home rule or statutory city.*

Sec. 5. Minnesota Statutes 1984, section 349.14, is amended to read:

349.14 [ORGANIZATION MAY CONDUCT LAWFUL GAMBLING; LICENSE.]

An organization may conduct lawful gambling if it has been in existence for at least three years, has at least 15 active members, has a license to conduct lawful gambling from the (BOARD) *local unit of government* and complies with this chapter.

Sec. 6. Minnesota Statutes 1984, section 349.151, is amended to read:

349.151 [(CHARITABLE) LAWFUL GAMBLING CONTROL BOARD.]

Subdivision 1. [BOARD CREATED.] The (CHARITABLE) *lawful* gambling control board is created with the powers and duties established by subdivision 4.

Subd. 2. [MEMBERSHIP.] The board consists of (13) *six* members appointed as follows:

(1) (ELEVEN) *four* persons appointed by the governor, at least (FOUR) *two* of whom must reside outside of the seven-county metropolitan area;

(2) the commissioner of public safety or his designee; and

(3) the attorney general or his designee.

A member serving on the board by appointment must have been a resident of Minnesota for at least five years. Of the appointees of the governor not more than (SIX) *two* may belong to



the same political party. A member appointed to the board may be removed at any time by the appointing authority. Vacancies on the board are filled in the same manner as the original appointment. Of the members appointed by the governor, three are for terms expiring June 30, 1985, four are for terms expiring June 30, 1986, and four are for terms expiring June 30, 1987. After the expiration of the initial terms, appointments are for three years. The governor shall appoint the chairperson from among his appointees.

*Subd. 2a. [EXPIRATION.] Notwithstanding subdivision 2, the terms of those members of the board serving on the effective date of this act whose terms are scheduled to expire on June 30, 1985 and June 30, 1986 expire on June 1, 1985.*

**Subd. 3. [COMPENSATION.]** The compensation of board members is \$35 per day spent on commission activities, when authorized by the board, plus expenses in the same manner and amount as provided in the commissioner's plan adopted according to section 43A.18, subdivision 2.

**Subd. 4. [POWERS AND DUTIES.]** The board has the following powers and duties:

(1) to (ISSUE, REVOKE, AND) suspend licenses (TO) of organizations (AND SUPPLIERS) under (SECTIONS 349.16 AND 349.161) *subdivision 5*;

(2) (TO COLLECT AND DEPOSIT LICENSE FEES AND TAXES DUE UNDER THIS CHAPTER);

((3)) to receive reports required by this chapter (AND INSPECT THE RECORDS, BOOKS, AND OTHER DOCUMENTS OF ORGANIZATIONS AND SUPPLIERS TO INSURE COMPLIANCE WITH ALL APPLICABLE LAWS AND RULES);

((4)) (3) to make rules, including emergency rules, required by (THIS CHAPTER) *subdivision 6*;

((5)) TO REGISTER GAMBLING EQUIPMENT AND ISSUE REGISTRATION STAMPS UNDER SECTION 349.162;)

((6)) (4) to provide by rule for the mandatory posting by organizations conducting lawful gambling of rules of play and the odds and/or house percentage on each form of lawful gambling; (AND)

(5) to advise local units of government, organizations, and distributors concerning the laws and rules governing lawful gambling;

(6) to inspect lawful gambling operations at the request of local units of government or organizations and give advice or comments on the integrity of the operations; and

(7) to report annually to the governor and legislature on its activities and on recommended changes in the laws governing (CHARITABLE) lawful gambling.

*Subd. 5. [LICENSE SUSPENSION.] The board may recommend to the licensing local unit of government the suspension for not more than 30 days of the license of an organization licensed under section 349.16 if the board finds that the organization has willfully violated any provision of sections 349.11 to 349.213 or any rule of the board. If the local unit of government to which the recommendation is made does not act to suspend or revoke the license for any length of time within 60 days of receipt of the recommendation the board may suspend or revoke the license. A license suspension or revocation by the board is a contested case under section 14.57 to 14.69 of the administrative procedure act.*

*Subd. 6. [RULES.] The board has the power to make rules to govern:*

*(1) reports to be made under section 349.19; and*

*(2) the conduct of lawful gambling to ensure compliance with section 349.11 to 349.214.*

*The board may not make any rule governing an area the regulation of which is reserved to local government under section 349.11 to 349.214. Any rule of the board in effect on June 1, 1985 which is not authorized by sections 349.11 to 349.214 is of no force and effect.*

*Subd. 7. [INVESTIGATION.] The board may request the bureau of criminal apprehension to investigate any suspected violation of sections 349.11 to 349.214 or board rule.*

*Subd. (5) 8. [EMPLOYEES.] The board shall employ an executive secretary in the unclassified service and such other employees in the classified service as are required to enable it to carry out its functions. (ONE OR MORE OF THE EMPLOYEES MUST BE BINGO INSPECTORS.)*

*Subd. (6) 9. [ATTORNEY GENERAL.] The attorney general is the attorney for the board.*

*Sec. 7. Minnesota Statutes 1984, section 349.16, is amended to read:*

**349.16 [ORGANIZATION LICENSES.]**

Subdivision 1. [ISSUANCE OF GAMBLING LICENSES.] Licenses authorizing organizations to conduct lawful gambling may be issued by the (BOARD) *local unit of government* to organizations meeting the qualifications of section 349.14, if the (BOARD) *local unit of government* determines that the license is consistent with the purpose of sections 349.11 to 349.22. Licenses issued under this section are valid for one year and may be suspended by the (BOARD) *local unit of government* for a violation of law (OR), board rule or ordinance or revoked for what the (BOARD) *local unit of government* determines to be a pattern of willful violations of law (OR BOARD RULE. A REVOCATION OR SUSPENSION IS A CONTESTED CASE UNDER SECTIONS 14.57 TO 14.69 OF THE ADMINISTRATIVE PROCEDURE ACT). A license may also be suspended under section 349.151, subdivision 5.

Subd. 2. [APPLICATION.] All applications for a license under this section must be on a form prescribed by the (BOARD) *local unit of government*. The (BOARD) *local unit of government* may require the applying organization to submit a copy of its articles of incorporation and other documents it deems necessary.

Subd. 3. [FEES.] The (BOARD) *local unit of government* shall by (RULE) ordinance establish a schedule of fees for licenses under this section. (THE SCHEDULE MUST ESTABLISH THREE CLASSES OF LICENSE, AUTHORIZING ALL FORMS OF LAWFUL GAMBLING, ALL FORMS EXCEPT BINGO AND BINGO ONLY.)

Sec. 8. Minnesota Statutes 1984, section 349.161, is amended to read:

Subdivision 1. [PROHIBITED ACTS; LICENSES REQUIRED.] No person may:

(1) sell, offer for sale, or furnish gambling equipment for use within the state for gambling purposes, other than for bingo exempt from licensing under section 340.19, except to an organization licensed for lawful gambling; or

(2) sell, offer for sale, or furnish gambling equipment to an organization licensed for lawful gambling without having obtained a distributor license under this section; or

(3) sell, offer for sale, or furnish gambling equipment for use within the state without first obtaining the licensed organization's tax identification number as provided in section 297C.03.

No licensed organization may purchase gambling equipment from any person not licensed as a distributor under this section.

Subd. 2. [LICENSE APPLICATION.] The (BOARD MAY) *commissioner shall* issue licenses for the sale of gambling equipment *within the state* to persons who meet the qualifications of this section (IF THE BOARD DETERMINES THAT A LICENSE IS CONSISTENT WITH THE PURPOSE OF SECTIONS 349.11 TO 349.22). Applications must be on a form the (BOARD) *commissioner prescribes*.

Subd. 3. [QUALIFICATIONS.] A license may not be issued under this section to a person, or to a corporation, firm, or partnership which has as an officer, director, or other person in a supervisory or management position a person, who:

- (1) has been convicted of a felony in a state or federal court within the past five years or who has a felony charge pending;
- (2) has ever been convicted in a state or federal court of a gambling-related offense; or
- (3) is or has ever been engaged in an illegal business.

Subd. 4. [FEES.] The annual fee for a suppliers license is \$1,500.

Subd. 5. [PROHIBITION.] No distributor may also be a wholesale distributor of liquor or alcoholic beverages.

Subd. 6. [REVOCAION AND SUSPENSION.] A license under this section may be suspended by the (BOARD) *commissioner* for a violation of law or (BOARD) *commissioner's rule* or for failure to meet the qualifications in subdivision 3 at any time or revoked for what the (BOARD) *commissioner* determines to be a pattern of willful violations of law or (BOARD) rule. A revocation or suspension is a contested case under sections 14.57 to 14.69 of the Administrative Procedure Act.

Subd. 7. [CRIMINAL HISTORY.] The (BOARD) *commissioner* may request the assistance of the bureau of criminal apprehension in investigating the background of an applicant for a supplier's license and may reimburse the bureau for the costs thereof. The (BOARD) *commissioner* has access to all criminal history data compiled by the bureau on licensees and applicants.

Subd. 8. [RULES.] *The commissioner may make rules, including emergency rules, for the administration and enforcement of this section and section 349.162.*

Sec. 9. Minnesota Statutes 1984, section 349.162, is amended to read:

349.162 [EQUIPMENT REGISTERED.]

(SUBDIVISION 1. [STAMP REQUIRED.] A DISTRIBUTOR MAY NOT SELL TO AN ORGANIZATION AND AN ORGANIZATION MAY NOT PURCHASE FROM A DISTRIBUTOR GAMBLING EQUIPMENT UNLESS THE EQUIPMENT HAS BEEN REGISTERED WITH THE BOARD AND HAS A REGISTRATION STAMP AFFIXED. THE BOARD MAY CHARGE A FEE OF UP TO 25 CENTS FOR EACH STAMP. EACH STAMP MUST BEAR A REGISTRATION NUMBER ASSIGNED BY THE BOARD.)

(SUBD. 2. [RECORDS REQUIRED.] A DISTRIBUTOR MUST MAINTAIN A RECORD OF ALL GAMBLING EQUIPMENT WHICH IT SELLS TO ORGANIZATIONS. THE RECORD MUST INCLUDE:)

((1) THE IDENTITY OF THE PERSON OR FIRM FROM WHOM THE EQUIPMENT WAS PURCHASED;)

((2) THE REGISTRATION NUMBER OF THE EQUIPMENT;)

((3) THE NAME AND ADDRESS OF THE ORGANIZATION TO WHICH THE SALE WAS MADE; AND)

((4) THE DATE OF THE SALE.)

(THE RECORD FOR EACH SALE MUST BE RETAINED FOR AT LEAST THREE YEARS AFTER THE SALE IS COMPLETED. FOR PURPOSES OF THIS SECTION, A SALE IS COMPLETED WHEN THE GAMBLING EQUIPMENT IS PHYSICALLY DELIVERED TO THE PURCHASER.)

(EACH DISTRIBUTOR MUST REPORT MONTHLY TO THE BOARD, ON A FORM THE BOARD PRESCRIBES, ITS SALES OF EACH TYPE OF GAMBLING EQUIPMENT. EMPLOYEES OF THE BOARD MAY INSPECT THE BOOKS, RECORDS, AND OTHER DOCUMENTS OF A DISTRIBUTOR AT ANY REASONABLE TIME WITHOUT NOTICE AND WITHOUT A SEARCH WARRANT.)

(SUBD. 3. [SALES FROM FACILITIES.] ALL GAMBLING EQUIPMENT PURCHASED BY A LICENSED DISTRIBUTOR FOR RESALE IN MINNESOTA MUST PRIOR TO ITS RESALE BE UNLOADED INTO A FACILITY LOCATED IN MINNESOTA WHICH THE DISTRIBUTOR OWNS OR LEASES.)

Sec. 10. Minnesota Statutes 1984, section 349.17, is amended to read:

349.17 [CONDUCT OF BINGO.]

Subdivision 1. [BINGO OCCASIONS.] Not more than 104 bingo occasions each year or two bingo occasions each week may be conducted by an organization, except as provided in this subdivision. A bingo occasion may not continue for more than four consecutive hours.

The (BOARD) *local unit of government* may permit an organization to conduct more than two bingo occasions in a week and more than 104 bingo occasions in a year if the (BOARD) *local unit of government* determines that the additional occasions are consistent with the purpose of sections 349.11 to 349.22 and (IF THE FOLLOWING PROCEDURES ARE FOLLOWED:)

(1) the organization applies for the additional occasions, stating the number of additional occasions (APPLIED FOR;)

(2) THE BOARD NOTIFIES THE GOVERNING BODY OF THE COUNTY OR HOME RULE OR STATUTORY CITY IN WHICH THE APPLICANT IS LOCATED; AND)

(3) THE GOVERNING BODY FAILS TO ADOPT A RESOLUTION DISAPPROVING THE ADDITIONAL OCCASIONS WITHIN 30 DAYS OF THE NOTIFICATION) *for which it is applying.*

Subd. 2. [BINGO ON LEASED PREMISES.] A person or corporation, other than an organization, which leases any premises that it owns to two or more organizations for purposes including the conduct of bingo occasions, may not allow more than four bingo occasions to be conducted on the premises in any week. The (BOARD) *local unit of government* may waive this restriction and permit a person or corporation to allow a specified number of bingo occasions on the premises in excess of four per week if it finds that the waiver is consistent with the purpose of sections 349.11 to 349.22 and (IF THE FOLLOWING PROCEDURES ARE FOLLOWED:)

(1) the person or corporation applies for the waiver, stating the number of additional occasions sought per week (;)

(2) THE BOARD NOTIFIES THE GOVERNING BODY OF THE COUNTY OR HOME RULE OR STATUTORY CITY IN WHICH THE PREMISES ARE LOCATED; AND)

(3) THE GOVERNING BODY FAILS TO ADOPT A RESOLUTION DISAPPROVING THE WAIVER WITHIN 30 DAYS OF THE NOTIFICATION).

Subd. 3. Each bingo winner must be determined and every prize shall be awarded and delivered the same day on which the bingo occasion is conducted.

Subd. 4. [CHECKERS.] One or more checkers must be engaged for each bingo occasion. The checker or checkers must record, on a form the (BOARD) *local unit of government* provides, the number of cards played in each game and the prizes awarded to recorded cards. The form must provide for the inclusion of the registration number of each card and must include a checker's certification that the figures recorded are correct to the best of the checker's knowledge.

Sec. 11. Minnesota Statutes 1984, section 349.18, subdivision 1, is amended to read:

Subdivision 1. [LEASE OR OWNERSHIP REQUIRED.] An organization may conduct lawful gambling only on premises it owns or leases. Leases must be for a period of at least one year and must be in writing. Copies of all leases must be made available to employees of the (BOARD) *local unit of government* on request. A lease may not provide for rental payments based on a percentage of receipts or profits from lawful gambling.

Sec. 12. Minnesota Statutes 1984, section 349.18, subdivision 2, is amended to read:

Subd. 2. [EXCEPTIONS.] (a) A licensed organization may conduct raffles on a premise it does not own or lease.

(b) A licensed organization may with the permission of the (BOARD) *local unit of government*, conduct bingo on premises it does not own or lease for up to six days in a calendar year, in connection with a county fair or civil celebration.

Sec. 13. Minnesota Statutes 1984, section 349.19, subdivision 5, is amended to read:

Subd. 5. [REPORTS.] A licensed organization must report to the board and to its membership (MONTHLY) *periodically, as the board by rule requires*, on its gross receipts, expenses, profits, and expenditure of profits from lawful gambling. If the organization conducts both bingo and other forms of lawful gambling, the figures for both must be reported separately. In addition, a licensed organization must report to the board (MONTHLY) *periodically, as the board by rule requires*, on its purchases of gambling equipment and must include the type, quantity, and dollar amount from each supplier separately. The reports must be on a form the board prescribes.

Sec. 14. Minnesota Statutes 1984, section 349.19, subdivision 6, is amended to read:

Subd. 6. [PRESERVATION OF RECORDS.] Records required to be kept by this section must be preserved for at least

three years (AND MAY BE INSPECTED BY EMPLOYEES OF THE BOARD AT ANY REASONABLE TIME WITHOUT NOTICE OR A SEARCH WARRANT).

Sec. 15. Minnesota Statutes 1984, section 349.19, is amended by adding a subdivision to read:

*Subd. 8. [COPIES.] A local unit of government may by ordinance require each organization it licenses under section 349.16 to provide it with a copy of each report the organization is required to send to the board.*

Sec. 16. Minnesota Statutes 1984, section 349.20, is amended to read:

**349.20 [MANAGERS.]**

All lawful gambling conducted by a licensed organization must be under the supervision of one or more gambling managers. A gambling manager designated by an organization to supervise a gambling occasion is responsible for the gross receipts from the occasion and for its conduct in compliance with all laws and rules. An organization may designate a different person to act as manager for each type of lawful gambling conducted. *A local unit of government may require that each person designated as a gambling manager (MUST) give a fidelity bond in the sum of not less than \$10,000 in favor of the organization conditioned on the faithful performance of the manager's duties, and the terms of the bond must provide that notice be given to the (BOARD) local unit of government in writing not less than 30 days before its cancellation. A local unit of government requiring a bond shall prescribe the amount of the bond, and may prescribe a schedule of bond amounts which vary with the size of the organization or its gross receipts from lawful gambling.*

Sec. 17. Minnesota Statutes 1984, section 349.21, is amended to read:

**349.21 [COMPENSATION.]**

Compensation to persons who participate in the conduct of lawful gambling may be paid only to active members of the conducting organization or its auxiliary, or the spouse or surviving spouse of an active member, except that nonmanagement assistants who are not active members or spouses may be hired to assist in the conduct of lawful gambling in nonmanagement positions if approved by a majority of the organization's members.

The amounts of compensation which may be paid under this section (MUST BE PROVIDED FOR IN A SCHEDULE OF COMPENSATION ADOPTED BY THE BOARD BY RULE. IN



ADOPTING THE SCHEDULE THE BOARD MUST CONSIDER THE NATURE OF THE PARTICIPATION AND THE TYPES OF LAWFUL GAMBLING PARTICIPATED IN.) *may not exceed the following limits:*

*Bingo* \$20 per bingo occasion

*Other forms of lawful gambling* \$25 per occasion

A licensed organization may pay a percentage of the gross receipts from raffle ticket sales to a nonprofit organization which sells tickets for the licensed organization.

Sec. 18. Minnesota Statutes 1984, section 349.211, subdivision 3, is amended to read:

Subd. 3. [OTHER GAMBLING.] (THE BOARD BY RULE SHALL ESTABLISH A SCHEDULE OF PRIZE LIMITS FOR ALL OTHER FORMS OF GAMBLING CONSISTENT WITH THE PURPOSES SET OUT IN SECTION 349.11. THE SCHEDULE MAY INCLUDE DAILY AND ANNUAL PRIZE LIMITS AND PRIZE LIMITS FOR EACH GAME, RAFFLE OR OPERATION OF A GAMBLING DEVICE) *The highest prize for a single pull-tab, a single tipboard or a single spin of a paddlewheel may not exceed \$500. An organization may not award more than \$50,000 in raffle prizes in a calendar year.*

Sec. 19. Minnesota Statutes 1984, section 349.211, subdivision 4, is amended to read:

Subd. 4. [PRIZE VALUE.] Merchandise prizes must be valued at their fair market value *or suggested retail price, whichever is greater.* For purposes of sections 349.11 to 349.22 "prizes" do not include free plays awarded.

Sec. 20. Minnesota Statutes 1984, section 349.213, subdivision 1, is amended to read:

Subdivision 1. [LOCAL REGULATION.] A (STATUTORY OR HOME RULE CITY OR COUNTY) *local unit of government* has the authority to adopt more stringent regulation of any form of lawful gambling within its jurisdiction *than provided in law or the board's rules*, including the prohibition of any form of lawful gambling (, AND MAY REQUIRE A PERMIT FOR THE CONDUCT OF GAMBLING EXEMPT FROM LICENSING UNDER SECTION 349.214. THE AUTHORITY GRANTED BY THIS SUBDIVISION DOES NOT INCLUDE THE AUTHORITY TO REQUIRE A LICENSE OR PERMIT TO CONDUCT GAMBLING BY ORGANIZATIONS LICENSED BY THE BOARD).

Sec. 21. Minnesota Statutes 1984, section 349.214, subdivision 1, is amended to read:

Subdivision 1. [BINGO.] Bingo may be conducted without a license and without complying with sections 349.17, subdivision 1, and 349.18 if it is conducted:

(1) in connection with a county fair, the state fair, or a civic celebration if it is not conducted for more than 12 consecutive days in a calendar year; or

(2) by an organization which conducts four or fewer bingo occasions in a calendar year.

*Bingo may be conducted by an organization without a license and without complying with sections 349.11 to 349.213 if the value of all bingo prizes awarded by the organization in a calendar year does not exceed \$1,000. Merchandise prizes must be valued at their fair market value or suggested retail price, whichever is greater.*

Sec. 22. Minnesota Statutes 1984, section 349.214, subdivision 2, is amended to read:

Subd. 2. [RAFFLES.] Raffles may be conducted by an organization (AS DEFINED IN SECTION 349.12, SUBDIVISION 13,) without complying with sections 349.11 to 349.213 if the value of all raffle prizes awarded by the organization in a calendar year does not exceed (\$750) \$1,000. Merchandise prizes must be valued at their fair market value or suggested retail price, whichever is greater.

Sec. 23. Minnesota Statutes 1984, section 349.22, subdivision 2, is amended to read:

Subd. 2. [OTHER ACTION.] This section does not preclude civil or criminal actions under other applicable law or preclude any agency of government from investigating or prosecuting violations of the provisions of sections 349.11 to 349.214. County attorneys (HAVE PRIMARY RESPONSIBILITY FOR PROSECUTING VIOLATIONS OF SECTIONS 349.11 TO 349.214, BUT) or the attorney general may prosecute any violation of (THOSE) sections 349.11 to 349.214.

Sec. 24. Minnesota Statutes 1984, section 349.31, subdivision 1, is amended to read:

Subdivision 1. [INTENTIONAL POSSESSION; WILLFUL KEEPING.] The intentional possession or willful keeping of a gambling device on a licensed premises is cause for the revocation of any license under which the licensed business is carried

on upon the premises where the gambling device is found, provided that possession of gambling equipment as defined in section 349.12, subdivision 17, which is used for gambling (LICENSED BY THE CHARITABLE GAMBLING CONTROL BOARD) *authorized under chapter 349* and the manufacture of gambling devices for use in jurisdictions where use of the gambling device is legal as provided for by section 349.40 shall not be cause for revocation of a license.

Sec. 25. Minnesota Statutes 1984, 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 equipment or the conduct of a raffle (UNDER SECTIONS 349.11 TO 349.22, BY AN ORGANIZATION LICENSED BY THE CHARITABLE GAMBLING CONTROL BOARD) *authorized under chapter 349*.

(7) Pari-mutuel betting on horse racing when the betting is conducted under chapter 240.

Sec. 26. Minnesota Statutes 1984, section 609.761, is amended to read:

609.761 [OPERATIONS PERMITTED.]

Notwithstanding sections 609.755 and 609.76, an organization may conduct lawful gambling as defined in section 349.12, if (LICENSED BY THE CHARITABLE GAMBLING CONTROL BOARD AND CONDUCTED UNDER SECTIONS 349.11 TO 349.22) *authorized under chapter 349*, and a person may manu-

facture, 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. 27. [TRANSFERS OF POWERS.]

*Minnesota Statutes 1984, section 15.039, subdivisions 2 and 7 do not apply to the transfer of powers in sections 8 and 9.*

Sec. 28. [REPEALER.]

*Minnesota Statutes 1984, sections 349.19, subdivision 4; 349.212; and 349.213, subdivision 2, are repealed.*

Sec. 29. [EFFECTIVE DATE.]

*Sections 1 to 28 are effective June 1, 1985.*

## ARTICLE 2

Section 1. [297C.01] [DEFINITIONS.]

*Subdivision 1. [APPLICABILITY.] For purposes of sections 1 to 13, the terms defined in this section have the meanings given them.*

*Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of revenue.*

*Subd. 3. [GAMBLING MANAGER.] "Gambling manager" means the gambling manager as defined in section 349.12, subdivision 14.*

*Subd. 4. [GROSS RECEIPTS.] "Gross receipts" means the total amount received in money or otherwise, from all lawful gambling.*

*Subd. 5. [LAWFUL GAMBLING.] "Lawful gambling" mean lawful gambling as defined in section 349.12, subdivision 2.*

*Subd. 6. [NET RECEIPTS.] "Net receipts" means the gross receipts of a licensed organization from lawful gambling less the cash or merchandise prizes actually paid out by the organization. Merchandise prizes must be valued at fair market value or suggested retail price, whichever is greater. "Prizes" does not include free plays awarded.*

*Subd. 7. [ORGANIZATION.] "Organization" means an organization licensed to conduct lawful gambling under chapter 349.*

## Sec. 2. [297C.02] [IMPOSITION OF TAX.]

*Subdivision 1. [TAX IMPOSED.] There is imposed a tax of ten percent of the net receipts from all lawful gambling conducted by organizations licensed under chapter 349. The tax imposed by this section is in lieu of the tax imposed by section 297A.02, and of all local taxes.*

*Subd. 2. [EXEMPTION.] \$10,000 in net receipts from lawful gambling collected by a licensed organization during each calendar year is exempt from the tax imposed by this section.*

*Subd. 3. [EXEMPT ORGANIZATIONS.] An organization that conducts raffles or bingo under section 349.214, subdivisions 1 or 2, and which does not conduct any other lawful gambling, is not subject to sections 297C.01 to 297C.13.*

## Sec. 3. [297C.03] [APPLICATIONS.]

*Every licensed organization must file with the commissioner an application for a tax identification number and a lawful gambling permit. The application must be made on a form prescribed by the commissioner and must state the name and address of the organization, the names of all gambling managers, and other information required by the commissioner. The application must be signed by an authorized member or officer of the organization and the gambling managers.*

## Sec. 4. [297C.04] [PERMIT.]

*After compliance with sections 297C.03 and 297C.13, when security is required, the commissioner shall issue a permit to the applicant. A permit is valid until revoked but is not assignable. It is valid only for the organization in whose name it is issued.*

## Sec. 5. [297C.05] [REVOCATION OF PERMITS.]

*Whenever a licensed organization fails to comply with any provision of sections 297C.01 to 297C.13 or any rule of the commissioner adopted under sections 297C.01 to 297C.13, the commissioner, upon hearing, after giving the organization 30 days' notice in writing specifying the time and place of hearing and the reason for the proposed revocation and requiring the organization to show cause why his permit or permits should not be revoked, may for reasonable cause, revoke, or suspend any one or more of the permits held by the organization. The notice may be served personally or by mail in the manner prescribed for service of notice of a deficiency. The commissioner may not issue a new permit after revocation except upon application accompanied by reasonable evidence of the intention of the applicant to comply with the aforementioned provisions and rules. The commissioner may condition the issuance of a new permit to the applicant on*

*the supplying of security in addition to that authorized by section 297C.09 as is reasonably necessary to ensure compliance with the aforementioned provisions and rules.*

**Sec. 6. [297C.06] [GAMBLING WITHOUT PERMITS; VIOLATIONS.]**

*A licensed organization that conducts lawful gambling as defined in section 349.12 in Minnesota without the required permit or permits, and each officer, employee, or member of the organization who directs, authorizes, or manages gambling without the required permit or permits, is guilty of a gross misdemeanor.*

*Any licensed organization that conducts lawful gambling in Minnesota after revocation of the permit under section 297C.05, when the commissioner has not issued a new permit, and each officer, employee, or member of the organization who directs, authorizes, or manages gambling after revocation of the permit, is guilty of a felony.*

**Sec. 7. [297C.07] [TIME FOR PAYMENT TO COMMISSIONER.]**

*Subdivision 1. [PAYMENT DUE.] The taxes imposed by sections 297C.01 to 297C.13 are due and payable to the commissioner monthly on or before the 25th day of the month next succeeding the month in which the taxable event occurred or succeeding such other reporting period as the commissioner may prescribe.*

*Subd. 2. [RETURN FORM.] The tax return form must include printed notice in eight point type or larger that the return and payment must be received by the commissioner no later than the due date.*

**Sec. 8. [297C.08] [RETURNS.]**

*Subdivision 1. [TIME FOR FILING.] On or before the 25th day of each month in which taxes imposed by sections 297C.01 to 297C.13 are payable, a return for the preceding reporting period shall be filed with the commissioner in the form prescribed by the commissioner, verified by a written declaration that it is made under the criminal penalties for wilfully making a false return, and shall contain a confession of judgment for the amount of the tax shown due to the extent not timely paid. Any organization conducting lawful gambling at two or more locations shall file a consolidated return subject to any rules adopted by the commissioner.*

*Subd. 2. [RETURNS MUST BE SIGNED.] All returns must be signed by the gambling manager and an authorized member of the organization in writing.*

*Subd. 3. [RECORDS REQUIRED.] Every organization liable for the tax imposed by this chapter shall keep records, render statements, make returns, and comply with any rules, as the commissioner may adopt. Any return or statement must include therein the information required by the rules and by the forms prescribed by the commissioner. For the purpose of determining compliance with the provisions of this subdivision, the commissioner may examine, or cause to be examined, any books, papers, records, or memoranda relevant to making a determination, whether the books, papers, records, or memoranda are the property of or in the possession of the organization or any other person or corporation. The commissioner may require the attendance of any persons having knowledge or information in the premises, to compel the production of books, papers, records, or memoranda by persons so required to attend, to take testimony on matters material to a determination, and to administer oaths or affirmations.*

**Sec. 9. [297C.09] [SECURITY.]**

*Whenever deemed necessary to insure compliance with sections 297C.01 to 297C.13, the commissioner may require an organization subject to them to deposit security in a form and in the amount determined by the commissioner but the amount of the security may not be greater than twice the estimated average liability for the period for which the returns are required to be filed, or \$10,000, whichever is less. 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 organization that deposited the security by mail. After any sale any surplus above the amount due not required as security under this section must be returned to the organization that deposited the security. For security, the commissioner may require an organization to file a bond, issued by a surety company authorized to transact business in this state and approved by the commissioner of commerce as to solvency and responsibility.*

**Sec. 10. [297C.10] [POWERS OF COMMISSIONER.]**

*Subdivision 1. [RULES.] The commissioner shall promulgate all necessary rules for the administration and enforcement of sections 297C.01 to 297C.13. The rules will have the force and effect of law. The commissioner is not subject to the rule-making provisions of chapter 14 for rules adopted under this subdivision. The commissioner must comply with section 14.38, subdivision 7, when adopting such rules.*

*Subd. 2. [COLLECTION; CIVIL PENALTIES; INTEREST.] The provisions of chapter 297A relating to the commissioner's authority to audit, assess, and collect the tax are appli-*

*cable to the tax imposed by sections 297C.01 to 297C.13. The commissioner shall impose civil penalties as provided in chapter 297A, and the additional tax and penalties are subject to interest at the rate provided in section 270.75.*

**Sec. 11. [297C.11] [PENALTIES.]**

*Subdivision 1. [FAILURE TO FILE OR PAY.] In addition to any other penalties prescribed, any person who willfully fails to make a return or willfully makes a false return or willfully fails to pay over taxes imposed by this chapter collected for or on behalf of the state, or attempts in any manner to evade or defeat the taxes imposed by this chapter is guilty of a gross misdemeanor unless the amount of the tax involved exceeds \$300, in which event he is guilty of a felony. The term "person" as used in this subdivision includes any officer, member, or employee of a corporation, partnership, or organization who as an officer, member, or employee is under a duty to perform the act in respect to which the violation occurs. Notwithstanding the provisions of section 628.26, or any other provision of the criminal laws of this state, an indictment may be found and filed, upon any criminal offense specified in this subdivision, in the proper court within six years after the commission of the offense.*

*Subd. 2. [FALSE CLAIM.] Any person who willfully aids, procures, counsels, or advises the preparation or presentation in connection with any matter arising under this section, of a return, affidavit, claim, or other document, which is fraudulent or false as to any material matter, where the falsity or fraud is with or without the knowledge or consent of the person authorized or required to present the return, affidavit, claim, or document, is guilty of a gross misdemeanor unless the tax involved exceeds \$300, in which event he is guilty of a felony. Any criminal offense under this subdivision may be prosecuted in the same manner and within the same period of limitations provided in subdivision 1.*

**Sec. 12. [297C.12] [CONFIDENTIAL NATURE OF INFORMATION.]**

*It shall be unlawful for the commissioner or any other public official or employee to divulge or otherwise make known in any manner any particulars disclosed in any report or return required by sections 297C.01 to 297C.13, or any information concerning the affairs of the organization making the return acquired from its records, officers, or employees while examining or auditing under the authority of this chapter, except in connection with a proceeding involving taxes due under this chapter. Nothing herein may be construed to prohibit the commissioner from publishing statistics so classified as not to disclose the identity of particular returns or reports and their contents. Any*



*person violating the provisions of this section is guilty of a gross misdemeanor.*

*Notwithstanding the provisions of this section, the commissioner may furnish information on a reciprocal basis to the taxing officials of another state, or to the officials of any local unit of government of the state of Minnesota in order to implement the purposes of this chapter, chapter 349, and section 270.72.*

*In order to facilitate processing of returns and payments of taxes required by this chapter, the commissioner may contract with outside vendors and may disclose private and nonpublic data to the vendor. The data disclosed will be administered by the vendor consistent with this section.*

**Sec. 13. [297C.13] [DEPOSIT OF REVENUE.]**

*Taxes and fees imposed by this article shall be deposited in the state treasury and credited to the general fund.*

**Sec. 14. [SALES TAX EXEMPTION.]**

*The gross receipts from the conduct of lawful gambling conducted under Minnesota Statutes, chapter 349, received prior to January 1, 1985, are exempt from taxation, and interest and penalties thereon, under Minnesota Statutes, chapter 297A. The commissioner shall make no refunds of any sales tax paid on gross receipts from lawful gambling received prior to January 1, 1985."*

Delete the title and insert:

*"A bill for an act relating to lawful gambling; transferring certain functions of the charitable gambling control board to local units of government and to the commissioner of revenue; imposing penalties; amending Minnesota Statutes 1984, section 340.14, subdivision 2; 349.12, subdivision 11 and by adding subdivisions; 349.14; 349.151; 349.16; 349.161; 349.162; 349.17; 349.18, subdivisions 1 and 2; 349.19, subdivisions 5 and 6, and by adding a subdivision; 349.20; 349.21; 349.211, subdivisions 3 and 4; 349.213, subdivision 1; 349.214, subdivisions 1 and 2; 349.22, subdivision 2; 349.31, subdivision 1; 609.75, subdivision 3; and 609.761; repealing Minnesota Statutes 1984, sections 349.19, subdivision 4; 349.212; and 349.213, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 297C."*

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

## CALENDAR

H. F. No. 381, A bill for an act relating to elections; changing voting hours in towns; amending Minnesota Statutes 1984, sections 204C.04; and 204C.05, 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 6 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dyke	Knuth	Omann	Shaver
Anderson, R.	Elioff	Kostohryz	Onnen	Sherman
Backlund	Erickson	Krueger	Otis	Simoneau
Battaglia	Fjoslien	Kvam	Ozment	Solberg
Beard	Forsythe	Levi	Pappas	Sparby
Becklin	Frederick	Lieder	Pauly	Stanius
Begich	Frederickson	Long	Peterson	Staten
Bennett	Frerichs	Marsh	Piepho	Swiggum
Bishop	Greenfield	McDonald	Piper	Thiede
Blatz	Gruenes	McEachern	Poppenhagen	Thorson
Boerboom	Gutknecht	McKasy	Price	Tjornhom
Boo	Halberg	McLaughlin	Quist	Tomlinson
Brandl	Hartinger	McPherson	Redalen	Tompkins
Brinkman	Haukoos	Metzen	Rees	Tunheim
Brown	Heap	Miller	Rest	Upphus
Burger	Himle	Minne	Richter	Valan
Carlson, D.	Jacobs	Munger	Riveness	Valento
Carlson, J.	Jaros	Murphy	Rodosovich	Vellenga
Carlson, L.	Jennings, L.	Nelson, K.	Rose	Waltman
Clark	Johnson	Neuenschwander	Sarna	Welle
Clausnitzer	Kahn	Norton	Schafer	Wenzel
Cohen	Kalis	O'Connor	Scheid	Zaffke
Dempsey	Kelly	Ogren	Schoenfeld	Spk. Jennings, D.
DenOuden	Kiffmeyer	Olsen, S.	Schreiber	
Dimler	Knickerbocker	Olson, E.	Seaberg	

Those who voted in the negative were:

Nelson, D.	Quinn	Segal	Skoglund	Voss
Osthoff				

The bill was passed and its title agreed to.

H. F. No. 415, A bill for an act relating to elections; permitting certain reports to be made by certified mail; amending Minnesota Statutes 1984, section 10A.20, subdivision 5.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Kostohryz	Onnen	Shaver
Anderson, R.	Ellingson	Krueger	Osthoff	Simoneau
Backlund	Erickson	Kvam	Otis	Skoglund
Battaglia	Fjoslien	Levi	Ozment	Solberg
Beard	Forsythe	Lieder	Pappas	Sparby
Becklin	Frederick	Long	Pauly	Stanius
Begich	Frederickson	Marsh	Peterson	Staten
Bennett	Frerichs	McDonald	Piepho	Sviggum
Bishop	Greenfield	McEachern	Piper	Thiede
Blatz	Gruenes	McKasy	Poppenhagen	Thorson
Boerboom	Gutknecht	McLaughlin	Price	Tjornhom
Boo	Halberg	McPherson	Quinn	Tomlinson
Brandl	Hartinger	Metzen	Quist	Tompkins
Brinkman	Hartle	Miller	Redalen	Tunheim
Brown	Haukoos	Minne	Rees	Uphus
Burger	Heap	Munger	Richter	Valan
Carlson, D.	Himle	Murphy	Riveness	Valento
Carlson, J.	Jacobs	Nelson, D.	Rodosovich	Vanasek
Carlson, L.	Jaros	Nelson, K.	Rose	Vellenga
Clark	Jennings, L.	Neuenschwander	Sarna	Voss
Clausnitzer	Johnson	Norton	Schafer	Waltman
Cohen	Kahn	O'Connor	Scheid	Welle
Dempsey	Kelly	Ogren	Schoenfeld	Wenzel
DenOuden	Kiffmeyer	Olsen, S.	Schreiber	Zaffke
Dimler	Knickerbocker	Olsen, E.	Seaberg	Spk. Jennings, D.
Dyke	Knuth	Omann	Segal	

The bill was passed and its title agreed to.

H. F. No. 440, A bill for an act relating to retirement; making various changes in laws governing public retirement funds; amending Minnesota Statutes 1984, sections 3.85, subdivisions 11 and 12; 353.657, subdivision 2a; 354.44, subdivision 6; 354A.35, subdivision 1; 356.20, subdivision 4; 356.215, subdivision 4; 356.216; and 356.70.

The bill was read for the third 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, G.	Brown	Erickson	Himle	Levi
Anderson, R.	Burger	Fjoslien	Jacobs	Lieder
Backlund	Carlson, D.	Forsythe	Jaros	Long
Battaglia	Carlson, J.	Frederick	Jennings, L.	Marsh
Beard	Carlson, L.	Frederickson	Johnson	McDonald
Becklin	Clark	Frerichs	Kahn	McEachern
Begich	Clausnitzer	Greenfield	Kalis	McLaughlin
Bennett	Cohen	Gruenes	Kelly	McPherson
Bishop	Dempsey	Gutknecht	Kiffmeyer	Metzen
Blatz	DenOuden	Halberg	Knickerbocker	Miller
Boerboom	Dimler	Hartinger	Knuth	Minne
Boo	Dyke	Hartle	Kostohryz	Munger
Brandl	Elioff	Haukoos	Krueger	Murphy
Brinkman	Ellingson	Heap	Kvam	Nelson, D.

Nelson, K.	Pauly	Rodosovich	Solberg	Valento
Neuenschwander	Peterson	Rose	Sparby	Vanasek
Norton	Piepho	Sarna	Stanius	Vellenga
O'Connor	Piper	Schafer	Staten	Voss
Ogren	Poppenhagen	Scheid	Sviggun	Waltman
Olsen, S.	Price	Schoenfeld	Thiede	Welle
Olson, E.	Quinn	Schreiber	Thorson	Wenzel
Omann	Quist	Seaberg	Tjornhom	Zaffke
Onnen	Redalen	Segal	Tomlinson	Spk. Jennings, D.
Osthoff	Rees	Shaver	Tompkins	
Otis	Rest	Sherman	Tunheim	
Ozment	Richter	Simoneau	Uphus	
Pappas	Riveness	Skoglund	Valan	

The bill was passed and its title agreed to.

H. F. No. 454, A bill for an act relating to motor vehicles; providing defense to charge of operating motor vehicle without valid registration; amending Minnesota Statutes 1984, sections 168.09, by adding a subdivision; and 168.11, 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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Kostohryz	Onnen	Simoneau
Anderson, R.	Erickson	Krueger	Osthoff	Skoglund
Backlund	Fjoslien	Kvam	Otis	Solberg
Battaglia	Forsythe	Levi	Ozment	Sparby
Beard	Frederick	Lieder	Pauly	Stanius
Becklin	Frederickson	Long	Peterson	Staten
Begich	Frerichs	Marsh	Piepho	Sviggun
Bennett	Greenfield	McDonald	Piper	Thiede
Bishop	Cruenes	McEachern	Poppenhagen	Thorson
Blatz	Gutknecht	McKasy	Price	Tjornhom
Boerboom	Halberg	McLaughlin	Quinn	Tomlinson
Boo	Hartinger	McPherson	Quist	Tompkins
Brandl	Hartle	Metzen	Redalen	Tunheim
Brinkman	Haukoos	Miller	Rees	Uphus
Brown	Heap	Minne	Rest	Valan
Burger	Himle	Munger	Riveness	Valento
Carlson, D.	Jacobs	Murphy	Rodosovich	Vanasek
Carlson, J.	Jaros	Nelson, D.	Rose	Vellenga
Carlson, L.	Jennings, L.	Nelson, K.	Sarna	Voss
Clark	Johnson	Neuenschwander	Schafer	Waltman
Clausnitzer	Kahn	Norton	Scheid	Welle
Cohen	Kalis	O'Connor	Schoenfeld	Wenzel
Dempsey	Kelly	Ogren	Schreiber	Spk. Jennings, D.
DenOuden	Kiffmeyer	Olsen, S.	Segal	
Dyke	Knickerbocker	Olson, E.	Shaver	
Elioff	Knuth	Omann	Sherman	

The bill was passed and its title agreed to.

H. F. No. 65, A bill for an act relating to taxation; sales and use; eliminating accelerated payment of liability; amending

Minnesota Statutes 1984, section 297A.27, subdivision 1; repealing Minnesota Statutes 1984, section 297A.275.

The bill was read for the third 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, G.	Ellingson	Kostohryz	Onnen	Segal
Anderson, R.	Erickson	Krueger	Osthoff	Shaver
Backlund	Fjoslien	Kvam	Otis	Sherman
Battaglia	Forsythe	Levi	Ozment	Simoneau
Beard	Frederick	Lieder	Pappas	Skoglund
Becklin	Frederickson	Long	Pauly	Solberg
Begich	Frerichs	Marsh	Peterson	Sparby
Bennett	Greenfield	McDonald	Piepho	Stanius
Bishop	Gruenes	McEachern	Piper	Staten
Blatz	Gutknecht	McKasy	Poppenhagen	Sviggum
Boerboom	Halberg	McLaughlin	Price	Thiede
Boo	Hartinger	McPherson	Quinn	Thorson
Brinkman	Hartie	Metzen	Quist	Tjornhom
Brown	Haukoos	Miller	Redalen	Tompkins
Burger	Heap	Minne	Rees	Tunheim
Carlson, D.	Himle	Munger	Rest	Uphus
Carlson, J.	Jacobs	Murphy	Richter	Valan
Carlson, L.	Jaros	Nelson, D.	Riveness	Valento
Clark	Jennings, L.	Nelson, K.	Rodosovich	Vellenga
Clausnitzer	Johnson	Neuenschwander	Rose	Waltman
Cohen	Kahn	Norton	Sarna	Welle
Dempsey	Kalis	O'Connor	Schafer	Wenzel
DenOuden	Kelly	Ogren	Scheid	Zaffke
Dimler	Kiffmeyer	Olsen, S.	Schoenfeld	Spk. Jennings, D.
Dyke	Knickerbocker	Olsen, E.	Schreiber	
Elioff	Knuth	Omann	Seaberg	

Those who voted in the negative were:

Tomlinson

The bill was passed and its title agreed to.

S. F. No. 287, A bill for an act relating to the city of Hibbing; fixing the terms of mayor and city council members.

The bill was read for the third 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, G.	Battaglia	Begich	Blatz	Brandl
Anderson, R.	Beard	Bennett	Boerboom	Brinkman
Backlund	Becklin	Bishop	Boo	Brown

Burger	Hartle	McLaughlin	Piper	Sparby
Carlson, D.	Haukoos	McPherson	Poppenhagen	Stanius
Carlson, J.	Heap	Metzen	Price	Staten
Carlson, L.	Himle	Miller	Quinn	Sviggum
Clark	Jacobs	Minne	Quist	Thiede
Clausnitzer	Jaros	Munger	Redalen	Thorson
Cohen	Jennings, L.	Murphy	Rees	Tjornhom
Dempsey	Johnson	Nelson, D.	Rest	Tomlinson
DenOuden	Kahn	Nelson, K.	Richter	Tompkins
Dimler	Kalis	Neuenschwander	Riveness	Tunheim
Dyke	Kelly	Norton	Rodosovich	Uphus
Elioff	Kiffmeyer	O'Connor	Rose	Valan
Ellingson	Knickerbocker	Ogren	Sarna	Valento
Erickson	Knuth	Olsen, S.	Schafer	Vanasek
Fjoslien	Kostohryz	Olsen, E.	Scheid	Vellenga
Forsythe	Krueger	Omann	Schoenfeld	Voss
Frederick	Kvam	Onnen	Schreiber	Waltman
Frederickson	Levi	Osthoff	Seaberg	Welle
Frerichs	Lieder	Otis	Segal	Wenzel
Greenfield	Long	Ozment	Shaver	Zaffke
Gruenes	Marsh	Pappas	Sherman	Spk. Jennings, D.
Gutknecht	McDonald	Pauly	Simoneau	
Halberg	McEachern	Peterson	Skoglund	
Hartinger	McKasy	Piepho	Solberg	

The bill was passed and its title agreed to.

H. F. No. 327, A bill for an act relating to transportation; defining "trees and hedges" for purposes of removal from highway right of way; amending Minnesota Statutes 1984, section 160.22, 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, G.	Dempsey	Jaros	Munger	Quinn
Anderson, R.	DenOuden	Jennings, L.	Murphy	Quist
Backlund	Dimler	Johnson	Nelson, D.	Redalen
Battaglia	Dyke	Kahn	Nelson, K.	Rees
Beard	Elioff	Kalis	Neuenschwander	Rest
Becklin	Ellingson	Kelly	Norton	Richter
Begich	Erickson	Kiffmeyer	O'Connor	Riveness
Bennett	Fjoslien	Knickerbocker	Ogren	Rodosovich
Bishop	Forsythe	Knuth	Olsen, S.	Rose
Blatz	Frederick	Kostohryz	Olsen, E.	Sarna
Boerboom	Frederickson	Krueger	Omann	Schafer
Boo	Frerichs	Kvam	Onnen	Scheid
Brandl	Greenfield	Levi	Osthoff	Schoenfeld
Brinkman	Gruenes	Lieder	Otis	Schreiber
Brown	Gutknecht	Marsh	Ozment	Seaberg
Burger	Halberg	McDonald	Pappas	Segal
Carlson, D.	Hartinger	McEachern	Pauly	Shaver
Carlson, J.	Hartle	McKasy	Peterson	Sherman
Carlson, L.	Haukoos	McLaughlin	Piepho	Simoneau
Clark	Heap	McPherson	Piper	Skoglund
Clausnitzer	Himle	Metzen	Poppenhagen	Solberg
Cohen	Jacobs	Miller	Price	Sparby

Stanius	Thorson	Tunheim	Vanasek	Welle
Staten	Tjornhom	Uphus	Vellenga	Wenzel
Sviggum	Tomlinson	Valan	Voss	Zaffke
Thiede	Tompkins	Valento	Waltman	Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 759, A bill for an act relating to elections; changing certain procedures and deadlines related to absentee ballots; changing the municipal election filing deadline; amending Minnesota Statutes 1984, sections 203B.17, subdivision 2; 203B.21, subdivision 3; 204B.35, subdivision 4; and 205.13, 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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Krueger	Osthoff	Shaver
Anderson, R.	Ellingson	Kvam	Otis	Sherman
Backlund	Erickson	Levi	Ozment	Simoneau
Battaglia	Fjoslien	Lieder	Pappas	Skoglund
Beard	Forsythe	Long	Pauly	Solberg
Becklin	Frederick	Marsh	Peterson	Sparby
Begich	Frederickson	McDonald	Piepho	Stanius
Bennett	Frerichs	McEachern	Piper	Staten
Bishop	Greenfield	McKasy	Poppenhagen	Sviggum
Blatz	Gruenes	McLaughlin	Price	Thiede
Boerboom	Gutknecht	McPherson	Quinn	Thorson
Boo	Hartinger	Metzen	Quist	Tjornhom
Brandl	Hartle	Miller	Redalen	Tomlinson
Brinkman	Haukoos	Minne	Rees	Tompkins
Brown	Heap	Munger	Rest	Tunheim
Burger	Himle	Murphy	Richter	Uphus
Carlson, D.	Jacobs	Nelson, D.	Riveness	Valan
Carlson, J.	Jaros	Nelson, K.	Rodosovich	Valento
Carlson, L.	Jennings, L.	Neuenschwander	Rose	Vanasek
Clark	Kahn	Norton	Sarna	Vellenga
Clausnitzer	Kalis	O'Connor	Schafer	Voss
Cohen	Kelly	Ogren	Scheid	Waltman
Dempsey	Kiffmeyer	Olsen, S.	Schoenfeld	Welle
DenOuden	Knickerbocker	Olson, E.	Schreiber	Wenzel
Dimler	Knuth	Omamm	Seaberg	Zaffke
Dyke	Kostohryz	Onnen	Segal	Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 143, A bill for an act relating to utilities; providing that gas and electric utilities may not seek compensation from landlords for delinquent bills incurred through a service agreement solely with the tenant; proposing coding for new law in Minnesota Statutes, chapter 325E.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Kostohryz	Ozment	Skoglund
Anderson, R.	Ellingson	Krueger	Pappas	Solberg
Backlund	Erickson	Kvam	Pauly	Sparby
Battaglia	Fjoslien	Levi	Peterson	Stanius
Beard	Forsythe	Long	Piepho	Staten
Becklin	Frederick	Marsh	Piper	Sviggum
Begich	Frederickson	McDonald	Poppenhagen	Thiede
Bennett	Frerichs	McEachern	Price	Thorson
Bishop	Greenfield	McLaughlin	Quist	Tjornhom
Blatz	Gruenes	McPherson	Redalen	Tomlinson
Boerboom	Gutknecht	Metzen	Rees	Tompkins
Boo	Hartinger	Miller	Rest	Tunheim
Brandl	Hartle	Minne	Richter	Uphus
Brinkman	Haukoos	Munger	Riveness	Valan
Brown	Heap	Murphy	Rodosovich	Valento
Burger	Himle	Nelson, D.	Rose	Vanasek
Carlson, D.	Jacobs	Nelson, K.	Sarna	Veilenga
Carlson, J.	Jaros	Neuenschwander	Schafer	Voss
Carlson, L.	Jennings, L.	Norton	Scheid	Waltman
Clark	Johnson	O'Connor	Schoenfeld	Welle
Clausnitzer	Kahn	Ogren	Schreiber	Wenzel
Cohen	Kalis	Olsen, S.	Seaberg	Zaffke
Dempsey	Kelly	Omann	Segal	Spk. Jennings, D.
DenOuden	Kiffmeyer	Onnen	Shaver	
Dimler	Knickerbocker	Osthoff	Sherman	
Dyke	Knuth	Otis	Simoneau	

Those who voted in the negative were:

Olson, E.

The bill was passed and its title agreed to.

S. F. No. 118, A bill for an act relating to public employee labor relations; regulating public employee mediation; regulating mediation and strikes concerning teachers; providing for arbitration awards in principal and assistant principal disputes; providing penalties; amending Minnesota Statutes 1984, sections 179A.14, subdivision 1; 179A.15; 179A.16, subdivision 7; 179A.-17, subdivision 1; 179A.18, subdivisions 2 and 3; and 179A.20, 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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Battaglia	Begich	Blatz	Brandl
Anderson, R.	Beard	Bennett	Boerboom	Brinkman
Backlund	Becklin	Bishop	Boo	Brown



Burger	Hartle	McLaughlin	Piper	Sparby
Carlson, D.	Haukoos	McPherson	Poppenhagen	Stanius
Carlson, J.	Heap	Metzen	Price	Staten
Carlson, L.	Himle	Miller	Quinn	Sviggum
Clark	Jacobs	Minne	Quist	Thiede
Clausnitzer	Jaros	Munger	Redalen	Thorson
Cohen	Jennings, L.	Murphy	Rees	Tjornhom
Dempsey	Johnson	Nelson, D.	Rest	Tomlinson
DenOuden	Kahn	Nelson, K.	Richter	Tompkins
Dimler	Kalis	Neuenschwander	Riveness	Tunheim
Dyke	Kelly	Norton	Rodosovich	Uphus
Elioff	Kiffmeyer	O'Connor	Rose	Valan
Ellingson	Knickerbocker	Ogren	Sarna	Valento
Erickson	Knuth	Olsen, S.	Schafer	Vanasek
Fjoslien	Kostohryz	Olson, E.	Scheid	Vellenga
Forsythe	Krueger	Omann	Schoenfeld	Voss
Frederick	Kvam	Onnen	Schreiber	Waltman
Frederickson	Levi	Osthoff	Seaberg	Welle
Frerichs	Lieder	Otis	Segal	Wenzel
Greenfield	Long	Ozment	Shaver	Zaffke
Gruenes	Marsh	Pappas	Sherman	Spk. Jennings, D.
Gutknecht	McDonald	Pauly	Simoneau	
Halberg	McEachern	Peterson	Skoglund	
Hartinger	McKasy	Piepho	Solberg	

The bill was passed and its title agreed to.

H. F. No. 227, A bill for an act relating to horse racing; providing for racing days at county fairs; amending Minnesota Statutes 1984, section 240.14, 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 4 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Kvam	Otis	Sherman
Anderson, R.	Fjoslien	Levi	Ozment	Simoneau
Backlund	Frederick	Lieder	Pappas	Solberg
Battaglia	Frederickson	Long	Pauly	Sparby
Beard	Frerichs	Marsh	Peterson	Stanius
Becklin	Greenfield	McDonald	Piepho	Staten
Begich	Gruenes	McEachern	Piper	Sviggum
Bennett	Gutknecht	McKasy	Poppenhagen	Thiede
Bishop	Halberg	McLaughlin	Price	Thorson
Blatz	Hartle	McPherson	Quinn	Tjornhom
Boerboom	Haukoos	Metzen	Redalen	Tomlinson
Boo	Heap	Miller	Rees	Tompkins
Brandl	Himle	Minne	Rest	Tunheim
Brinkman	Jacobs	Munger	Richter	Uphus
Brown	Jaros	Murphy	Riveness	Valan
Burger	Jennings, L.	Nelson, D.	Rodosovich	Valento
Carlson, D.	Johnson	Nelson, K.	Rose	Vanasek
Carlson, J.	Kahn	Neuenschwander	Sarna	Vellenga
Carlson, L.	Kalis	Norton	Schafer	Voss
Clausnitzer	Kelly	O'Connor	Scheid	Waltman
Cohen	Kiffmeyer	Ogren	Schoenfeld	Welle
Dempsey	Knickerbocker	Olsen, S.	Schreiber	Wenzel
Dimler	Knuth	Olson, E.	Seaberg	Wynia
Dyke	Kostohryz	Omann	Segal	Zaffke
Elioff	Krueger	Osthoff	Shaver	Spk. Jennings, D.

Those who voted in the negative were:

DenOuden      Erickson      Forsythe      Skoglund

The bill was passed and its title agreed to.

H. F. No. 539, A bill for an act relating to utilities; excepting certain public utility pipelines from county and environmental quality board regulation; making changes in future public utilities commission membership; authorizing settlement in cases of proposed general rate increases by public utilities upon review and approval by public utilities commission; authorizing department of public service to consolidate prehearing discovery activities of attorney general regarding utility rate changes; eliminating depreciation as factor in commission determination of fair rate of return for utility; allowing certain advertising expense of utility to be considered for rate purposes; abolishing intervention cost reimbursement in rate proceedings; increasing cost limitation for utility to acquire use of additional operating unit before commission authorization is required; amending Minnesota Statutes 1984, sections 116I.01, subdivision 3; 216A.03, subdivision 1; 216B.16, subdivisions 1a, 2, 6, and 8; and 216B.50, subdivision 1; repealing Minnesota Statutes 1984, section 216B.16, subdivision 10; and 237.075, subdivision 10.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 114 yeas and 13 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dyke	Knickerbocker	Ozment	Sherman
Anderson, R.	Elioff	Knuth	Pauly	Simoneau
Backlund	Erickson	Kostohryz	Peterson	Skoglund
Battaglia	Fjoslien	Krueger	Piepho	Solberg
Beard	Forsythe	Kvam	Piper	Sparby
Becklin	Frederick	Levi	Poppenhagen	Stanius
Begich	Frederickson	Lieder	Price	Sviggum
Bennett	Frerichs	Marsh	Quist	Thorson
Bishop	Greenfield	McDonald	Redalen	Tjornhom
Blatz	Gruenes	McEachern	Rees	Tomlinson
Boerboom	Gutknecht	McKasy	Rest	Tompkins
Boo	Halberg	McPherson	Richter	Tunheim
Brandl	Hartinger	Metzen	Riveness	Uphus
Brinkman	Hartle	Miller	Rodosovich	Valan
Brown	Haukoos	Minne	Rose	Valcnto
Carlson, D.	Heap	Murphy	Sarna	Vanasek
Carlson, J.	Himie	Neuenschwander	Schafer	Vellenga
Carlson, L.	Jennings, L.	Ogren	Scheid	Waltman
Clausnitzer	Johnson	Olsen, S.	Schoenfeld	Welle
Cohen	Kahn	Olson, E.	Schreiber	Wenzel
Dempsey	Kalis	Omann	Seaberg	Zaffke
DenOuden	Kelly	Onnen	Segal	Spk. Jennings, D.
Dimler	Kiffmeyer	Osthoff	Shaver	

Those who voted in the negative were:

Ellingson	McLaughlin	Nelson, K.	Quinn	Voss
Jacobs	Munger	Otis	Staten	Wynia
Long	Nelson, D.	Pappas		

The bill was passed and its title agreed to.

H. F. No. 786, A bill for an act relating to state departments and agencies; transferring authority to make certain appointments to various commissioners; reducing size of alcohol and drug abuse advisory council; abolishing the cable communications board and the telecommunications council; amending Minnesota Statutes 1984, sections 1.22; 4.31, subdivision 5; 14.02, subdivision 4; 16B.20, subdivision 2; 16B.33, subdivision 2; 35.02, subdivision 1; 40.03, subdivision 1; 84B.11, subdivision 1; 115.74, subdivision 1; 116C.41, subdivision 2; 116L.03; 121.82, subdivision 1; 121.83; 129B.01, subdivision 1; 144A.19, subdivision 1; 147.01, subdivisions 1 and 2; 148.03; 148.181; 148.52; 148.90, subdivision 2; 150A.02, subdivision 1; 151.03; 153.02; 154.22; 156.01, subdivisions 1 and 2; 161.1419, subdivision 2; 250.05, subdivision 2; 254A.04; 270.41; 326.04; 326.17; 326.241, subdivision 1; 343.01, subdivision 3; 386.63, subdivision 1; 611.215, subdivision 1; and 626.841; amending Laws 1984, chapter 654, article 2, section 151, subdivision 2; repealing Minnesota Statutes 1984, sections 3.29, subdivisions 1 to 11; 16C.01; 238.01; 238.02, subdivision 4; 238.04 to 238.06; 238.08, subdivision 2; 238.09; 238.10; 238.11, subdivision 1; 238.12, subdivision 3; and 238.13 to 238.17.

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 91 yeas and 39 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Forsythe	Knuth	Pauly	Stanius
Anderson, R.	Frederick	Kostohryz	Piepho	Sviggum
Backlund	Frederickson	Krueger	Piper	Thiede
Beard	Frerichs	Kvam	Poppenhagen	Thorson
Bennett	Gruenes	Levi	Price	Tjornhom
Blatz	Cutknecht	Marsh	Quist	Tompkins
Boo	Halberg	McDonald	Redalen	Uphus
Brinkman	Hartinger	McEachern	Rees	Valan
Burger	Hartle	McKasy	Richter	Valento
Carlson, D.	Haukoos	McPherson	Rodosovich	Vanasek
Carlson, J.	Heap	Miller	Rose	Waltman
Clausnitzer	Himle	Neuenschwander	Sarna	Welle
Cohen	Jacobs	O'Connor	Schafer	Wenzel
Dempsey	Jennings, L.	Olsen, S.	Schoenfeld	Zaffke
DenOuden	Johnson	Olson, E.	Schreiber	Spk. Jennings, D.
Dimler	Kalis	Omann	Seaberg	
Dyke	Kelly	Onnen	Shaver	
Erickson	Kiffmeyer	Osthoff	Sherman	
Fjoslien	Knickerbocker	Ozment	Solberg	

Those who voted in the negative were :

Battaglia	Elioff	Metzen	Otis	Skoglund
Becklin	Ellingson	Minne	Pappas	Sparby
Begich	Greenfield	Munger	Peterson	Staten
Boerboom	Jaros	Murphy	Quinn	Tunheim
Brandl	Kahn	Nelson, D.	Rest	Veilenga
Brown	Lieder	Nelson, K.	Riveness	Voss
Carlson, L.	Long	Norton	Segal	Wynia
Clark	McLaughlin	Ogren	Simoneau	

The bill was passed and its title agreed to.

S. F. No. 331, A bill for an act relating to health: permitting the county coroner to remove the pituitary gland from a body under certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 390.

The bill was read for the third 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 5 nays as follows:

Those who voted in the affirmative were :

Anderson, G.	Ellingson	Knuth	Osthoff	Shaver
Anderson, R.	Erickson	Kostohryz	Otis	Simoneau
Backlund	Fjoslien	Krueger	Ozment	Skoglund
Battaglia	Forsythe	Kvam	Pappas	Solberg
Beard	Frederick	Levi	Pauly	Sparby
Becklin	Frederickson	Lieder	Peterson	Stanius
Begich	Frerichs	Long	Piepho	Sviggum
Bennett	Greenfield	Marsh	Piper	Thiede
Bishop	Gruenes	McDonald	Poppenhagen	Thorson
Blatz	Gutknecht	McEachern	Price	Tjornhom
Boo	Halberg	McLaughlin	Quinn	Tomlinson
Brandl	Hartinger	Metzen	Quist	Tunheim
Brinkman	Hartle	Miller	Redalen	Uphus
Brown	Haukoos	Minne	Rees	Valan
Burger	Heap	Munger	Rest	Valento
Carlson, D.	Himle	Murphy	Riveness	Vanasek
Carlson, L.	Jacobs	Nelson, D.	Rodosovich	Vellenga
Clark	Jaros	Neison, K.	Rose	Voss
Clausnitzer	Jennings, L.	Neuenschwander	Sarna	Waltman
Cohen	Johnson	Norton	Schafer	Welle
Dempsey	Kahn	Ogren	Scheid	Wenzel
DenOuden	Kalis	Olsen, S.	Schoenfeld	Wynia
Dimler	Kelly	Olson, E.	Schreiber	Spk. Jennings, D.
Dyke	Kiffmeyer	Omman	Seaberg	
Elioff	Knickerbocker	Onnen	Segal	

Those who voted in the negative were :

Carlson, J.	McPherson	Richter	Staten	Tompkins
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The bill was passed and its title agreed to.

H. F. No. 94, A bill for an act relating to agriculture; changing certain soil and water conservation priorities; amending Minnesota Statutes 1984, sections 40.036, subdivisions 1 and 3; repealing Minnesota Statutes 1984, sections 40.036, subdivisions 4, 5, and 6; and 40.038, 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, R.	Fjoslien	Kvam	Otis	Simoneau
Backlund	Forsythe	Levi	Ozment	Skoglund
Battaglia	Frederick	Lieder	Pappas	Solberg
Beard	Frederickson	Long	Pauly	Sparby
Becklin	Frerichs	Marsh	Peterson	Stanius
Begich	Greenfield	McDonald	Piepho	Staten
Bennett	Gruenes	McEachern	Piper	Svigum
Bishop	Gutknecht	McKasy	Poppenhagen	Thiede
Blatz	Halberg	McLaughlin	Price	Thorson
Boerboom	Hartinger	McPherson	Quinn	Tjornhom
Brandl	Hartle	Metzen	Quist	Tomlinson
Brinkman	Haukoos	Miller	Redalen	Tompkins
Brown	Heap	Minne	Rees	Tunheim
Burger	Himle	Munger	Rest	Uphus
Carlson, D.	Jacobs	Murphy	Richter	Valan
Carlson, L.	Jaros	Nelson, D.	Riveness	Valento
Clark	Jennings, L.	Nelson, K.	Rodosovich	Vellenga
Clausnitzer	Johnson	Neuenschwander	Rose	Voss
Cohen	Kahn	Norton	Sarna	Waltman
Dempsey	Kalis	O'Connor	Schafer	Welle
DenOuden	Kelly	Ogren	Scheid	Wenzel
Dimler	Kiffmeyer	Olsen, S.	Schoenfeld	Wynia
Dyke	Knickerbocker	Oison, E.	Schreiber	Zaffke
Elioff	Knuth	Omann	Seaberg	Spk. Jennings, D.
Ellingson	Kostohryz	Onnen	Segal	
Erickson	Krueger	Osthoff	Shaver	

The bill was passed and its title agreed to.

H. F. No. 216, A bill for an act relating to financial institutions; credit unions; specifying certain powers; amending Minnesota Statutes 1984, section 52.04, subdivision 1; repealing Minnesota Statutes 1984, section 52.04, subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Battaglia	Begich	Blatz	Brinkman
Anderson, R.	Beard	Bennett	Boerboom	Brown
Backlund	Becklin	Bishop	Brandl	Burger

Carlson, D.	Hartle	McKasy	Peterson	Skoglund
Carlson, J.	Haukoos	McLaughlin	Piepho	Solberg
Carlson, L.	Heap	McPherson	Piper	Sparby
Clark	Himle	Metzen	Poppenhagen	Stanius
Clausnitzer	Jacobs	Miller	Price	Staten
Cohen	Jaros	Minne	Quinn	Sviggum
Dempsey	Jennings, L.	Munger	Quist	Thiede
DenOuden	Johnson	Murphy	Redalen	Thorson
Dimler	Kahn	Nelson, D.	Rees	Tjornhom
Dyke	Kalis	Nelson, K.	Rest	Tomlinson
Elioff	Kelly	Neuenschwander	Richter	Tompkins
Ellingson	Kiffmeyer	Norton	Riveness	Tunheim
Erickson	Knickerbocker	O'Connor	Rodosovich	Uphus
Fjoslien	Knuth	Ogren	Rose	Valan
Forsythe	Kostohryz	Olsen, S.	Sarna	Valento
Frederick	Krueger	Olson, E.	Schafer	Vellenga
Frederickson	Kvam	Omann	Schoenfeld	Voss
Frerichs	Levi	Onnen	Schreiber	Waltman
Greenfield	Lieder	Osthoff	Seaberg	Welle
Gruenes	Long	Otis	Segal	Wenzel
Gutknecht	Marsh	Ozment	Shaver	Wynia
Halberg	McDonald	Pappas	Sherman	Zaffke
Hartinger	McEachern	Pauly	Simoneau	Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 422, A bill for an act relating to the city of West Saint Paul; changing the municipal election day and extending the terms of certain elected officials.

The bill was read for the third 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.	Dyke	Kelly	Norton	Rodosovich
Anderson, R.	Elioff	Kiffmeyer	Ogren	Rose
Backlund	Ellingson	Knickerbocker	Olsen, S.	Schafer
Battaglia	Erickson	Knuth	Olson, E.	Scheid
Beard	Forsythe	Kostohryz	Omann	Schoenfeld
Becklin	Frederick	Krueger	Onnen	Schreiber
Begich	Frederickson	Kvam	Osthoff	Seaberg
Bishop	Frerichs	Levi	Otis	Segal
Blatz	Greenfield	Lieder	Ozment	Shaver
Boerboom	Gruenes	Long	Pappas	Sherman
Brandl	Gutknecht	Marsh	Pauly	Simoneau
Brinkman	Halberg	McDonald	Peterson	Skoglund
Brown	Hartinger	McKasy	Piepho	Solberg
Burger	Hartle	McLaughlin	Piper	Sparby
Carlson, D.	Haukoos	McPherson	Poppenhagen	Staten
Carlson, J.	Heap	Metzen	Price	Sviggum
Carlson, L.	Himle	Miller	Quinn	Thiede
Clark	Jacobs	Minne	Quist	Thorson
Clausnitzer	Jaros	Munger	Redalen	Tjornhom
Cohen	Jennings, L.	Murphy	Rees	Tomlinson
Dempsey	Johnson	Nelson, D.	Rest	Tompkins
DenOuden	Kahn	Nelson, K.	Richter	Tunheim
Dimler	Kalis	Neuenschwander	Riveness	Uphus

Valan  
Valento  
Vanasek

Vellenga  
Voss

Waltman  
Welle

Wenzel  
Wynia

Zaffke  
Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 186, A bill for an act relating to mental health services; authorizing interstate contracts for mental health services; proposing coding for new law in Minnesota Statutes, chapter 245.

The bill was read for the third 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, G.	Erickson	Krueger	Osthoff	Shaver
Anderson, R.	Fjoslien	Kvam	Otis	Sherman
Backlund	Forsythe	Levi	Ozment	Simoneau
Battaglia	Frederick	Lieder	Pappas	Skoglund
Beard	Frederickson	Long	Pauly	Solberg
Becklin	Frerichs	Marsh	Peterson	Sparby
Begich	Greenfield	McDonald	Piepho	Stanius
Bennett	Cruenes	McEachern	Piper	Staten
Bishop	Gutknecht	McKasy	Poppenhagen	Sviggum
Blatz	Halberg	McLaughlin	Price	Thiede
Boerboom	Hartinger	McPherson	Quinn	Thorson
Brandl	Hartle	Metzen	Quist	Tjornhom
Brinkman	Haukoos	Miller	Redalen	Tomlinson
Brown	Heap	Minne	Rees	Tompkins
Burger	Himle	Munger	Rest	Tunheim
Carlson, D.	Jacobs	Murphy	Richter	Uphus
Carlson, J.	Jaros	Nelson, D.	Riveness	Valan
Carlson, L.	Jennings, L.	Nelson, K.	Rodosovich	Valento
Clark	Johnson	Neuenschwander	Rose	Vanasek
Clausnitzer	Kahn	Norton	Sarna	Vellenga
Cohen	Kalis	O'Connor	Schafer	Voss
Dempsey	Kelly	Ogren	Scheid	Waltman
Dimler	Kiffmeyer	Olsen, S.	Schoenfeld	Welle
Dyke	Knickerbocker	Olson, E.	Schreiber	Wenzel
Elioff	Knuth	Omam	Seaberg	Zaffke
Ellingson	Kostohryz	Onnen	Segal	Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 256, A bill for an act relating to motor vehicles; defining terms; regulating van-type motor homes; amending Minnesota Statutes 1984, sections 168.011, subdivision 25, and by adding subdivisions; and 168.27, subdivisions 2 and 10.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

## Those who voted in the affirmative were :

Anderson, G.	Fjoslien	Levi	Pappas	Solberg
Backlund	Forsythe	Lieder	Pauly	Sparby
Battaglia	Frederick	Long	Peterson	Stanius
Beard	Frederickson	Marsh	Piepho	Staten
Becklin	Frerichs	McDonald	Piper	Swiggum
Begich	Greenfield	McEachern	Poppenhagen	Thiede
Bennett	Gruenes	McKasy	Price	Thorson
Bishop	Gutknecht	McLaughlin	Quinn	Tjornhom
Blatz	Halberg	McPherson	Quist	Tomlinson
Boerboom	Hartinger	Metzen	Redalen	Tompkins
Brandl	Hartle	Miller	Rees	Tunheim
Brinkman	Haukoos	Minne	Rest	Uphus
Brown	Heap	Munger	Richter	Valan
Burger	Himle	Murphy	Riveness	Valento
Carlson, D.	Jacobs	Nelson, D.	Rodosovich	Vanasek
Carlson, J.	Jaros	Nelson, K.	Rose	Vellenga
Carlson, L.	Jennings, L.	Neuenschwander	Sarna	Voss
Clark	Johnson	Norton	Schafer	Waltman
Clausnitzer	Kahn	O'Connor	Scheid	Welle
Cohen	Kalis	Ogren	Schoenfeld	Wenzel
Dempsey	Kelly	Olsen, S.	Schreiber	Wynia
DenOuden	Kiffmeyer	Olson, E.	Seaberg	Zaffke
Dimler	Knickerbocker	Omman	Segal	Spk. Jennings, D.
Dyke	Knuth	Onnen	Shaver	
Elioff	Kostohryz	Osthoff	Sherman	
Ellingson	Krueger	Otis	Simoneau	
Erickson	Kvam	Ozment	Skoglund	

The bill was passed and its title agreed to.

S. F. No. 483, A bill for an act relating to education ; approving a capital loan ; directing the commissioner to issue bonds to make the loan to independent school district No. 690, Warroad.

The bill was read for the third 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, G.	Clark	Hartle	Levi	O'Connor
Anderson, R.	Clausnitzer	Haukoos	Lieder	Ogren
Backlund	Cohen	Heap	Long	Olsen, S.
Battaglia	Dempsey	Himle	Marsh	Olson, E.
Beard	Dimler	Jacobs	McDonald	Omman
Becklin	Dyke	Jaros	McEachern	Onnen
Begich	Elioff	Jennings, L.	McKasy	Osthoff
Bennett	Ellingson	Johnson	McLaughlin	Otis
Bishop	Erickson	Kahn	McPherson	Ozment
Blatz	Forsythe	Kalis	Metzen	Pappas
Boo	Frederick	Kelly	Minne	Pauly
Brandl	Frederickson	Kiffmeyer	Munger	Peterson
Brinkman	Greenfield	Knickerbocker	Murphy	Piepho
Brown	Gruenes	Knuth	Nelson, D.	Piper
Burger	Gutknecht	Kostohryz	Nelson, K.	Poppenhagen
Carlson, D.	Halberg	Krueger	Neuenschwander	Price
Carlson, L.	Hartinger	Kvam	Norton	Quinn



Quist	Sarna	Skoglund	Tjornhom	Vellenga
Redalen	Schafer	Solberg	Tomlinson	Voss
Rees	Scheid	Sparby	Tompkins	Waltman
Rest	Schoenfeld	Stanius	Tunheim	Welle
Richter	Schreiber	Staten	Uphus	Wenzel
Riveness	Seaberg	Sviggum	Valan	Wynia
Rodosovich	Segal	Thiede	Valento	Spk. Jennings, D.
Rose	Sherman	Thorson	Vanasek	

Those who voted in the negative were:

Boerboom	DenOuden	Fjoslien	Frerichs	Miller
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The bill was passed and its title agreed to.

H. F. No. 446, A bill for an act relating to real estate; providing conditions for certain transportation department land sales; providing conditions for certain county land sales; amending Minnesota Statutes 1984, sections 161.23, subdivision 2, and by adding subdivisions; and 373.01, 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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Krueger	Ozment	Skoglund
Anderson, R.	Erickson	Kvam	Pappas	Solberg
Backlund	Fjoslien	Levi	Pauly	Sparby
Battaglia	Forsythe	Lieder	Peterson	Stanius
Beard	Frederick	Long	Piepho	Staten
Becklin	Frederickson	Marsh	Piper	Sviggum
Begich	Frerichs	McDonald	Poppenhagen	Thiede
Bennett	Greenfield	McEachern	Price	Thorson
Bishop	Gruenes	McKasy	Quinn	Tjornhom
Blatz	Gutknecht	McLaughlin	Quist	Tomlinson
Boerboom	Halberg	McPherson	Redalen	Tompkins
Boo	Hartinger	Metzen	Rees	Tunheim
Brandl	Hartle	Miller	Rest	Uphus
Brinkman	Haukoos	Minne	Richter	Valan
Brown	Heap	Munger	Riveness	Valento
Burger	Himle	Murphy	Rodosovich	Vanasek
Carlson, D.	Jacobs	Nelson, K.	Rose	Voss
Carlson, J.	Jaros	Neuenschwander	Sarna	Waltman
Carlson, L.	Jennings, L.	Norton	Schafer	Welle
Clark	Johnson	O'Connor	Scheid	Wenzel
Clausnitzer	Kahn	Ogren	Schoenfeld	Wynia
Cohen	Kalis	Olsen, S.	Schreiber	Zaffke
Dempsey	Kelly	Olson, E.	Seaberg	Spk. Jennings, D.
DenOuden	Kiffmeyer	Omann	Segal	
Dimler	Knickerbocker	Onnen	Shaver	
Dyke	Knuth	Osthoff	Sherman	
Elioff	Kostohryz	Otis	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 470, A bill for an act relating to education; authorizing the establishment of joint vocational technical districts; providing for a governing board; authorizing post-secondary and adult vocational programs, secondary education programs, and secondary services; providing for separate bargaining units, limitations on reinstatements, and certain other labor issues; transferring all school district real and personal property to the joint district; authorizing the joint district to levy for certain purposes; providing for intention of state funding of construction; providing for bonded indebtedness, fund transfers, and debt service; amending Minnesota Statutes 1984, sections 136C.02, subdivisions 6 and 8, and by adding a subdivision; 136C.41, by adding a subdivision; and 136C.44; proposing coding for new law in Minnesota Statutes, chapter 136D.

The bill was read for the third 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, G.	Ellingson	Kostohryz	Otis	Sherman
Anderson, R.	Erickson	Krueger	Ozment	Simoneau
Backlund	Fjoslien	Kvam	Pappas	Skoglund
Battaglia	Forsythe	Levi	Pauly	Solberg
Beard	Frederick	Lieder	Peterson	Sparby
Becklin	Frederickson	Long	Piepho	Stanius
Begich	Frerichs	Marsh	Piper	Staten
Bennett	Greenfield	McDonald	Poppenhagen	Sviggum
Bishop	Gruenes	McEachern	Price	Thiede
Blatz	Gutknecht	McKasy	Quinn	Thorson
Boerboom	Halberg	McLaughlin	Quist	Tjornhom
Boo	Hartinger	McPharson	Redalen	Tomlinson
Brinkman	Hartle	Metzen	Rees	Tompkins
Brown	Haukoos	Miller	Rest	Tunheim
Burger	Heap	Munger	Richter	Uphus
Carlson, D.	Himle	Murphy	Riveness	Valan
Carlson, J.	Jacobs	Nelson, K.	Rodosovich	Valento
Carlson, L.	Jaros	Neuenschwander	Rose	Vanasek
Clark	Jennings, L.	Norton	Sarna	Vellenga
Clausnitzer	Johnson	O'Connor	Schafer	Voss
Cohen	Kahn	Ogren	Scheid	Waltman
Dempsey	Kalis	Olsen, S.	Schoenfeld	Welle
DenOuden	Kelly	Olson, E.	Schreiber	Wenzel
Dimler	Kiffmeyer	Omann	Seaberg	Wynia
Dyke	Knickerbocker	Onnen	Segal	Zaffke
Elioff	Knuth	Osthoff	Shaver	Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 586 was reported to the House and given its third reading.

McEachern moved that H. F. No. 586 be continued on the Calendar for one day. The motion prevailed.

H. F. No. 648, A bill for an act relating to state departments and agencies; transferring authority for administration of the rural rehabilitation corporation trust liquidation act from the state executive council to the commissioner of energy and economic development; creating a governor's rural development council; proposing coding for new law in Minnesota Statutes, chapter 116J; repealing Minnesota Statutes 1984, section 9.36.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Anderson, C.	Ellingson	Krueger	Otis	Sherman
Anderson, R.	Erickson	Kvam	Ozment	Simoneau
Backlund	Fjoslien	Levi	Pappas	Skoglund
Battaglia	Forsythe	Lieder	Pauly	Solberg
Beard	Frederick	Long	Peterson	Sparby
Becklin	Frederickson	Marsh	Piepho	Stanius
Begich	Greenfield	McDonald	Piper	Staten
Bennett	Gruenes	McEachern	Poppenhagen	Sviggum
Bishop	Gutknecht	McKasy	Price	Thorson
Blatz	Halberg	McLaughlin	Quinn	Tjornhom
Boerboom	Hartinger	McPherson	Quist	Tomlinson
Boo	Hartle	Metzen	Redalen	Tompkins
Brandl	Haukoos	Miller	Rees	Tunheim
Brinkman	Heap	Minne	Rest	Uphus
Brown	Himle	Munger	Richter	Valan
Burger	Jacobs	Murphy	Riveness	Valento
Carlson, D.	Jaros	Nelson, K.	Rodosovich	Vanasek
Carlson, L.	Jennings, L.	Neuenschwander	Rose	Vellenga
Clark	Johnson	Norton	Sarna	Voss
Clausnitzer	Kahn	O'Connor	Schafer	Waltman
Cohen	Kalis	Ogren	Scheid	Welle
Dempsey	Kelly	Olsen, S.	Schoenfeld	Wenzel
DenOuden	Kiffmeyer	Olson, E.	Schreiber	Wynia
Dimler	Knickerbocker	Omann	Seaberg	Spk. Jennings, D.
Dyke	Knuth	Onnen	Segal	
Elioff	Kostohryz	Osthoff	Shaver	

Those who voted in the negative were:

Carlson, J.	Frerichs	Thiede
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The bill was passed and its title agreed to.

H. F. No. 698, A bill for an act relating to intoxicating liquor; authorizing the city of North Mankato to issue one short-term, on-sale liquor license.

The bill was read for the third 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 4 nays as follows:

Those who voted in the affirmative were :

Anderson, R.	Fjoslien	Kvam	Ozment	Simoneau
Backlund	Forsythe	Levi	Pappas	Solberg
Battaglia	Frederick	Lieder	Pauly	Sparby
Beard	Frederickson	Long	Peterson	Stanius
Becklin	Frerichs	Marsh	Piepho	Staten
Begich	Greenfield	McEachern	Piper	Svigium
Bennett	Gruenes	McKasy	Poppenhagen	Thorson
Bishop	Gutknecht	McLaughlin	Price	Tjornhom
Blatz	Halberg	McPherson	Quinn	Tomlinson
Brandl	Hartle	Metzen	Quist	Tompkins
Brinkman	Haukoos	Miller	Redalen	Tunheim
Brown	Heap	Minne	Rest	Uphus
Burger	Himle	Munger	Richter	Valan
Carlson, D.	Jacobs	Murphy	Riveness	Valento
Carlson, J.	Jaros	Nelson, K.	Rodosovich	Vanasek
Carlson, L.	Jennings, L.	Neuenschwander	Rose	Voss
Clark	Johnson	Norton	Sarna	Waltman
Clausnitzer	Kahn	O'Connor	Scheid	Welle
Cohen	Kalis	Ogren	Schoenfeld	Wenzel
Dempsey	Kelly	Olsen, S.	Schreiber	Wynia
Dimler	Kiffmeyer	Omann	Seaberg	Zaffke
Dyke	Knuth	Onnen	Segal	Spk. Jennings, D.
Elioff	Kostohryz	Osthoff	Shaver	
Ellingson	Krueger	Otis	Sherman	

Those who voted in the negative were:

DenOuden	Erickson	Hartinger	Skoglund
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The bill was passed and its title agreed to.

H. F. No. 702, A bill for an act relating to human services; requiring notice to the designated agency in certain proceedings pertaining to persons committed as mentally ill and dangerous; authorizing the commissioner to transfer persons committed as mentally ill and dangerous between regional centers under certain circumstances; amending Minnesota Statutes 1984, sections 253B.14; 253B.18, subdivisions 4b, 5, and 6; and 253B.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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were :

Anderson, R.	Boerboom	Clausnitzer	Fjoslien	Hartinger
Backlund	Boo	Cohen	Forsythe	Hartle
Battaglia	Brandl	Dempsey	Frederick	Haukoos
Beard	Brinkman	DenOuden	Frederickson	Heap
Becklin	Brown	Dimler	Frerichs	Himle
Begich	Carlson, D.	Dyke	Greenfield	Jacobs
Bennett	Carlson, J.	Elioff	Gruenes	Jaros
Bishop	Carlson, L.	Ellingson	Gutknecht	Jennings, L.
Blatz	Clark	Erickson	Halberg	Johnson

Kahn	McPherson	Ozment	Schafer	Tompkins
Kalis	Metzen	Pappas	Scheid	Tunheim
Kelly	Miller	Pauly	Schoenfeld	Uphus
Kiffmeyer	Minne	Peterson	Schreiber	Valan
Knickerbocker	Munger	Piepho	Seaberg	Valento
Knuth	Murphy	Piper	Segal	Vanasek
Kostohryz	Nelson, K.	Poppenhagen	Shaver	Vellenga
Krueger	Neuenschwander	Price	Sherman	Voss
Kvam	Norton	Quinn	Simoneau	Waltman
Levi	O'Connor	Redalen	Skoglund	Wenzel
Lieder	Ogren	Rees	Solberg	Wynia
Long	Olsen, S.	Rest	Sparby	Zaffke
Marsh	Olson, E.	Richter	Stanius	Spk. Jennings, D.
McDonald	Omann	Riveness	Staten	
McEachern	Onnen	Rodosovich	Sviggum	
McKasy	Osthoff	Rose	Tjornhom	
McLaughlin	Otis	Sarna	Tomlinson	

The bill was passed and its title agreed to.

H. F. No. 738, A bill for an act relating to taxation; eliminating the excise tax rates for farm wineries; reducing the excise tax credit for certain malt beverages and extending the credit to beverages produced outside Minnesota; amending Minnesota Statutes 1984, sections 340.435, subdivisions 1 and 5; 340.47, subdivision 2; repealing Minnesota Statutes 1984, sections 340.436; and 340.47, subdivision 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 5 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Erickson	Kvam	Ozment	Simoneau
Backlund	Fjoslien	Levi	Pappas	Skoglund
Battaglia	Forsythe	Lieder	Pauly	Solberg
Beard	Frederick	Long	Peterson	Sparby
Becklin	Frederickson	Marsh	Piepho	Stanius
Begich	Frerichs	McDonald	Piper	Sviggum
Bennett	Greenfield	McEachern	Poppenhagen	Thiede
Bishop	Gruenes	McKasy	Price	Thorson
Blatz	Gutknecht	McLaughlin	Quinn	Tjornhom
Boo	Hartle	McPherson	Quist	Tomlinson
Brandl	Haukoos	Metzen	Redalen	Tunheim
Brinkman	Heap	Miller	Rees	Uphus
Brown	Himle	Minne	Rest	Valan
Burger	Jacobs	Munger	Richter	Valento
Carlson, D.	Jaros	Murphy	Rodosovich	Vanasek
Carlson, J.	Jennings, L.	Nelson, K.	Rose	Vellenga
Carlson, L.	Johnson	Neuenschwander	Sarna	Voss
Clark	Kahn	Norton	Schafer	Waltman
Clausnitzer	Kalis	Ogren	Scheid	Welle
Cohen	Kelly	Olsen, S.	Schoenfeld	Wenzel
Dempsey	Knickerbocker	Olson, E.	Schreiber	Wynia
Dyke	Knuth	Omann	Seaberg	Zaffke
Elioff	Kostohryz	Osthoff	Shaver	Spk. Jennings, D.
Ellingson	Krueger	Otis	Sherman	

Those who voted in the negative were:

DenOuden      Dimler      Hartinger      O'Connor      Onnen

The bill was passed and its title agreed to.

Nelson, K., was excused for the remainder of today's session.

H. F. No. 771 was reported to the House and given its third reading.

#### CALL OF THE HOUSE

On the motion of Hartinger and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Anderson, G.	Ellingson	Kvam	Ozment	Skoglund
Anderson, R.	Erickson	Levi	Pappas	Solberg
Backlund	Fjoslien	Lieder	Pauly	Sparby
Battaglia	Forsythe	Long	Peterson	Stanis
Beard	Frederick	Marsh	Piepho	Swiggum
Becklin	Frederickson	McDonald	Poppenhagen	Thiede
Begich	Frerichs	McEachern	Price	Thorson
Bennett	Greenfield	McKasy	Quinn	Tjornhom
Blatz	Gruenes	McLaughlin	Quist	Tomlinson
Boerboom	Gutknecht	McPherson	Redalen	Tompkins
Brandl	Hartinger	Metzen	Rest	Tunheim
Brinkman	Hartle	Miller	Richter	Uphus
Brown	Haukoos	Minne	Riveness	Valan
Burger	Heap	Munger	Rodosovich	Valento
Carlson, D.	Himle	Murphy	Rose	Vanasek
Carlson, J.	Jacobs	Neuenschwander	Sarna	Voss
Carlson, L.	Jaros	Norton	Schafer	Waltman
Clark	Jennings, L.	O'Connor	Scheid	Welle
Clausnitzer	Johnson	Ogren	Schoenfeld	Wenzel
Cohen	Kahn	Olsen, S.	Schreiber	Wynia
Dempsey	Kalis	Olson, E.	Seaberg	Zaffke
DenOuden	Kiffmeyer	Omann	Segal	Spk. Jennings, D.
Dimler	Knickerbocker	Onnen	Shaver	
Dyke	Knuth	Osthoff	Sherman	
Elioff	Krueger	Otis	Simoneau	

Levi 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.

Kahn moved to return H. F. No. 771 to General Orders.

A roll call was requested and properly seconded.

#### POINT OF ORDER

Carlson, J., raised a point of order pursuant to section 114, paragraph 4, of "Mason's Manual of Legislative Procedure" relating to asking questions of members. The Speaker ruled the point of order not well taken.

The question recurred on the Kahn motion and the roll was called.

Cohen moved that those not voting be excused from voting. The motion did not prevail.

Levi moved that those not voting be excused from voting. The motion prevailed.

There were 32 yeas and 99 nays as follows:

Those who voted in the affirmative were:

Brandl	Himle	McLaughlin	Piper	Tomlinson
Carlson, L.	Jaros	Minne	Rest	Vellenga
Clark	Jennings, L.	Munger	Riveness	Welle
Cohen	Kahn	Norton	Segal	Wynia
Frerichs	Kelly	Osthoff	Simoneau	
Greenfield	Knuth	Otis	Skoglund	
Hartle	Long	Pappas	Staten	

Those who voted in the negative were:

Anderson, G.	Dimler	Kostohryz	Ozment	Sherman
Anderson, R.	Dyke	Krueger	Pauly	Solberg
Backlund	Elioff	Kvam	Peterson	Sparby
Battaglia	Ellingson	Levi	Piepho	Stanisus
Beard	Erickson	Lieder	Poppenhagen	Sviggum
Becklin	Fjoslien	Marsh	Price	Thiede
Begich	Forsythe	McDonald	Quinn	Thorson
Bennett	Frederick	McEachern	Quist	Tjornhom
Bishop	Frederickson	McKasy	Redalen	Tompkins
Blatz	Gruenes	McPherson	Rees	Tunheim
Boerboom	Gutknecht	Metzen	Richter	Uphus
Boo	Halberg	Miller	Rodosovich	Valan
Brinkman	Hartering	Murphy	Rose	Valento
Brown	Haukoos	Neuenschwander	Sarna	Vanasek
Burger	Heap	O'Connor	Schafer	Voss
Carlson, D.	Jacobs	Ogren	Scheid	Waltman
Carlson, J.	Johnson	Olsen, S.	Schoenfeld	Wenzel
Clausnitzer	Kalis	Olson, E.	Schreiber	Zaffke
Dempsey	Kiffmeyer	Omann	Seaberg	Spk. Jennings, D.
DenOuden	Knickerbocker	Onnen	Shaver	

The motion did not prevail.

H. F. No. 771, A bill for an act relating to health; stating legislative intent for abortion services; proposing coding for new law in Minnesota Statutes, chapter 145.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 98 yeas and 33 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dyke	Kvam	Pauly	Sparby
Anderson, R.	Elioff	Levi	Peterson	Stanius
Backlund	Ellingson	Lieder	Piepho	Sviggum
Battaglia	Erickson	Marsh	Poppenhagen	Thiede
Beard	Fjoslien	McDonald	Price	Thorson
Becklin	Forsythe	McEachern	Quinn	Tjornhom
Begich	Frederick	McKasy	Quist	Tompkins
Bennett	Frederickson	McPherson	Redalen	Tunheim
Blatz	Gruenes	Metzen	Rees	Uphus
Boerboom	Gutknecht	Miller	Richter	Valan
Boo	Hartinger	Murphy	Rodosovich	Valento
Brinkman	Haukoos	Neuenschwander	Rose	Vanasek
Brown	Heap	O'Connor	Sarna	Voss
Burger	Jacobs	Ogren	Schafer	Waltman
Carlson, D.	Johnson	Olsen, S.	Scheid	Welle
Carlson, J.	Kalis	Olsen, E.	Schoenfeld	Wenzel
Clausnitzer	Kelly	Omann	Schreiber	Zaffke
Dempsey	Kiffmeyer	Onnen	Seaberg	Spk. Jennings, D.
DenOuden	Knickerbocker	Osthoff	Sherman	
Dimler	Krueger	Ozment	Solberg	

Those who voted in the negative were:

Bishop	Halberg	Long	Pappas	Skoglund
Brandl	Hartle	McLaughlin	Piper	Staten
Carlson, L.	Himle	Minne	Rest	Tomlinson
Clark	Jaros	Munger	Riveness	Vellenga
Cohen	Jennings, L.	Nelson, D.	Segal	Wynia
Frerichs	Kahn	Norton	Shaver	
Greenfield	Knuth	Otis	Simoncau	

The bill was passed and its title agreed to.

Beard was excused for the remainder of today's session.

H. F. No. 825 was reported to the House and given its third reading.

Bennett moved that H. F. No. 825 be continued on the Calendar for one day. The motion prevailed.

### GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole with Jennings, D., in the Chair for 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 recommendations of the Committee were reported to the House:

H. F. Nos. 517 and 520 were recommended for progress.



H. F. No. 755 was recommended for progress until Monday, April 8, 1985.

H. F. No. 848 which it recommended to pass with the following amendments:

Offered by Blatz:

Page 7, lines 29 to 31, reinstate the stricken language and delete the new language

Page 16, after line 28, insert:

“Sec. 21. [626.641] [SPECIALIZED TRAINING AND EDUCATION REQUIRED.]

*Subdivision 1. [JOB CLASSIFICATION; CONTINUING EDUCATION.] The commissioner of human services, for employees subject to the Minnesota merit system, and directors of county personnel systems, for counties not subject to the Minnesota merit system, shall establish a job classification consisting exclusively of persons with the specialized knowledge, skills and experience required to satisfactorily perform child protection duties pursuant to section 626.556, subdivisions 10, 10a and 10b.*

*All child protection workers or social services staff having responsibility for child protective duties under section 626.556, subdivisions 10, 10a and 10b, shall receive 15 hours of continuing education or inservice training each year. The local social service agency shall submit an annual plan for the provision of these hours of education and training to the commissioner of human services for approval.*

*Subd. 2. [JOINT TRAINING.] The commissioners of human services and public safety shall cooperate in the development of a joint program for training child abuse services professionals in the appropriate techniques for child abuse assessment and investigation. The program shall include but need not be limited to the following areas:*

*(1) the special duties of child protection workers and law enforcement officers under section 626.556;*

*(2) the appropriate methods for directing and managing affiliated professionals who may be utilized in providing protective services;*

*(3) the appropriate methods for interviewing alleged victims of child abuse and other minors in the course of performing an assessment or an investigation;*

(4) *the legal, evidentiary considerations that may be relevant to the conduct of an assessment or an investigation;*

(5) *the circumstances under which it is appropriate to remove the alleged abuser or the alleged victim from the home;*

(6) *the protective social services that are available to protect alleged victims from further abuse, to prevent child abuse and, to the extent possible, to preserve the family unit; and*

(7) *the methods by which child protection workers and law enforcement workers cooperate in conducting assessments and investigations in order to avoid duplication of efforts.*

*Subd. 3. [PRIORITY TRAINING.] The commissioners of human services and public safety shall provide the program courses described in subdivision 2 at convenient times and locations in the state. The commissioners shall give training priority in the program areas cited in subdivision 2 to persons currently performing assessments and investigations pursuant to section 626.556, subdivisions 10, 10a and 10b.*

*Subd. 4 [REPORT.] By February 1, 1986, the commissioners of human services and public safety shall report to the legislature on the implementation of the joint training program established under subdivision 2. The report may include legislative recommendations on the establishment of a multidisciplinary training program for child abuse services professionals."*

Renumber the remaining sections

Page 18, after line 2, insert:

"Sec. 24. [EFFECTIVE DATE.]

*Section 21 is effective July 1, 1985. The remaining sections are effective August 1, 1985."*

Amend the title as follows:

Page 1, line 13, after the semicolon, insert: "providing a training program for child protection workers and requiring a new job classification in child protection;,"

Offered by Blatz:

Page 3, line 33, after "abuse" insert "over any other case except those cases where a child is being held in detention"

On the motion of Levi 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 Osthoff request to progress H. F. No. 848, as amended, and place it at the top of General Orders and the roll was called. There were 21 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Battaglia	Neuenschwander	Peterson	Scheid	Vanasek
Jacobs	Norton	Piper	Solberg	Voss
Kahn	Olson, E.	Price	Staten	Welle
Krueger	Osthoff	Quinn	Tunheim	Wynia
Nelson, D.				

Those who voted in the negative were:

Anderson, R.	Dempsey	Levi	Pauly	Simoneau
Backlund	Dyke	Lieder	Piepho	Sparby
Becklin	Elioff	Marsh	Poppenhagen	Stanius
Bennett	Ellingson	McDonald	Quist	Sviggum
Blatz	Frederick	McEachern	Rees	Thiede
Boerboom	Frederickson	McKasy	Richter	Tomlinson
Boo	Greenfield	McPherson	Riveness	Tompkins
Brinkman	Halberg	Miller	Rodosovich	Uphus
Brown	Hartinger	Munger	Rose	Valan
Burger	Hartle	Murphy	Schafer	Valento
Carlson, D.	Haukoos	Olsen, S.	Schreiber	Waltman
Carlson, J.	Heap	Omann	Seaberg	Zaffke
Carlson, L.	Kiffmeyer	Onnen	Shaver	Spk. Jennings, D.
Cohen	Knuth	Ozment	Sherman	

The motion did not prevail.

## MOTIONS AND RESOLUTIONS

Kalis moved that his name be stricken as an author on H. F. No. 520. The motion prevailed.

Jacobs moved that his name be stricken as an author on H. F. No. 539. The motion prevailed.

Marsh moved that the name of Clausnitzer be stricken and the name of Stanius be added as an author on H. F. No. 654. The motion prevailed.

Rees moved that the names of Fjoslien and Rodosovich be added as authors on H. F. No. 725. The motion prevailed.

Bennett moved that the name of Piepho be stricken as an author on H. F. No. 773. The motion prevailed.

Staten moved that the name of McLaughlin be added as an author on H. F. No. 868. The motion prevailed.

McPherson moved that her name be stricken as an author on H. F. No. 1207. The motion prevailed.

Himle moved that the name of Hartle be added as third author and the name of Simoneau be added as fourth author on H. F. No. 1262. The motion prevailed.

McLaughlin moved that the names of Rest and Staten be added as authors on H. F. No. 1272. The motion prevailed.

Pappas moved that the name of Clark be added as an author on H. F. No. 1275. The motion prevailed.

Beard moved that the name of Segal be added as an author on H. F. No. 1276. The motion prevailed.

Beard moved that the name of Clark be added as an author on H. F. No. 1277. The motion prevailed.

Burger moved that the name of Rest be added as an author on H. F. No. 1280. The motion prevailed.

Rose moved that the name of Rees be added as an author on H. F. No. 1287. The motion prevailed.

Nelson, K., moved that the name of Staten be added as an author on H. F. No. 1288. The motion prevailed.

Onnen moved that the name of Segal be added as an author on H. F. No. 1291. The motion prevailed.

Battaglia moved that the name of Pappas be added as an author on H. F. No. 1315. The motion prevailed.

McDonald moved that the name of Fjoslien be added as an author on H. F. No. 1333. The motion prevailed.

Clark moved that the names of Pappas and Staten be added as authors on H. F. No. 1355. The motion prevailed.

Clark moved that the names of Pappas and Staten be added as authors on H. F. No. 1356. The motion prevailed.

Himle moved that H. F. No. 416 be recalled from the Committee on Appropriations and be re-referred to the Committee on Taxes. The motion prevailed.

Schreiber moved that H. F. No. 1375 be recalled from the Committee on Financial Institutions and Insurance and be referred to the Committee on Local and Urban Affairs. The motion prevailed.

#### ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, April 4, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, April 4, 1985.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**

STATE OF MINNESOTA

SEVENTY-FOURTH SESSION - 1985

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THIRTY-SECOND DAY

SAINT PAUL, MINNESOTA, TUESDAY, APRIL 2, 1985

The Senate met on Tuesday, April 2, 1985, which was the Thirty-second Day of the Seventy-fourth Session of the Minnesota State Legislature. The House of Representatives did not meet on this date.



STATE OF MINNESOTA

SEVENTY-FOURTH SESSION - 1985

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THIRTY-THIRD DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 3, 1985

The Senate met on Wednesday, April 3, 1985, which was the Thirty-third Day of the Seventy-fourth Session of the Minnesota State Legislature. The House of Representatives did not meet on this date.





## STATE OF MINNESOTA

## SEVENTY-FOURTH SESSION - 1985

## THIRTY-FOURTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 4, 1985

The House of Representatives convened at 2:00 p.m. and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Reverend Howard C. Gravrock, House Chaplain.

The roll was called and the following members were present:

Anderson, G.	Ellingson	Krueger	Otis	Sherman
Anderson, R.	Erickson	Kvam	Ozment	Simoneau
Backlund	Fjoslien	Levi	Pappas	Skoglund
Battaglia	Forsythe	Lieder	Pauly	Solberg
Beard	Frederick	Long	Peterson	Sparby
Becklin	Frederickson	Marsh	Piepho	Stanius
Begich	Freichs	McDonald	Piper	Staten
Bennett	Greenfield	McEachern	Poppenhagen	Sviggum
Bishop	Gruenes	McKasy	Price	Thiede
Blatz	Gutknecht	McLaughlin	Quinn	Thorson
Boerboom	Halberg	McPherson	Quist	Tjornhom
Boo	Hartinger	Metzen	Redalen	Tomlinson
Brandl	Hartle	Miller	Rees	Tompkins
Brinkman	Haukoos	Minne	Rest	Tunheim
Brown	Heap	Munger	Rice	Uphus
Burger	Himle	Murphy	Richter	Valan
Carlson, D.	Jacobs	Nelson, D.	Riveness	Valento
Carlson, J.	Jaros	Nelson, K.	Redosovich	Vanasek
Carlson, L.	Jennings, L.	Neuenschwander	Rose	Velienga
Clark	Johnson	Norton	Sarna	Voss
Clausnitzer	Kahn	O'Conner	Schafer	Waltman
Cohen	Kalis	Ogren	Scheid	Welle
Dempsey	Kelly	Olsen, S.	Schoenfeld	Wenzel
DenOuden	Kiffmeyer	Olson, E.	Schreiber	Wynia
Dimler	Knickerbocker	Omann	Seaberg	Zaffke
Dyke	Knuth	Onnen	Segal	Spk. Jennings, D.
Elioff	Kostohryz	Osthoff	Shaver	

A quorum was present.

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, April 8, 1985. The motion prevailed.

The Chief Clerk proceeded to read the Journals of the preceding days. Vanasek moved that further reading of the Jour-

nals 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. 10, 86, 234, 360, 379, 514, 576, 619, 694, 708, 729, 796, 831, 960, 982, 1032, 1057, 1095, 1145, 1180, 855, 876, 881, 897, 930, 988, 1019, 315, 91, 285, 323, 409, 623, 677, 766, 839, 1109, 1242, 191, 245, 264, 611, 634, 800, 847, 815, 848, 997, 1152 and 1216 and S. F. Nos. 63, 342, 472 and 546 have been placed in the members' files.

S. F. No. 472 and H. F. No. 556, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Dempsey moved that the rules be so far suspended that S. F. No. 472 be substituted for H. F. No. 556 and that the House File be indefinitely postponed. The motion prevailed.

#### REPORTS OF STANDING COMMITTEES

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 18, A bill for an act relating to game and fish; authorizing resident licenses for trainees at Camp Ripley during open seasons; amending Minnesota Statutes 1984, section 98.47, subdivision 3.

Reported the same back with the following amendments:

Page 1, line 10, strike everything after "Subd. 3."

Page 1, lines 11 to 17, strike the old language and delete the new language

Page 1, line 17, after the period insert "*A resident license for taking fish shall be issued, upon application and payment of the appropriate fee, to any person in the military forces of the United States, or persons in military forces in training at Camp Ripley, or any reserve or component thereof, now or hereafter organized, who has been officially transferred to, and is stationed within the state or who is in training at Camp Ripley during the period of training in the appropriate open season. Written proof of military duty, or training at Camp Ripley is required to receive a resident license under this subdivision. Proper written*

*identification authorized for the period of training must be carried by any person using a resident license under this subdivision."*

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Onnen from the Committee on Health and Human Services to which was referred:

H. F. No. 123, A resolution memorializing the United States Congress to propose an amendment to the United States Constitution to protect human life.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Schreiber from the Committee on Taxes to which was referred:

H. F. No. 388, A bill for an act relating to taxation; establishing a commission to study the distribution of property taxes on land values and improvement values; providing for a report by the department of revenue.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 402, A bill for an act relating to agriculture; making the commissioner of agriculture an elective office; amending Minnesota Statutes 1984, sections 15.06, subdivision 1; 15A.081, subdivision 1; and 17.01.

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.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 413, A bill for an act relating to game and fish; closing of lakes to taking of fish by angling and spearing; prohibiting spearing in muskellunge lakes; amending Minnesota Statutes 1984, sections 97.48, subdivision 1; 101.41, subdivision 4; and 101.475, subdivision 1.

Reported the same back with the following amendments:

Page 2, line 14, delete "is" and insert "may be"

Page 2, line 14, after "all" insert "or selective parts of"

With the recommendation that when so amended the bill pass.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 450, A bill for an act relating to children; replacing the state election campaign fund with a child abuse prevention trust fund; providing for disbursement of funds for child abuse prevention; creating a tax return checkoff to fund the child abuse prevention trust fund; appropriating money; amending Minnesota Statutes 1984, sections 290.06, subdivision 11; and 290.39, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 257 and 290; repealing Minnesota Statutes 1984, sections 10A.30 to 10A.335.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [257.80] [DEFINITIONS.]

*Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 2 to 5.*

*Subd. 2. [BOARD.] "Board" means the board of trustees created in section 3.*

*Subd. 3. [CHILD.] "Child" means a person under 18 years of age.*

*Subd. 4. [CHILD ABUSE.] "Child abuse" means sexual abuse, neglect, or physical abuse as defined in section 626.556, subdivision 2, clauses (a), (c), and (d).*

*Subd. 5. [PREVENTION PROGRAM.] "Prevention program" means a system of direct provision of child abuse prevention services to a child, parent, or guardian, and may include research programs related to prevention of child abuse.*

*Subd. 6. [TRUST FUND.] "Trust fund" means the child abuse prevention trust fund established in section 2.*

*Subd. 7. [COMMISSIONER.] Except where otherwise specified, "commissioner" means the commissioner of the department of human services.*

**Sec. 2. [257.81] [CHILD ABUSE PREVENTION TRUST FUND.]**

*Subdivision 1. [CREATION OF TRUST FUND.] A child abuse prevention trust fund is established as an account in the state treasury. The state treasurer shall credit to the trust fund all amounts received under sections 4 and 5. The state treasurer shall invest trust fund money pursuant to section 11A.25. The commissioner of finance shall annually credit the trust fund for interest earnings attributable from the actual receipts deposited into the trust fund. Interest earnings shall be determined based upon a proportionate share of the total annual state investment income.*

*Subd. 2. [AVAILABILITY OF FUNDS FOR DISBURSEMENT.] Until the total amount of assets in the trust fund exceeds \$20,000,000, not more than one-half of the money contributed to the trust fund each year, plus the earnings credited to the trust fund during the previous fiscal year, shall be available for disbursement by the board as provided in section 3. As soon as the state treasurer certifies that the assets in the trust fund exceed \$20,000,000, only the annual earnings and the moneys received under section 4 that are credited to the trust fund shall be available for disbursement by the board as provided in section 3.*

*Funds granted or received as gifts or donations to the trust fund under section 4 are not assets of the trust fund for the purposes of this subdivision.*

**Sec. 3. [257.82] [DISBURSEMENT OF FUNDS FOR CHILD ABUSE PREVENTION.]**

*Subdivision 1. [BOARD OF TRUSTEES.] A board of trustees is created to administer grants from the children's trust fund account established in section 2 for the prevention of child abuse and neglect.*

*Subd. 2. [MEMBERSHIP.] The board shall have 12 members. The membership of the board shall include two members*

appointed by each of the following: (1) the commissioner of human services; (2) the commissioner of health; and (3) the commissioner of education. The governor shall also appoint two members representing volunteer programs, and one member representing each of the following: organized labor, the business, legal, and religious communities. Board members shall serve without compensation but shall be entitled to reimbursement for actual expenses incurred in the service of the commission. Membership terms, removal of members, and filling of vacancies shall be as provided in section 15.0575.

*Subd. 3. [EXPENSES.] The board may receive payments from the children's trust fund for the actual and necessary operating expenses of the board. The board may, without regard to civil service laws and regulations, appoint and fix the compensation of additional legal and other personnel and consultants as necessary to carry out its functions.*

*Subd. 4. [STATE PLAN FOR DISBURSEMENT OF FUNDS.] By June 1, 1986, and biennially thereafter, the board, with the assistance of the commissioner, shall develop a state plan for disbursement of funds from the trust fund. In developing the plan, the board shall review already existing prevention programs. The plan must assure that all geographic areas of the state have an equal opportunity to establish prevention programs and receive trust fund money. The board shall transmit the plan to the legislature and the governor by June 1 of each even-numbered year.*

*Subd. 5. [OTHER BOARD RESPONSIBILITIES.] In addition to its other responsibilities under sections 2 to 5, the board shall:*

*(1) develop criteria for the receipt of trust fund money by new and existing prevention programs;*

*(2) review and approve the expenditure of trust fund money by prevention programs;*

*(3) establish a procedure for an annual, internal evaluation of the functions, responsibilities, and performance of the board. In a year in which the state plan is prepared, the evaluation must be coordinated with the preparation of the state plan; and*

*(4) to the extent possible, assist and cooperate with the commissioner in the performance of the commissioner's responsibilities under subdivision 6.*

*Subd. 6. [RESPONSIBILITIES OF THE COMMISSIONER.] (a) The commissioner shall:*

(i) provide for the coordination and exchange of information on the establishment and maintenance of prevention programs;

(ii) publicize criteria for the receipt of trust fund money by new and existing prevention programs;

(iii) monitor the expenditure of trust fund money by prevention programs; and

(iv) provide statewide educational and public informational seminars for the purpose of developing public awareness regarding the prevention of child abuse; encourage professional persons and groups to recognize instances of child abuse and work to prevent them; make information on child abuse prevention available to the public and to organizations and agencies; and encourage the development of prevention programs.

(b) The commissioner and the board may recommend to the governor and the legislature changes in state programs, statutes, policies, budgets, and standards which will reduce the problems of child abuse, improve coordination among state agencies that provide prevention services, and improve the condition of children, parents, or guardians in need of prevention program services.

**Subd. 7. [DISBURSEMENT SYSTEM AND CRITERIA.]**

(a) Beginning June 1, 1986, the board shall accept and review grant applications, and make grants from trust fund moneys to counties or directly to public or private nonprofit agencies to fund local prevention programs.

(b) Applicants may submit an application and budget for use of the money in the form specified by the board. Only those applicants which demonstrate an ability to match 50 percent of the amount of trust fund money requested and whose proposals meet other criteria developed by the state plan shall be eligible for grants. Funds may not be used to reduce or supplant local, state, or federal expenditure levels supporting existing services unless the reduction in available moneys is the result of a state or federal decision not to refund an existing program. County matching funds may not consist, in whole or in part, of state or federal funds received by the county for funding community social services or public assistance programs. State funds received by the applicants pursuant to this section shall be used only for direct provision of child abuse prevention services.

(c) Only those prevention programs which demonstrate a willingness and ability to provide program models and consultation to other organizations and communities regarding program development and maintenance shall be eligible for grants. Other eligibility criteria shall be developed in the state plan.



*Subd. 8. [CONTRACTS.] The board may enter into contracts with public or nonprofit agencies to fulfill the requirements of this section. The board shall utilize existing state resources and staff whenever practicable.*

**Sec. 4. [257.83] [ACCEPTANCE OF FEDERAL FUNDS AND OTHER DONATIONS.]**

*The board may accept federal funds granted by the congress or executive order for the purposes of sections 2 to 5 as well as gifts and donations from individuals, private organizations, or foundations. Funds received under this section shall be transmitted to the state treasurer for deposit in the trust fund and must be made available annually to the board for disbursement.*

**Sec. 5. [290.432] [CHILD ABUSE PREVENTION CHECK-OFF.]**

*For any taxable year beginning after December 31, 1984, and until the state treasurer certifies to the commissioner of revenue that the assets in the child abuse prevention trust fund, established in section 2, exceed \$20,000,000, every resident of Minnesota who files an income tax return or a property tax refund claim form may designate on his or her original return or form that \$2 shall be paid from the general fund of the state and into the child abuse prevention trust fund. If a husband and wife file a joint return, each spouse may designate that \$2 shall be paid into the trust fund. An individual who is 18 years of age or older, who is a resident of Minnesota, and who is a dependent of another individual who files a tax return or a property tax refund claim, may designate that \$2 shall be paid from the general fund of the state into the child abuse prevention trust fund. No individual shall be allowed to designate \$2 more than once in any year.*

*The commissioner of the department of revenue shall provide on the first page of the income tax form and the property tax refund claim form a space for the filing individual and any adult dependent of that individual to indicate whether or not he or she wishes to allocate \$2 (\$4 if filing a joint return) from the general fund of the state to finance child abuse prevention programs. The dependent on the tax return or the property tax refund claim form shall sign a statement which authorizes the designation of \$2. The renter and homeowner property tax refund claim form shall include instructions that the individual filing the claim form may designate \$2 on the claim form only if he or she has not designated \$2 on the income tax return.*

*Upon certification by the state treasurer that the assets in the trust fund exceed \$20,000,000, the checkoff provision shall be*

*discontinued for all taxable years beginning after December 31 of the year in which certification is made.*

Sec. 6. Minnesota Statutes 1984, section 290.06, subdivision 11, is amended to read:

Subd. 11. [CONTRIBUTIONS TO POLITICAL PARTIES AND CANDIDATES.] A taxpayer may take a credit against the tax due under this chapter of 50 percent of his contributions to candidates for elective state or federal public office and to any political party. The maximum credit for an individual shall not exceed \$50 and, for a married couple filing jointly or filing a combined return, shall not exceed \$100. (NO CREDIT SHALL BE ALLOWED UNDER THIS SUBDIVISION FOR A CONTRIBUTION TO ANY CANDIDATE, OTHER THAN A CANDIDATE FOR ELECTIVE JUDICIAL OFFICE OR FEDERAL OFFICE, WHO HAS NOT SIGNED AN AGREEMENT TO LIMIT HIS CAMPAIGN EXPENDITURES AS PROVIDED IN SECTION 10A.32, SUBDIVISION 3B.) For purposes of this subdivision, a political party means a major political party as defined in section 200.02, subdivision 7, or a minor political party qualifying for inclusion on the income tax or property tax refund form under section 10A.31, subdivision 3a. A major or minor party includes the aggregate of the party organization within each house of the legislature, the state party organization, and the party organization within congressional districts, counties, legislative districts, municipalities, and precincts. A "federal office" means the office of the president or vice president of the United States or the office of United States senator or congressman from Minnesota.

This credit shall be allowed only if the contribution is verified in the manner the commissioner of revenue shall prescribe.

Sec. 7. Minnesota Statutes 1984, section 290.39, subdivision 3, is amended to read:

Subd. 3. [SHORT FORM.] The commissioner may, in his discretion, provide for use a short form individual income tax return which shall be in the form and provide for items as the commissioner may prescribe which are consistent with the provisions of this chapter, notwithstanding any other law to the contrary. The (POLITICAL) *child abuse prevention* checkoff provided in section (10A.31) 5 shall be included on the short form.

Sec. 8. [APPROPRIATION.]

*Half of the sum of the amounts collected by the commissioner of revenue under the checkoff provision in section 5 plus any earnings from permanent trust fund assets and all sums received under section 4 are appropriated annually to the board for the implementation of sections 1 to 5.*

## Sec. 9. [REPEALER.]

*Minnesota Statutes 1984, sections 10A.30; 10A.31; 10A.32; 10A.33; and 10A.335, are repealed."*

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Heap from the Committee on Labor-Management Relations to which was referred:

H. F. No. 545, A bill for an act relating to insurance; removing the limits on credits offered on workers' compensation insurance premiums; amending Minnesota Statutes 1984, section 79.55, by adding a subdivision.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 563, A bill for an act relating to real property; changing the manner of serving notice to register title to real estate; amending Minnesota Statutes 1984, sections 508.16, subdivision 1; 508.29; 508.39; and 508A.39.

Reported the same back with the following amendments:

Page 1, lines 14, 15, and 16, reinstate the stricken language

Page 1, line 16, after the stricken "court" insert "or"

Page 1, line 18, reinstate the stricken language

Page 1, line 19, before "mailing" insert "or"

Pages 5 and 6, delete section 5

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson, D., from the Committee on Transportation to which was referred:

H. F. No. 624, A bill for an act relating to state government; transportation; reorganizing certain motor carrier regulation and enforcement responsibilities in state agencies.

Reported the same back with the following amendments:

Page 1, line 8, delete everything before "*The*" and insert "(a)"

Page 1, after line 14, insert:

*"(b) The 19 employees of the enforcement section, office of motor carrier safety and compliance, department of transportation are transferred to the department of public safety pursuant to section 15.039, subdivision 7."*

Page 1, delete lines 15 to 21

Page 2, line 2, after "*responsibilities*" insert "*and employees*" and delete "*agencies*" and insert "*agency*"

Page 2, line 16, delete everything after "*effective*" and insert "*July 1, 1985.*"

Page 2, delete line 17

Amend the title as follows:

Page 1, line 4, before the period, insert "; transferring employees"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 642, A bill for an act relating to education; establishing a science and technology resource center; appropriating money for the technological-economic development initiative at Southwest State University to establish a program dealing with food production, food processing, and food distribution and for an interactive television network among high schools in southwestern Minnesota; proposing coding for new law in Minnesota Statutes, chapter 136.

Reported the same back with the following amendments :

Page 1, after line 12, insert :

“Section 1. [PURPOSE.]

*Southwest State University seeks to use its faculty, facility, and technical services to create new wealth and jobs in southwestern Minnesota by focusing segments of its curriculum on food, the economic base of the region. The appropriations in section 3 are for programs dealing with the local processing of food in the region. These programs offer the most promising long-term strategy for diversifying the economy, creating new jobs, and reversing the outflow of population.”*

Page 2, delete lines 2 to 15, and insert :

“Subd. 4. [CLIENT SELECTION AND AGREEMENTS.] *Recommendations of clients for the science and technology resource center shall be made by an advisory committee comprised of representatives of business, agribusiness, and education in southwestern Minnesota. Approved clients shall enter into an agreement with the state university board on behalf of Southwest State University, in which shall be specified the term and nature of the services provided by the university and the nature and extent of the interest retained by the state university board in the product, process, or underlying work developed by the center and the client or the business developed by the center and the client, as appropriate.*

Subd. 5. [APPROPRIATION.] *Revenue generated from royalties, patents, licenses, or interests retained by the state university board is appropriated to the state university board and shall be allocated by the board to Southwest State University for the continued operation of the science and technology resource center.”*

Page 2, line 21, before the period, insert “, in cooperation with the area vocational technical institutes at Canby, Jackson, Granite Falls, and Pipestone and with Worthington Community College”

Page 4, line 7, delete “computervision”

Page 4, line 9, delete “Tektronic”

Page 4, delete subdivision 5

Re-number the remaining sections in sequence.

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 645, A bill for an act relating to crimes; specifying elements that may be contained in an order for restitution and the procedures for issuing that order; amending Minnesota Statutes 1984, sections 609.14, by adding a subdivision; 611A.04, subdivision 3, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 611A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 611A.04, subdivision 3, is amended to read:

Subd. 3. [EFFECT OF ORDER FOR RESTITUTION.] *An order of restitution may be enforced by any person named in the order to receive the restitution in the same manner as a judgment in a civil action. An order of restitution shall be docketed as a civil judgment by the clerk of the district court in the county in which the restitution order was entered. A decision for or against restitution in any criminal or juvenile proceeding is not a bar to any civil action by the victim or by the state pursuant to section 611A.61 against the offender. 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.*

Sec. 2. [611A.045] [PROCEDURE FOR ISSUING ORDER OF RESTITUTION.]

Subdivision 1. [CRITERIA.] *The court, in determining whether to order restitution and the amount of the restitution, shall consider the amount of the economic loss sustained by the victim as a result of the offense.*

Subd. 2. [PRESENTENCE INVESTIGATION.] *The court may order that the presentence investigation report made pursuant to section 609.115, subdivision 1, contain information pertaining to the factors set forth in subdivision 1.*

Subd. 3. [DISPUTE; EVIDENTIARY BURDEN.] *A dispute as to the proper amount or type of restitution must be resolved by the court by the preponderance of the evidence. The burden of demonstrating the amount of the loss sustained by a victim as a result of the offense and the appropriateness of a particular type of restitution is on the prosecution."*

Delete the title and insert:

"A bill for an act relating to crimes; specifying the effect of and the procedure for issuing an order of restitution; amending Minnesota Statutes 1984, section 611A.04, subdivision 3; proposing coding for new law in chapter 611A."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 646, A bill for an act relating to local government; providing for fees of the county recorder and registrar of titles; amending Minnesota Statutes 1984, sections 268.161, subdivision 1; 357.18, subdivision 1, and by adding a subdivision; 386.77; 505.08, subdivision 2; 508.47, subdivision 4; 508.82; 508A.11; 508A.47, subdivision 4; and 508A.82.

Reported the same back with the following amendments:

Page 2, delete lines 15 to 36, and insert:

"Sec. 2. Minnesota Statutes 1984, section 270.69, is amended by adding a subdivision to read:

*Subd. 9. [LIEN SEARCH FEES.] Upon request of any person, the filing officer shall issue a certificate showing whether there is on file, on the date and hour stated in the certificate, any notice of lien or certificate or notice affecting any lien filed after June 30, 1979, naming a particular person, and giving the date and hour of filing of each notice or certificate naming the person. The fee for a certificate shall be as provided by section 336.9-407 or 357.18, subdivision 1, clause (3). Upon request, the filing officer shall furnish a copy of any notice of state lien, or notice or certificate affecting a state lien, for a fee of 50 cents per page.*

Sec. 3. Minnesota Statutes 1984, section 272.483, is amended to read:

#### 272.483 [DUTIES OF FILING OFFICER.]

(a) If a notice of federal lien, a refiling of a notice of federal lien, or a notice of revocation of any certificate described in clause (b) is presented to a filing officer who is:

(1) the secretary of state, he shall cause the notice to be marked, held, and indexed in accordance with the provisions of

section 336.9-403, clause (4) of the uniform commercial code as if the notice were a financing statement within the meaning of that code; or

(2) any other officer described in section 272.481, he shall endorse thereon his identification and the date and time of receipt and forthwith file it alphabetically or enter it in an alphabetical index showing the name and address of the person named in the notice, the date and time of receipt, the file number of the lien, and the total amount appearing on the notice of lien.

(b) If a certificate of release, non-attachment, discharge, or subordination of any lien is presented to the secretary of state for filing he shall :

(1) cause a certificate of release or non-attachment to be marked, held, and indexed as if the certificate were a termination statement within the meaning of the uniform commercial code, but the notice of lien to which the certificate relates may not be removed from the files; and

(2) cause a certificate of discharge or subordination to be marked, held, and indexed as if the certificate were a release of collateral within the meaning of the uniform commercial code.

(c) If a refiled notice of federal lien referred to in clause (a) or any of the certificates or notices referred to in clause (b) is presented for filing to any other filing officer specified in section 272.481, he shall permanently attach the refiled notice or the certificate to the original notice of lien and enter the refiled notice or the certificate with the date of filing in any alphabetical lien index on the line where the original notice of lien is entered.

(d) Upon request of any person, the filing officer shall issue his certificate showing whether there is on file, on the date and hour stated therein, any notice of lien or certificate or notice affecting any lien filed on or after July 1, 1971, naming a particular person, and if a notice or certificate is on file, giving the date and hour of filing of each notice or certificate. The fee for a certificate (IS \$5 PER NAME APPEARING ON THE SEARCH REQUEST, IF ON THE STANDARD FORM PRESCRIBED BY THE SECRETARY OF STATE, AND OTHERWISE, \$10 FOR THE FIRST NAME AND \$5 FOR EACH NAME IN EXCESS OF ONE) shall be that provided by section 336.9-407 or 357.18, subdivision 1, clause (3). Upon request, the filing officer shall furnish a copy of any notice of federal lien, or notice or certificate affecting a federal lien, for a fee of 50 cents per page.

Sec. 4. Minnesota Statutes 1984, section 336.9-407, is amended to read :

336.9-407 [INFORMATION FROM FILING OFFICER.]



(1) If the person filing any financing statement, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

(2) Upon request of any person, the filing officer shall conduct a search of his file for any effective financing statements naming a particular debtor and any statement of assignment thereof. He shall report what he finds as of that date and hour by issuing:

(a) His certificate listing the file number, date, and hour of each filing and the names and addresses of each secured party therein;

(b) Photocopies of the original documents on file; or,

(c) Upon request, both his certificate and photocopies of the statements.

The uniform fee for conducting the search and for preparing a certificate showing up to five listed filings or for preparing up to five photocopies of original documents, or any combination of up to five listed filings and photocopies, shall be \$5 if the request is in the standard form prescribed by the secretary of state and otherwise shall be \$10. *Another fee, at the same rate, shall also be charged for conducting a search and preparing a certificate showing federal and state tax liens on file with the filing officer naming a particular debtor.* There shall be an additional fee of 50 cents for each financing statement and each statement of assignment or tax lien listed on the certificate and for each photocopy that he prepares in excess of the first five.

Sec. 5. Minnesota Statutes 1984, section 357.18, subdivision 1, is amended to read:

Subdivision 1. The fees to be charged by the county recorder shall be as follows:

(1) For indexing and recording any deed or other instrument \$1 for each page of an instrument, with a minimum fee of (\$5) \$10;

(2) For certified copies of any records or papers, \$1 for each page of an instrument with a minimum fee of \$3;

(3) For an abstract of title (, \$1.50 FOR EVERY TRANSFER, \$15 FOR CERTIFICATE, AND \$1 PER PAGE FOR EACH EXHIBIT INCLUDED WITHIN AN ABSTRACT AS A

PART OF AN ABSTRACT ENTRY; PROVIDED THAT COUNTY BOARDS MAY, BY RESOLUTION DULY ADOPTED, ESTABLISH LOWER FEES FOR SUCH SERVICES RENDERED BY THE COUNTY RECORDER, AT HIS REQUEST, IN THEIR RESPECTIVE COUNTIES) and *required certificates, the fees shall be determined by resolution of the county board, upon the recommendation of the county recorder, in each county;*

(4) For a copy of an official plat filed pursuant to section 505.08, the fee shall be \$9.50 and an additional 50 cents shall be charged for the certification of each plat;

(5) For filing a condominium floor plan in accordance with section 515.13, the fee shall be 50 cents per apartment with a minimum fee of (\$15) \$30;

(6) For a copy of a condominium floor plan filed pursuant to section 515.13, the fee shall be \$1 for each page of the floor plan with a minimum fee of \$10 and an additional 50 cents shall be charged for the certification of each condominium floor plan."

Page 3, delete lines 1 to 14

Page 5, line 33, delete "Subdivision 1. [AMOUNTS.]"

Page 7, delete lines 26 to 32

Page 9, line 23, delete "Subdivision 1. [AMOUNTS.]"

Page 11, delete lines 17 to 23

Renumber remaining sections

Amend the title as follows:

Page 1, line 2, delete "local government" and insert "public records"

Page 1, line 3, delete "registrar of titles" and insert "secretary of state"

Page 1, line 5, after "1;" insert "270.69, by adding a subdivision; 272.483; 336.9-407;"

Page 1, line 5, delete ", and 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.

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 659, A bill for an act relating to intoxicating liquor; prohibiting discrimination in sales; amending Minnesota Statutes 1984, section 340.114, subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Kvam from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 671, A bill for an act relating to financial institutions; authorizing interstate acquisition and formation of banks between this state and certain states on a reciprocal basis; proposing coding for new law in Minnesota Statutes, chapter 48.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 683, A bill for an act relating to probate; allowing a minor to be a donor for purposes of the Uniform Anatomical Gift Act; amending Minnesota Statutes 1984, sections 525.922, subdivision 1; and 525.924, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 12, delete the first "or" and insert a new comma

Page 1, line 12, after "guardian" insert ", or the parent or parents with legal custody"

Page 1, line 12, after "his" insert "or her"

Page 1, line 22, after "parents" insert ", legal guardian, or the parent or parents with legal custody"

With the recommendation that when so amended the bill pass.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 739, A bill for an act relating to courts; correcting references to the number of district court judges in law; providing for additional district court judgeships in the tenth judicial district; appropriating money; amending Minnesota Statutes 1984, section 2.722, subdivision 1.

Reported the same back with the following amendments:

Page 2, delete lines 26 to 32 and insert:

*“\$ . . . . . is appropriated from the general fund to the supreme court for salaries and fringe benefits of the additional district court judges.”*

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 757, A bill for an act relating to Hubbard county; authorizing a special levy for park and recreation purposes; requiring a reverse referendum under certain circumstances.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 781, A bill for an act relating to workers' compensation; regulating the membership of the board of directors of the workers' compensation reinsurance association; amending Minnesota Statutes 1984, section 79.37.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 79.37, is amended to read:

## 79.37 [BOARD OF DIRECTORS.]

A board of directors of the reinsurance association is created and is responsible for the operation of the reinsurance association consistent with the plan of operation and sections 79.34 to 79.42. The board consists of 13 directors. Four directors shall represent insurers, (SIX) *two* directors shall represent employers, (AT LEAST ONE, BUT NOT MORE THAN THREE OF WHOM) *two* shall represent self-insurers; (AND THREE) *two* directors shall represent employees; *the commissioner of finance and the executive director of the state board of investment or their designees shall serve as directors; and one director shall represent the public.* Insurer members of the reinsurance association shall elect the directors who represent insurers; *self-insurer members of the reinsurance association shall elect the directors who represent self-insurers;* and the commissioner of (COMMERCE) *labor and industry* shall appoint the remaining directors (WHO REPRESENT EMPLOYERS AND EMPLOYEES) for the terms authorized in the plan of operation. Each director is entitled to one vote. Terms of the directors shall be staggered so that the terms of all the directors do not expire at the same time and so that a director does not serve a term of more than four years. The board shall select a chairman and other officers it deems appropriate.

A majority of the directors currently holding office constitutes a quorum. Action may be taken by a majority vote of the directors present.

## Sec. 2. [TRANSFER OF POWER.]

*The duties and responsibilities of the department of commerce under Minnesota Statutes 1984, sections 79.34 to 79.40, except section 79.34, subdivision 3, are hereby transferred to the department of labor and industry.*

## Sec. 3. [INSTRUCTIONS TO THE REVISOR.]

*The revisor of statutes shall substitute the term "commissioner of labor and industry" or "department of labor and industry" or similar terms as appropriate for the terms "commissioner of commerce" or "department of commerce" or similar terms wherever they appear in Minnesota Statutes, sections 79.34 to 79.40, except section 79.34, subdivision 3.*

## Sec. 4. [EFFECTIVE DATE.]

*Section 1 is effective on June 1, 1985. Within 30 days thereafter, the insurer members of the reinsurance association shall elect directors to replace those whose terms expire within the next year; the self-insurer members of the association shall elect two directors to replace the present self-insurer represen-*

*tative and an employer representative whose term expires within the next year; the commissioner of labor and industry shall appoint a public director to replace an employer director whose term expires in 1986 and an employer director to replace an employer director whose term expires in 1986; the commissioner of finance, or the commissioner's designee, shall replace an employee director whose term expires within the next year; and the executive director of the state board of investment, or the executive director's designee, shall replace an employer representative whose term shall expire in 1987. The remaining directors will be replaced as provided in section 1 as their terms expire.*

*Sections 2 and 3 are effective the day following final enactment."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 842, A bill for an act relating to commerce; clarifying commissioner's authority to conduct regulatory investigations; clarifying submission of applications for directors and officers liability insurance; providing for the withdrawal of certain registration statements; broadening the securities transaction exemptions for isolated sales and limited offerings; repealing the securities transaction for preorganization offerings; providing a maximum fee for the registration of redeemable securities; simplifying an exemption from franchise registration; providing for disclosure of representation by real estate brokers and salespersons; expanding those officers who may verify corporate broker licenses; altering re-examination requirements for brokers and salespersons who fail to renew their licenses; altering the unclaimed property reporting deadline for life insurance companies; raising the aggregation amount for holders reporting unclaimed property; specifying dates for notifying and advertising owners of abandoned property; and providing for the notification of all lienholders by a unit owners association in an assessment lien foreclosure; amending Minnesota Statutes 1984, sections 60A.08, by adding a subdivision; 80A.10, by adding a subdivision; 80A.13, subdivision 1; 80A.15, subdivision 2; 80A.28, subdivisions 1 and 3; 80C.03; 82.19, subdivision 3, and by adding a subdivision; 82.20, subdivision 4; 82.21, subdivision 1; 82.22, subdivision 10; 82.24, subdivision 4; 345.41; 345.42, subdivisions 1 and 3; and 515A.3-115; proposing coding for new law in Minnesota Statutes, chapters 45 and 82.

Reported the same back with the following amendments:

Pages 1 to 3, delete section 1

Pages 10 and 11, delete sections 6 and 7

Page 19, line 24, delete "14" and insert "11" and delete "16" and insert "13"

Renumber the sections in sequence

Amend the title as follows :

Page 1, line 2, delete "clarifying commissioner's"

Page 1, delete line 3

Page 1, delete line 10

Page 1, line 11, delete "redeemable securities;"

Page 1, line 27, delete "80A.28, subdivisions 1 and 3;"

Page 1, line 31, delete "; proposing coding"

Page 1, line 32, delete everything before the period

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Commerce and Economic Development.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 852, A bill for an act relating to state lands; directing conveyance of an easement over certain state lands to the city of Duluth.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 871, A bill for an act relating to state government; clarifying laws governing fiscal notes on bills affecting state revenues; amending Minnesota Statutes 1984, section 3.98, subdivisions 1, 2, and 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [3.981] [FISCAL NOTES.]

*Subdivision 1. [REQUIRED FOR EACH BILL; FINANCE COMMISSIONER'S DUTIES.] The commissioner of finance shall prepare a fiscal note for each bill introduced in the legislature.*

*Subd. 2. [CONTENT.] (a) Each fiscal note must, to the extent feasible:*

*(1) summarize, in words, apparent fiscal effect of the bill indicating who will be affected and what the effect on revenue or expenditures by government;*

*(2) state the dollar amount of the effect of the bill on revenue or expenditures by government for the next two fiscal years indicating the level of reliability of that projection and the source of the information;*

*(3) state the dollar amount of the effect of the bill on revenue or expenditures by government for the period from two years to ten years indicating the level of reliability of that projection and the source of the information;*

*(4) state what costs incurred as a result of the bill can be absorbed without the need for additional funds indicating the level of reliability of that projection and why it is believed that the costs can be absorbed and the source of that information;*

*(5) present possible standards to be used by the legislature in the future to judge the efficiency and effectiveness of what is accomplished by the bill's enactment;*

*(6) compare the cost and benefits or the cost and effectiveness of the bill's proposals indicating the reliability of that analysis and methodology used; and*

*(7) state whether the bill is part of, or may lead to, a trend that will have effects beyond those in the particular bill.*

*(b) If the information required by paragraph (a) is impossible to determine, then the fiscal note must state that fact and state the reasons for the impossibility.*

*Subd. 3. [COOPERATION WITH COMMISSIONER REQUIRED.] The commissioner of finance may request a department or agency of the state government to prepare a draft of*



*the fiscal note, portions of the fiscal note, or information for use in the fiscal note. The commissioner may set deadlines and form guidelines for response to the request. The department or agency of the state government must furnish the requested material in the required form and within the deadlines.*

*Subd. 4. [TIME AND DELIVERY OF FISCAL NOTES.] A fiscal note must be filed within one month of the day the bill is first introduced in the senate or house of representatives. However, the senate rules committee, for a senate bill, and the speaker of the house of representatives, for a house bill, may require that the fiscal note be filed by an earlier date. If a fiscal note cannot be completed within the time set, then a preliminary fiscal note must be prepared that provides information known as of the date of preparation and states when a final fiscal note will be available. Fiscal notes must be filed with:*

*(1) the secretary of the senate and chief clerk of the house of representatives;*

*(2) the chief author of the bill and the chief author of the bill's companion;*

*(3) the chairperson of each committee to which the bill has been referred;*

*(4) the chairperson of the senate finance committee, the house appropriations committee, the senate tax and tax laws committees, the house committee on taxes; and*

*(5) the director of the senate counsel and research department, the director of the house research division, the director of the legislative reference library, the revisor of statutes, and the legislative auditor.*

*When a standing committee amends a bill, it may require by majority vote that a revised fiscal note must be prepared. The revised fiscal note must be prepared and filed within one week of the day on which it is requested.*

*The secretary of the senate and chief clerk of the house must print the fiscal note and have a sufficient supply available to the public without charge.*

## Sec. 2. [REPEALER.]

*Minnesota Statutes 1984, section 3.98, is repealed."*

Delete the title and insert:

**"A bill for an act relating to the legislature; providing for fiscal notes on all bills; providing for the powers of the commis-**

sioner of finance and for the content of fiscal notes; proposing coding for new law in Minnesota Statutes, chapter 3; repealing Minnesota Statutes 1984, section 3.98."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Heap from the Committee on Labor-Management Relations to which was referred:

H. F. No. 887, A bill for an act relating to peace officers; regulating hours worked by part-time peace officers; amending Minnesota Statutes 1984, section 179A.03, subdivision 14.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 891, A bill for an act relating to civil procedure; providing for the treatment of certain foreign judgments; enacting the Uniform Foreign Money-Judgments Act; proposing coding for new law in Minnesota Statutes, chapter 548.

Reported the same back with the following amendments:

Page 1, line 12, delete the first comma

Page 1, line 13, delete "*thereof*" and insert "*of the United States*"

Page 1, line 16, before "*taxes*" insert "*(a)*" and after the first comma insert "*or (b)*"

Page 1, lines 16 and 17, delete "*a judgment for support*" and insert "*(c)*"

Page 1, line 20, delete "*therefrom*"

Page 2, line 2, delete "*a sister*" and insert "*another*"

Page 2, line 11, delete "*jurisdiction*" and insert "*jurisdiction*"

Page 2, line 16, delete "*enable him to defend*" and insert "*prepare a defense*"

Page 3, line 1, delete "*him*" and insert "*the defendant*"

Page 3, line 15, delete "*such*" and insert "*the*"

Page 3, line 16, delete "*other*" and insert "*additional*"

Page 3, line 19, delete "*he*" and insert "*the defendant*"

Page 3, line 21, after "*proceedings*" insert "*, with or without bond at the court's discretion,*"

Page 3, line 28, after "*Foreign*" insert "*Country*"

Amend the title as follows :

Page 1, line 4, after "*Foreign*" insert "*Country*" and before "*Act*" insert "*Recognition*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred :

H. F. No. 900, A bill for an act relating to courts; providing for additional county court judgeships in the first judicial district; appropriating money; amending Minnesota Statutes 1984, section 487.01, subdivision 5.

Reported the same back with the following amendments :

Page 3, delete lines 12 to 18 and insert :

*"\$ . . . . . is appropriated from the general fund to the supreme court for salaries and fringe benefits of the additional county court judges."*

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Heap from the Committee on Labor-Management Relations to which was referred :

H. F. No. 918, A bill for an act relating to labor; independent school district No. 709; removing educational assistants from

civil service; amending Laws 1967, chapter 252, section 2, as amended.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Redalen from the Committee on Regulated Industries and Energy to which was referred:

H. F. No. 921, A bill for an act relating to energy; providing for the method of calculating the payback of certain energy conservation investments; amending Minnesota Statutes 1984, section 116J.37, subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 927, A bill for an act relating to watercraft; exempting certain boats from watercraft licensing requirements; amending Minnesota Statutes 1984, section 361.03, subdivision 12.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1984, section 361.03, subdivision 3, is amended to read:

Subd. 3. [FEES FOR LICENSE.] The fee for each watercraft license issued after December 31, 1982 for a period of three calendar years, or a portion thereof, shall be as follows:

(a) Any watercraft 19 feet in length or less which is rented or leased or offered for rent or lease, \$6 each;

(b) Canoes, kayaks, sailboats, sailboards, and paddle boats (AND ROWING SHELLS) 19 feet in length or less, \$7 each;

(c) All other watercraft 19 feet in length or less, not covered in clauses (a), (b), (g), and (i), \$12 each;

(d) Watercraft more than 19 feet but less than 26 feet in length, \$20 each;

(e) Watercraft 26 feet but less than 40 feet in length, \$30 each;

(f) Watercraft 40 feet in length and over, \$40 each;

(g) Dealer's license, regardless of the number of watercraft owned by the dealer, \$30 per dealer;

(h) Any watercraft more than 19 feet in length for hire with an operator, \$50 each;

(i) Any watercraft used by a nonprofit organization for teaching boat and water safety, \$3 each; and

(j) Transfer or duplicate, \$3 each."

Page 2, line 7, delete "boats" and insert "watercraft"

Renumber the section

Amend the title as follows:

Page 1, line 4, delete "subdivision 12" and insert "subdivisions 3 and 12"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 957, A bill for an act relating to agriculture; providing that local governments may enter agreements; providing for soil conservation; imposing a penalty; amending Minnesota Statutes 1984, sections 40.19, subdivisions 1, 2, 5, 6, 7, 8, 9, 11, 13, and by adding a subdivision; 40.20; 40.21; 40.22, subdivisions 1 and 2; 40.23; 40.25; 40.26; 40.28; proposing coding for new law in Minnesota Statutes, chapter 40; repealing Minnesota Statutes 1984, section 40.19, subdivisions 3, 4, 10, 12, 14, and 15.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 40.19, subdivision 1, is amended to read:

Subdivision 1. [(SCOPE) *APPLICABILITY.*] (FOR THE PURPOSES OF SECTIONS 40.20 TO 40.28, THE TERMS DEFINED IN THIS SECTION HAVE THE MEANINGS GIVEN THEM.) *The definitions in this section apply to sections 1 to 22 and sections 40.19 to 40.28.*

Sec. 2. Minnesota Statutes 1984, section 40.19, subdivision 2, is amended to read:

Subd. (2.) 7a. [EXCESSIVE SOIL LOSS.] "Excessive soil loss" means soil loss (RESULTING FROM EROSION THAT IS MORE RAPID THAN THE GRADUAL EROSION OF LAND USED BY MAN WHEN ALL REASONABLE SOIL AND WATER CONSERVATION PRACTICES HAVE BEEN APPLIED) *that is greater than the soil loss limits.* "Excessive soil loss" may be evidenced by sedimentation on adjoining land or in (ANY) a body of water. (SOIL LOSS IS EXCESSIVE IF IT IS GREATER THAN THE SOIL LOSS TOLERANCE FOR EACH SOIL TYPE DESCRIBED IN THE UNITED STATES SOIL CONSERVATION SERVICE FIELD OFFICE TECHNICAL GUIDE.)

Sec. 3. Minnesota Statutes 1984, section 40.19, is amended by adding a subdivision to read:

Subd. 2a. [CONSERVATION PLAN.] "*Conservation plan*" means a set of practices that will decrease soil erosion to the soil loss limits on a particular parcel of land.

Sec. 4. Minnesota Statutes 1984, section 40.19, subdivision 5, is amended to read:

Subd. 5. [CONSERVATION PRACTICES (, STANDARDS AND SPECIFICATIONS).] "Conservation practices (, STANDARDS AND SPECIFICATIONS)" means *practices and standards* containing a definition, purpose, and conditions (UNDER WHICH) *that the practice applies including design requirements, and specifications containing a statement of details required for installing a conservation practice, including kinds, quality, and quantity of work and materials needed to meet the standards. A conservation practice may be a permanent or temporary, vegetative or structural, measure that will aid the control of wind and water erosion. Permanent practices are those that have effective life greater than ten years and include grassed waterways, terraces, field windbreaks, water control structures, grade stabilization structures, sediment retention structures, strip-cropping, and other permanent practices approved by the state soil and water conservation board. Temporary practices include conservation tillage, contour farming, grasses and legumes*

*in rotation, emergency tillage, and any other cultural practices approved by the state soil and water conservation board.*

Sec. 5. Minnesota Statutes 1984, section 40.19, subdivision 6, is amended to read :

Subd. 6. [DEVELOPMENT ACTIVITY.] “Development activity” means (ANY) a physical disturbance (BY MAN) of the land (ASSOCIATED WITH DEVELOPMENT ACTIVITIES WHICH), *that* may result in sedimentation of adjacent lands or waters (. THESE), *associated with activities that include* (, BUT ARE NOT LIMITED TO,) clearing, grading, excavating, transporting, and filling lands. *Road construction by federal, state, county, and municipal (ROAD CONSTRUCTION) governments designed according to department of transportation standard specifications for construction are (EXEMPT FROM THIS ACT) not development activities.*

Sec. 6. Minnesota Statutes 1984, section 40.19, subdivision 7, is amended to read :

Subd. 7. [EROSION.] “Erosion” means (THE) *any process (BY WHICH) that removes soil away from the surface of the land (IS WORN AWAY) by the action of water, wind, or gravity.*

Sec. 7. Minnesota Statutes 1984, section 40.19, subdivision 8, is amended to read :

Subd. (8.) *9a.* [(GOVERNING BODY) LOCAL GOVERNMENT.] (“GOVERNING BODY”) “*Local government*” means the elected governing body of a county, *home rule charter or statutory* city, or town, or their designated (OFFICIALS OR) agents. Agents may include soil and water conservation districts, water management organizations, joint powers boards, watershed districts, (OR) *and* other governmental entities responsible for resource management within the (AFFECTED) *local government’s* jurisdiction.

Sec. 8. Minnesota Statutes 1984, section 40.19, subdivision 9, is amended to read :

Subd. 9. [LAND OCCUPIER.] “Land occupier” means a person, firm, corporation, municipality, or other legal entity (WHO) *that* holds title to, or is possession of any lands, (WHETHER) as owner, lessee, (RENTER, TENANT,) or otherwise. (THE TERM) “*Land occupier*” includes both the owner and the occupier of the land (WHEN) *if* they are not the same.

Sec. 9. Minnesota Statutes 1984, section 40.19, subdivision 11, is amended to read :

Subd. 11. [SEDIMENT.] "Sediment" means solid *mineral or organic material* (, BOTH MINERAL AND ORGANIC,) that is in suspension, is being transported, or has been moved from its (SITE OF ORIGIN) *original location* by air, water, gravity, or ice, and has (COME TO REST ON THE EARTH'S SURFACE) *been deposited at another location*.

Sec. 10. Minnesota Statutes 1984, section 40.19, is amended by adding a subdivision to read:

*Subd. 11a. [SOIL.] "Soil" means the unconsolidated mineral and organic material on the immediate surface of the earth that serves as natural medium for the growth of land plants.*

Sec. 11. Minnesota Statutes 1984, section 40.19, subdivision 13, is amended to read:

Subd. 13. [SOIL LOSS LIMIT.] "Soil loss limit" means the maximum amount of soil loss from water or wind erosion, expressed in tons per acre per year, that (WILL BE PERMITTED) *is allowed* by local regulations on a (GIVEN) *particular* soil.

Sec. 12. Minnesota Statutes 1984, section 40.20, is amended to read:

#### 40.20 [SOIL LOSS (CONTROL) ORDINANCES.]

Each statutory or home rule charter city, town, or county that has planning and zoning authority under sections 366.10 to 366.19, 394.21 to 394.37, or 462.351 to 462.365 is encouraged to adopt a soil loss ordinance (AS PROVIDED IN SECTION 40.21). *The soil loss ordinance must use the soil loss tolerance for each soil series described in the United States Soil Conservation Service Field Office Technical Guide to determine the soil loss limits but the soil loss limits must be attainable by the best practicable soil conservation practice. A local government that adopts a soil loss ordinance may enter an agreement with its agent allowing the agent to administer the functions and perform the duties of the local government as provided by sections 12 to 22. Ordinances adopted by local (UNITS) governments within the metropolitan area defined in section 473.121 must be consistent with local water management plans adopted under section 473.879.*

Sec. 13. Minnesota Statutes 1984, section 40.21, is amended to read:

40.21 [(PROMULGATION OF) RULES (BY THE COMMISSIONER OF AGRICULTURE; PERIODIC REVIEW), MODEL ORDINANCE, AND PERIODIC REVIEW.]



*Subdivision 1. [RULES AND MODEL ORDINANCE AS GUIDE.]* The commissioner of agriculture, in consultation with counties, soil and water conservation districts, and other appropriate agencies, shall (PROMULGATE) *adopt a model ordinance and rules (WHICH SHALL) that serve as a guide (TO ENABLE) for local governments to carry out the provisions of (LAWS 1984, CHAPTER 569. THE RULES DEVELOPED BY THE COMMISSIONER OF AGRICULTURE SHALL INCLUDE:)* *sections 12 to 22 and sections 40.20 to 40.26, and provide administrative procedures for the state soil and water conservation board for sections 12 to 21 and sections 40.20 to 40.26.*

*Subd. 2. [MODEL ORDINANCE.] ((A) A) The model ordinance (WHICH SPECIFIES) must specify the technical and administrative procedures required to (IMPLEMENT LAWS 1984, CHAPTER 569) control soil loss and erosion. The model ordinance (SHALL BE CONSIDERED TO BE) is the minimum regulation to be adopted. The model ordinance must use the soil loss tolerance for each soil series described in the United States Soil Conservation Service Field Office Technical Guide to determine soil loss limits, but the soil loss limits must be attainable by the best practicable soil conservation practice.*

**((B) ADMINISTRATIVE PROCEDURES REQUIRED OF THE STATE SOIL AND WATER CONSERVATION BOARD FOR CARRYING OUT THE PROVISIONS OF LAWS 1984, CHAPTER 569.)**

*Subd. 3. [PERIODIC REVIEW.]* At least once every (TWO) *five years* the commissioner of agriculture shall review the rules and model ordinance in cooperation with counties, soil and water conservation districts, and appropriate agencies to ensure their continued applicability and relevance. **(THE RULES MAY BE REVISED IF DEEMED NECESSARY BY THE COMMISSIONER OF AGRICULTURE.)**

Sec. 14. Minnesota Statutes 1984, section 40.22, subdivision 1, is amended to read:

Subdivision 1. **[PROHIBITED ACTIVITIES.]** A person may not cause, conduct, contract for, or authorize an activity **(WHICH) that causes excessive soil loss.**

Sec. 15. Minnesota Statutes 1984, section 40.22, subdivision 2, is amended to read:

Subd. 2. **[AGRICULTURAL LAND.]** A land occupier of agricultural land is not violating subdivision 1 if (HE) *the occupier is (USING) farming by methods (WHICH DO NOT CREATE EXCESSIVE SOIL LOSS) that implement the best practicable conservation practices.*

Sec. 16. Minnesota Statutes 1984, section 40.23, is amended to read:

Subdivision 1. [COMPLAINT.] (A LAND OCCUPIER ADVERSELY AFFECTED BY THE EFFECTS OF EXCESSIVE SOIL LOSS, OR AN ELECTED LOCAL GOVERNMENT OFFICIAL, MAY SUBMIT A VERBAL OR WRITTEN COMPLAINT AGAINST A LAND OCCUPIER ALLEGING THAT EXCESSIVE SOIL LOSS HAS OCCURRED OR IS OCCURRING. THE COMPLAINT MUST BE MADE TO THE GOVERNING BODY OF THE LOCAL GOVERNMENT UNIT THAT HAS ADOPTED AN ORDINANCE AS PROVIDED IN SECTION 40.21. IF THE COMPLAINT IS VERBAL, IT MUST BE FOLLOWED BY A WRITTEN COMPLAINT WITHIN 72 HOURS. THE COMPLAINT SHALL INCLUDE THE APPROXIMATE DATES AND LOCATION OF THE ALLEGED VIOLATION AND DESCRIBE THE SOURCE, NATURE, AND EXTENT OF THE EXCESSIVE SOIL LOSS ALLEGED TO HAVE OCCURRED OR WHICH IS OCCURRING. THE COMPLAINT MUST BE MADE TO THE GOVERNING BODY OF THE LOCAL GOVERNMENT UNIT THAT HAS ADOPTED A SOIL LOSS ORDINANCE AS PROVIDED IN SECTION 40.21.) (a) *An adversely affected landowner, an elected or appointed official of the local government, or a soil and water conservation district board member may submit a written complaint to the local government if conditions exist that indicate there is excessive soil loss from a tract of land that affects another tract of land or body of water. The written complaint must contain:*

- (1) *the name and address of the landowner;*
  - (2) *the location of the tract of land with the excessive soil loss;*
  - (3) *land or water that is affected by the excessive soil loss; and*
  - (4) *a description of the nature of the excessive soil loss and resulting sedimentation.*
- (b) *The local government shall submit the complaint to the soil and water conservation district for soil loss determination.*

Subd. 2. [DISTRICT DETERMINATION OF SOIL LOSS.] (a) *The soil and water conservation district shall determine the average soil loss in tons per acre per year of the tract of land cited in the complaint.*

(b) *The soil and water conservation district may enter public or private land to make an inspection for the determination of soil loss or to complete the report. The landowners must be*

*notified of the time of the inspections and be given an opportunity to be present when the inspection is made.*

*(c) The soil and water conservation district shall submit a report to the local government that states the average soil loss in tons per acre per year for each tract of land and whether the soil loss is excessive under the applicable soil loss limits. If the soil loss is excessive the report must include identification of existing management practices and a conservation plan and time schedule that will prevent excessive soil loss or reduce the soil loss to the most practicable extent.*

*Subd. 3. [MEDIATION.] (a) If the soil and water conservation district report shows that soil loss from the tract of land is excessive and alternative practices are available to reduce the soil loss, the local government shall request the allegedly offending landowner to participate in mediation with the local government.*

*(b) The local government may appoint the planning and zoning director, a planning commissioner, or other county official to act as a mediator. The local government may also contract with a mediation center to provide mediation services.*

*(c) The landowner, and the local government or its agent must attempt to agree on conservation practices and times to implement the practice that will reduce soil loss to the local soil loss limits.*

*(d) A mediated settlement must be in writing, and filed with the local government.*

*(e) If the local government and the landowner do not agree to a mediated settlement, or if the landowner refuses to participate in mediation, the local government shall forward the complaint to the county attorney. The county attorney may dismiss the complaint or petition for a hearing under section 17.*

*Subd. 4. [APPLICATION FOR COST-SHARING FUNDS.] The landowner has 90 days after a mediated settlement is filed to apply for state cost-sharing funds that will provide 75 percent of the cost of the permanent conservation practices. Only 50 percent cost share will be provided if the application is not made within 90 days after the settlement is filed. The landowner must apply for 50 percent cost share within 270 days after the mediated settlement is filed.*

*Subd. 5. [PENALTY.] A landowner that does not comply with the provisions of the mediated settlement is subject to a civil penalty up to \$500. Soil conservation practices that are*

*made in good faith and substantial compliance are a complete defense.*

**Sec. 17. [40.242] [DISTRICT COURT HEARING.]**

*Subdivision 1. [DETERMINATION OF PROPER CONSERVATION PLAN.] If the landowner and the local government do not agree to a mediated settlement or if the landowner has refused mediation, the county attorney may petition the district court for a hearing. The landowner shall have the opportunity to present the landowner's conservation plan and time schedule as an alternative to the local government conservation plan and time schedule. The court shall order the landowner to implement the conservation plan and time schedule that is the least burdensome to the landowner and will reduce soil loss to at least the soil loss limit. The court may amend the local government's or landowner's conservation plan and time schedule, or develop a new conservation plan and time schedule. The court shall set times to implement, make satisfactory progress, and complete the conservation plan.*

*Subd. 2. [COST-SHARING FUNDS.] (a) If the court orders implementation of the landowner's conservation plan and time schedule, or amends the conservation plan and time schedule, or if the court develops a new conservation plan and time schedule, the landowner is eligible to apply for 75 percent cost-share funds for permanent conservation practices. The landowner must apply for the cost share within 90 days after the court order. If the landowner does not apply within 90 days for the cost-sharing funds the cost share is reduced to 50 percent. The court shall establish a time when the landowner is not eligible for cost-sharing funds if an application is not made.*

*(b) If the court orders a plan and time schedule developed by the district in its report, the landowner is eligible for 50 percent cost share if the landowner applies within 90 days after the court order.*

**Sec. 18. [40.244] [SOIL AND WATER CONSERVATION ASSISTANCE.]**

*A landowner who has filed a mediated settlement under section 16 or who has received a court order under section 17 may request the soil and water conservation district to assist in the planning, design, and application of practices necessary to reduce soil loss to the applicable soil loss limit amounts or to the greatest practical extent. The soil and water conservation district must give the landowner a high priority for technical and cost-sharing assistance.*

**Sec. 19. [40.246] [ATTORNEY AND LOCAL GOVERNMENT MAY PERFORM DUTY OF COUNTY.]**

*The city attorney or town attorney may perform the duties of a county attorney. A city or town may perform the duties of a local government only if the city or town adopts a soil loss ordinance and the land in the complaint is located within the city or town.*

Sec. 20. Minnesota Statutes 1984, section 40.25, is amended to read:

**40.25 [EROSION CONTROL PLAN FOR DEVELOPMENT ACTIVITIES.]**

*Subdivision 1. [SEDIMENTATION CONTROL PLAN.]*

(a) A person engaged in a development activity that will disturb over one acre of land must submit (TO THE GOVERNING BODY) a sedimentation control plan and time schedule that will prevent excessive soil loss to the local government having jurisdiction over the land before the development activity is to begin.

(b) A sedimentation control plan and time schedule must specify how the movement of soil and damage to other property during the construction will be minimized, including the use of temporary seeding, fiber mats, plastic, straw, mulch, sediment control basins, and other measures to prevent erosion and sediment damage. The time schedule must establish deadlines for the implementation and completion of each phase or element of the sedimentation control plan.

Subd. 2. [PERMIT REQUIRED.] The local government may appoint the zoning and planning director, building inspector, county engineer, or the soil and water conservation district to review the plan and time schedule. If the sedimentation control plan and time schedule will prevent excessive soil loss to the most practicable extent, the local government must issue a permit that authorizes the development activity contingent upon the implementation and completion of the sedimentation control plan.

Subd. 3. [PENALTY.] A person engaged in a development activity who does not obtain a sedimentation control plan permit or does not commence or complete the plan or make satisfactory progress to complete the plan is subject to a civil penalty. Soil conservation practices made in good faith and substantial compliance are a defense.

Subd. 4. [APPLICATION.] For counties, the provisions of this section apply only to county jurisdiction over unincorporated areas.

Sec. 21. Minnesota Statutes 1984, section 40.26, is amended to read:

**40.26 [APPLICATION FOR COST-SHARING FUNDS.]**

(a) Except (IN THE CASE OF) *for a development activity, a land occupier may not be required to establish soil conservation practices unless state cost-sharing funds have been specifically approved for that land and have been made available to the land occupier (IN AN AMOUNT) under sections 16 and 17, equal to at least 75 percent of the cost of the permanent conservation practices on a voluntary basis, (AND) or a 50 percent cost share if (IMPLEMENTATION IS NOT COMMENCED FOLLOWING THE ISSUANCE OF AN ADMINISTRATIVE ORDER AS PROVIDED IN THIS SECTION. THE STATE SOIL AND WATER CONSERVATION BOARD SHALL REVIEW THESE REQUIREMENTS AT LEAST ONCE EACH YEAR, AND MAY AUTHORIZE DISTRICTS IN ANY PARTICULAR CASE TO PROVIDE A HIGHER PERCENTAGE OF PUBLIC COST SHARING THAN IS REQUIRED BY THIS SECTION. TO AID IN THIS DETERMINATION, THE STATE BOARD MAY CONSIDER THE LOCATION OF THE AFFECTED AREA IN RELATION TO THE PRIORITY AREAS AS ESTABLISHED IN THE DISTRICT ANNUAL AND LONG-RANGE PLANS. EVIDENCE THAT AN APPLICATION FOR STATE COST-SHARING FUNDS HAS BEEN SUBMITTED TO THE SOIL AND WATER CONSERVATION DISTRICT SHALL CONSTITUTE COMMENCEMENT OF THE WORK WITHIN THE MEANING OF SECTION 40.24. WHEN NOTIFIED OF THE APPROVAL OF THE APPLICATION, THE LOCAL UNIT SHALL ISSUE TO THE SAME PARTIES WHO RECEIVED THE ORIGINAL ADMINISTRATIVE ORDER, OR THEIR SUCCESSORS IN INTEREST, A SUPPLEMENTAL ORDER, TO BE DELIVERED IN THE SAME MANNER AS PROVIDED BY SECTION 40.24. THE SUPPLEMENTAL ORDER SHALL STATE A TIME, NOT MORE THAN 90 DAYS AFTER APPROVAL OF THE APPLICATION FOR STATE COST-SHARING FUNDS, BY WHICH THE WORK NEEDED TO COMPLY WITH THE ORIGINAL ADMINISTRATIVE ORDER SHALL ACTUALLY BE COMMENCED, AND A TIME NOT MORE THAN ONE YEAR THEREAFTER WHEN THE WORK IS TO BE SATISFACTORILY COMPLETED)* *an application for cost share is not made within 90 days after the board approves a mediated written agreement or within 90 days after the court orders implementation of a plan and time schedule prepared by the landowner or the court. For mediated settlements, a court order that implements the landowner's alternatives or the court's alternatives must state the time schedule for application for 50 percent cost share. If the court orders implementation of the district's plan and time schedule, a landowner is only eligible for 50 percent cost share.*

(b) *The state soil and water conservation board shall review these requirements at least once each year, and may authorize a district to provide a higher percentage of cost sharing than is required by this section. To aid in this determination, the state board may consider the location of the affected area in relation*

*to the priority areas as established in the soil and water conservation district annual and long-range plans.*

Sec. 22. Minnesota Statutes 1984, section 40.28, is amended to read:

40.28 [PENALTY.]

(A VIOLATION OF AN ADMINISTRATIVE ORDER ISSUED UNDER SECTION 40.24 OR A SUPPLEMENTAL ORDER ISSUED UNDER SECTION 40.26 IS A MISDEMEANOR.) *A person who violates section 14 is subject to a civil penalty up to \$500.*

Sec. 23. [REPEALER.]

*Minnesota Statutes 1984, section 40.19, subdivisions 3, 4, 10, 12, 14, and 15, are repealed.*

Sec. 24. [EFFECTIVE DATE.]

*This act is effective July 1, 1985."*

Amend the title as follows:

Page 1, line 6, delete "a subdivision" and insert "subdivision"

With the recommendation that when so amended the bill pass.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 959, A bill for an act relating to negligence; clarifying immunity from liability for volunteer firefighters who render assistance at scenes of emergency; amending Minnesota Statutes 1984, section 604.05, subdivision 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 964, A bill for an act relating to wild animals; directing removal and confinement of an elk herd in northwestern Minnesota.

Reported the same back with the following amendments :

Page 1, line 12, after "*counties*" insert "*or any other area in the state, or another state,*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Erickson from the Committee on Education to which was referred :

H. F. No. 968, A bill for an act relating to education; permitting payroll deductions in the state university system for a certain nonprofit university foundation; proposing coding for new law in Minnesota Statutes, chapter 136.

Reported the same back with the following amendments :

Page 2, after line 8, insert :

*"Subd. 3. [SOLICITATION.] Any effort to secure payroll deductions authorized in subdivision 1 shall not interfere with, require a modification of, nor be conducted during the period of any payroll deduction fund drive for state employees authorized by section 309.501."*

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Onnen from the Committee on Health and Human Services to which was referred :

H. F. No. 985, A bill for an act relating to human services; expanding time of eligibility for aid for unborn children; authorizing prenatal care payments; amending Minnesota Statutes 1984, section 256.73, subdivision 5.

Reported the same back with the following amendments :

Page 1, line 17, after "1" delete "*, clause 4*"

Page 2, line 5, delete "*medically necessary*"

Page 2, line 6, delete "*prenatal care of the pregnant woman and child, and*"



Page 2, line 9, after the period insert "*The commissioner shall, according to rules, make payments for medically necessary prenatal care of the pregnant woman and the unborn child.*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 992, A bill for an act relating to education; consolidating the regulation of private post-secondary schools under the higher education coordinating board; amending Minnesota Statutes 1984, sections 136A.61; 136A.62, subdivision 3; 136A.64, by adding a subdivision; and 136A.66; proposing coding for new law in Minnesota Statutes, chapter 136A; repealing Minnesota Statutes 1984, sections 136A.653, subdivision 1; 141.21; 141.22; 141.23; 141.25; 141.26; 141.271; 141.28; 141.29; 141.30; 141.31; 141.32; 141.35; and 141.36.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 141.23, is amended to read:

**141.23 [RULES (AND REGULATIONS).]**

The state board of education may adopt rules (AND REGULATIONS) *according to chapter 14* to carry out the provisions of (SECTIONS 141.21 TO 141.36 PURSUANT TO CHAPTER 14) *this chapter*.

Sec. 2. Minnesota Statutes 1984, section 141.25, subdivision 9, is amended to read:

Subd. 9. [CATALOG OR BROCHURE.] ((A) NO) *Before a license (SHALL BE) is issued to a school, other than one which offers exclusively a correspondence course of instruction, (UNTIL SUCH) the school (HAS FURNISHED) shall furnish to the commissioner a catalog or brochure containing the following:*

((A)) (1) Identifying data, such as volume number and date of publication;

((B)) (2) Name and address of the school and its governing body and officials;

((C)) (3) A calendar of the school showing legal holidays, beginning and ending dates of each course quarter, term, or semester, and other important dates;

((D)) (4) School policy and regulations on enrollment (WITH RESPECT TO ENROLLMENT) *including* dates and specific entrance requirements for each course;

((E)) (5) School policy and regulations (RELATIVE TO) *about* leave, absences, class cuts, make-up work, tardiness, and interruptions for unsatisfactory attendance;

((F)) (6) School policy and regulations (RELATIVE TO) *about* standards of progress (REQUIRED OF) *for* the student (BY THE SCHOOL WHICH POLICY MUST DEFINE) *including* the grading system of the school, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory grades or progress (AND), a description of (THE) *any* probationary period (, IF ANY,) allowed by the school, and conditions of re-entrance for those dismissed for unsatisfactory progress;

((G)) (7) School policy and regulations (RELATIVE TO) *about* student conduct and conditions for dismissal for unsatisfactory conduct;

((H)) (8) Detailed schedule of fees, charges for tuition, books, supplies, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other charges;

((I)) (9) Policy and regulations (OF THE SCHOOL RELATIVE TO THE REFUND OF THE UNUSED PORTION OF), *including an explanation of section 141.271, about refunding* tuition, fees, and other charges (IN THE EVENT) *if* the student does not enter the course (OR), withdraws, or is discontinued (THEREFROM, WHICH POLICY SHALL INCLUDE AN EXPLANATION OF ALL PROVISIONS OF SECTION 141.271);

((J)) (10) A description of the available facilities and equipment;

((K)) (11) A course outline for each course offered showing course objectives, subjects or units in the course, type of work or skill to be learned, and approximate time (OR CLOCK HOURS) to be spent on each subject or unit; *and*

((L)) (12) Policy and regulations (OF THE SCHOOL RELATIVE TO) *about* granting credit for previous education and training.

((B)) *Subd. 9a.* [CORRESPONDENCE CATALOG.] (NO) *Before a license (SHALL BE) is issued to a school (WHICH*

OFFERS) exclusively *offering* a correspondence course of instruction, (UNTIL SUCH) *the* school (HAS FURNISHED) *shall furnish* to the commissioner a catalog or brochure containing the following:

((A) IDENTIFYING DATA SUCH AS VOLUME NUMBER AND DATE OF PUBLICATION;)

((B) NAME AND ADDRESS OF THE SCHOOL, ITS GOVERNING BODY AND OFFICIALS;)

((C) SCHOOL POLICY AND REGULATIONS ON ENROLLMENT WITH RESPECT TO ENROLLMENT DATES AND SPECIFIC ENTRANCE REQUIREMENTS FOR EACH COURSE;)

((D)) (1) School policy and regulations (RELATIVE TO) *about* standards of progress (REQUIRED OF) *for* the student (BY THE SCHOOL WHICH POLICY MUST DEFINE) *including* the grading system of the school, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory grades or progress (AND), a description of (THE) *any* probationary period (, IF ANY,) allowed by the school, and conditions of re-enrollment for those students terminated for unsatisfactory progress.

((E) DETAILED SCHEDULE OF FEES, CHARGES FOR TUITION, BOOKS, SUPPLIES, TOOLS, STUDENT ACTIVITIES, LABORATORY FEES, SERVICE CHARGES, RENTALS, DEPOSITS, AND ALL OTHER CHARGES;)

((F) POLICY AND REGULATIONS OF THE SCHOOL RELATIVE TO THE REFUND OF THE UNUSED PORTION OF TUITION, FEES AND OTHER CHARGES IN THE EVENT THE STUDENT DOES NOT ENTER THE COURSE OR WITHDRAWS OR IS DISCONTINUED THEREFROM, WHICH POLICY SHALL INCLUDE AN EXPLANATION OF ALL PROVISIONS OF SECTION 141.271;)

((G) A DESCRIPTION OF FACILITIES AND EQUIPMENT USED BY THE SCHOOL;)

((H)) (2) A course outline for each course offered showing course objectives, subjects or units in each lesson of the course, type of work or skill to be learned, and the total number of lessons for each course of instruction; *and*

((I) POLICY AND REGULATIONS OF THE SCHOOL RELATIVE TO GRANTING CREDIT FOR PREVIOUS EDUCATION AND TRAINING.)

(3) *All items listed in subdivision 9, except items in clauses (3) and (5).*

((C)) *Subd. 9b. [DELIVERY OF CATALOG.] (EACH) A school or its agent (THEREOF) shall deliver the catalog or brochure required in (SUBDIVISION) subdivisions 9 and 9a to each prospective student in such time or manner as to provide the prospective student ample opportunity to read (SAID) the catalog or brochure before signing any contract or enrollment agreement or before being accepted by a school which does not utilize a written contract or enrollment agreement.*

Sec. 3. Minnesota Statutes 1984, section 141.25, subdivision 10, is amended to read:

Subd. 10. [PLACEMENT RECORDS.] (a) (NO) *Before a license (SHALL BE) is issued to a school (WHICH) that offers, advertises or implies a placement service (UNTIL), the school (FILES) shall file with the commissioner for the past year and thereafter at reasonable intervals (TO BE) determined by the commissioner, a certified copy of the school's placement record, containing a list of graduates, a description of their job, name of their employer, and (SUCH) other information as the commissioner may prescribe.*

(b) *Each school (WHICH) that offers a placement service shall furnish to each prospective student, prior to enrollment, written information concerning the percentage of the previous year's graduates who were placed in the occupation for which trained.*

Sec. 4. Minnesota Statutes 1984, section 141.25, is amended by adding a subdivision to read:

Subd. 12. [PERMANENT RECORDS.] *Before a license is issued to a school, each school located in Minnesota shall maintain permanent records for all students enrolled at any time. Each school offering a correspondence course of instruction to a student located in Minnesota shall maintain permanent records for Minnesota students enrolled at any time. Records include school transcripts, documents, and files containing student data about academic credits earned, courses completed, grades awarded, degrees awarded, and periods of attendance. To preserve permanent records, a school shall submit a plan that meets the following requirements:*

(a) *at least one copy of the records must be held in a secure depository;*

(b) *an appropriate official must be designated to provide a student with copies of records or a transcript upon request;*

(c) *an alternative method of complying with (a) and (b) must be established if the school ceases to exist; and*

(d) *a continuous surety bond must be filed with the department in an amount not to exceed \$20,000 if the school has no binding agreement for preserving student records or a trust must be arranged if the school ceases to exist.*

Sec. 5. Minnesota Statutes 1984, section 141.26, subdivision 2, is amended to read:

Subd. 2. [APPLICATION FOR PERMIT.] (a) The application for such permit shall state the full name, address, previous employment, and such other information concerning the solicitor applicant as the commissioner may require.

(b) The application shall have attached to it a certified affidavit signed by a school official and the solicitor attesting to the fact that the applicant has been furnished a copy, has read and has knowledge of the provisions of Minnesota Statutes, Chapter 141 and Minnesota (REGULATIONS, CHAPTER 20) *Rules, parts 3530.6500 to 3530.7800.*

Sec. 6. Minnesota Statutes 1984, section 141.28, subdivision 4, is amended to read:

Subd. 4. [ACCEPTANCE OF CONTRACTS.] No school shall accept contracts, enrollment agreements or enrollment applications from an agent or solicitor who does not have a current permit (AS REQUIRED BY LAWS 1973, CHAPTER 714).

Sec. 7. Minnesota Statutes 1984, section 141.32, is amended to read:

141.32 [PENALTY.]

Violation of any provisions of (SECTIONS 141.21 TO 141.36) *this chapter* shall be a misdemeanor. Each day's failure to comply with (THE PROVISIONS OF LAWS 1973, CHAPTER 714) *this chapter* shall be a separate violation.

Sec. 8. [TASK FORCE ON PRIVATE PROPRIETARY SCHOOLS.]

*Subdivision 1. There is created a task force on private proprietary schools whose purpose is to study issues and make recommendations relating to private proprietary schools.*

*Subd. 2. The task force shall consist of 11 members as follows: one member appointed by the higher education coordinating board; one member appointed by the state board of educa-*

*tion; one member appointed by the Minnesota association of private post-secondary schools; one member appointed by the private college council; one member appointed by the governor to represent schools regulated under Minnesota Statutes, chapter 141, that are not members of the Minnesota association of private post-secondary schools; one member appointed by the governor to represent institutions registered under Minnesota Statutes, sections 136A.61 to 136A.71, that are not members of the private college council; one member appointed by the governor to represent schools regulated by Minnesota Statutes, chapter 141, and sections 136A.61 to 136A.71; and four members appointed by the governor who are knowledgeable about the areas of study. The task force shall elect a chair from its membership.*

**Subd. 3. The task force shall:**

*(1) study the appropriate agency to regulate private schools subject to Minnesota Statutes, chapter 141, and sections 136A.61 to 136A.71;*

*(2) study statutes and rules that apply to private schools subject to Minnesota Statutes, chapter 141, and sections 136A.61 to 136A.71, as well as other related statutes, rules, and policies;*

*(3) study the regulations in other states concerning the types of schools being studied; and*

*(4) make recommendations for any changes that may be needed to implement appropriate and equitable regulation of the various types of schools. In making the recommendations the task force may consider statutes and policies in effect for similar public institutions.*

*The task force study and report shall be coordinated by the higher education coordinating board.*

**Subd. 4.** *The department of education and the higher education coordinating board shall provide staff assistance and information for the task force. Compensation of task force members shall be according to Minnesota Statutes, section 15.059, subdivision 3.*

**Subd. 5.** *By February 1, 1986, the task force shall submit to the education committees of the legislature its report and recommendations. The task force shall terminate on June 30, 1986.*

**Sec. 9. [APPROPRIATION.]**

*The sum of \$10,000 is appropriated for fiscal year 1986 from the general fund to the higher education coordinating board for the task force on private proprietary schools. The sum is available until June 30, 1986.*

**Sec. 10. [EFFECTIVE DATE.]**

*Section 8 is effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to education; requiring preservation of student records by private proprietary vocational schools; requiring a study of private proprietary schools; creating a task force; clarifying and simplifying language; making technical changes; appropriating money; amending Minnesota Statutes 1984, sections 141.23; 141.25, subdivisions 9, 10, and by adding a subdivision; 141.26, subdivision 2; 141.28, subdivision 4; and 141.32."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 999, A bill for an act relating to education; excluding assets from parental contributions for some state scholarship and grant applicants; requiring a study; requiring notification of financial aid changes; appropriating money.

Reported the same back with the following amendments:

Page 1, after line 19, insert:

**"Sec. 3. [LEGISLATIVE AUDITOR'S STUDY.]**

*According to the provisions of section 3.97, subdivision 7, the legislative auditor is requested to review the method used to determine the need a student has for financial aid for post-secondary education. The review shall include the effect of the present method on students and parents who have various types of assets and modest income, such as farmers, small business owners, home owners without large mortgages, and others. Alternate methods of calculating parental contributions that are more closely related to income shall be considered by the auditor. A report of the review and recommendation shall be submitted to the legislature by February 1, 1986."*

Page 2, line 5, delete "3" and insert "4"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "a study" and insert "studies"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Schreiber from the Committee on Taxes to which was referred:

H. F. No. 1000, A bill for an act relating to taxation; clarifying definitions for sales and use tax; clarifying exemptions; imposing civil and criminal penalties for underreporting or failing to report motor vehicle excise tax; repealing certain refund procedures; amending Minnesota Statutes 1984, sections 297A.01, subdivisions 4, 11, and by adding subdivisions; 297A.-041; 297A.25, subdivision 1; 297B.10; and 297B.11; repealing Minnesota Statutes 1984, section 297A.35, subdivision 3.

Reported the same back with the following amendments:

Page 1, delete lines 13 to 28

Page 2, delete lines 1 to 17

Page 2, after line 25, insert:

*"Personal property does not include:*

*(a) large ponderous machinery and equipment used in a business or production activity which at common law would be considered to be real property;*

*(b) property which is subject to an ad valorem property tax;*

*(c) property described in section 272.02, subdivision 1, clause (8), paragraphs (a) through (d);*

*(d) property described in section 272.03, subdivision 2, clauses (3) and (5)."*

Page 2, delete lines 26 to 36

Page 3, delete lines 1 to 5

Page 3, line 36, after the period insert *"This section shall not apply to any meeting or convention of a nonprofit organization*



*if (a) the meeting is held no more frequently than annually and (b) the nonprofit organization obtains a written statement from the exhibitor that it holds a valid seller's permit issued pursuant to section 297A.01 or that the exhibitor will not offer for sale items taxable under this chapter."*

Page 13, line 16, after "or" insert "any purchaser"

Page 14, line 30, delete "6" and insert "3"

Page 14, line 31, delete "7" and insert "4"

Page 14, line 31, delete "8" and insert "5"

Page 14, line 32, delete "9" and insert "6"

Page 14, line 33, delete "1986" and insert "1987"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete everything after "297A.01," and insert "subdivision 11"

Page 1, line 8, delete "subdivisions"

With the recommendation that when so amended the bill pass.

The report was adopted.

Fjoslien from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 1016, A bill for an act relating to animals; prohibiting transfer of certain animals for use in research or experimentation; providing a penalty; amending Minnesota Statutes 1984, section 35.71.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 35.71, is amended to read:

35.71 [UNCLAIMED AND UNREDEEMED ANIMALS IMPOUNDED; SCIENTIFIC USE OR OTHER DISPOSITION.]

Subdivision 1. [(INSTITUTION DEFINED) DEFINITIONS.] As used in this section, *the following terms have the meanings given them:*

(a) "Adoption" means the delivery of a dog or cat to a person 18 years of age or older to be kept as a pet or companion animal.

(b) "Cat" means any member of the felid family.

(c) "Dealer" means any licensed or unlicensed public or private agency, person, society, or corporation which buys or sells live dogs or cats for research purposes.

(d) "Dog" means any member of the canid family.

(e) "Establishment" means any public or private agency, person, society, or corporation which assumes lawful custody of live animals seized under the authority of the state or any political subdivision of the state.

(f) "Institution" means any school or college of agriculture, veterinary medicine, medicine, pharmacy, or dentistry, or other educational or scientific (ESTABLISHMENT) organization properly concerned with the investigation of (, OR) living organisms, instruction concerning the structure or functions of living organisms, or the cause, prevention, control, or cure of diseases or abnormal conditions of human beings or animals.

(g) "Research" means the activities of institutions described in paragraph (f).

Subd. 2. [APPLICATION FOR LICENSE.] (SUCH INSTITUTIONS) An institution may apply to the board for a license to obtain animals from establishments (AS DEFINED IN SUBDIVISION 3). If, after investigation, the board finds that the institution making request for license is a fit and proper agency, within the meaning of this section, to receive a license, and that the public interest will be served (THEREBY) by issuance of a license, it may issue a license to (SUCH) the institution authorizing it to obtain animals (HEREUNDER, SUBJECT TO THE RESTRICTIONS AND LIMITATIONS HEREIN PROVIDED) under this section.

Subd. 3. [(ESTABLISHMENT DEFINED, POWERS,) STRAY ANIMALS, SEIZURE, DISPOSITION.] ("ESTABLISHMENT" SHALL INCLUDE ANY PUBLIC OR PRIVATE AGENCY, PERSON, SOCIETY OR CORPORATION HAVING CUSTODY OF ANIMALS WHICH ARE SEIZED UNDER THE AUTHORITY OF THE STATE OR ANY POLITICAL SUBDIVISION OF THE STATE.) All animals seized by public authority (SHALL) must be held for redemption by the owner

for a period not less than five regular business days of the impounding agency, or for a longer period of time specified by municipal ordinance. For the purpose of this subdivision, the term "regular business day" means any day during which the establishment having custody of an animal is open to the public not less than four consecutive hours between (THE HOURS OF) 8:00 A.M. and 7:00 P.M. These establishments shall maintain the following records of the animals in custody, and preserve the records for a minimum of six months:

- (a) the description of the animal, by species, breed, sex, approximate age, and other distinguishing traits;
- (b) the location at which the animal was seized;
- (c) the date of *the* seizure;
- (d) the name and address of the person from whom any animal three months of age or over was received;
- (e) the name and address of the person to whom any animal three months of age or over was transferred.

The records (SHALL) *must* be maintained in a form permitting easy perusal by the public. A person may view the records and may view any and all animals in custody at any time during which the establishment is open to the public. At the end of this five day period all animals which remain unredeemed by their owners or any other person entitled to (DO SO) *redeem them*, shall be made available to any institution licensed (HEREUNDER) *under this section* which has submitted a prior request for the numbers which the institution requests. However, if a tag affixed to the animal, or a statement by the animal's owner after seizure, specifies that an animal (SHALL) *may* not be used for research, the animal (SHALL) *must* not be made available to any institution but may, in the discretion of the establishment, be destroyed after the expiration of the five-day period. If a request is made by a licensed institution to an establishment for a larger number of animals than are available at the time of the request, the establishment shall withhold from destruction (,) all unclaimed and unredeemed animals until the request has been filled, provided that the actual expense of holding animals beyond the time of notice to the institution of their availability, (SHALL) *must* be borne by the institution receiving them. Any establishment which fails or refuses to comply with (THESE PROVISIONS SHALL BECOME) *this section is* immediately ineligible for any further public funds from any county or municipality. Upon receipt of a sworn statement by an authorized officer or employee of any institution licensed (HEREUNDER) *under this section* of noncompliance by any establishment with (THESE PROVISIONS) *this section*, it (SHALL BE) *is* unlawful for the treasurer of any municipality or other political subdivision of the state to pay any public funds to an establishment

until the complainant withdraws its statement of noncompliance or until the board (SHALL) either (DETERMINE) *determines* that the complaint of noncompliance was without foundation or that the establishment has given adequate assurance of future compliance, and the treasurer of the municipality or other political subdivision has been notified of the determination in writing. If it appears upon the complaint of any person that any officer, agent, or employee of an establishment is violating or failing to carry out the provisions of this section, the attorney general or county attorney of the county in which the establishment is located, in addition to any other remedies, may bring an action in the name of the state of Minnesota against any establishment, officer, agent or employee thereof to enjoin compliance with this section.

Subd. 4. [TRANSPORTATION OF ANIMALS.] (THE) A licensed institution shall provide, at its own expense, for the transportation of (SUCH) animals from the establishment to the institution and shall use them only in the conduct of its scientific and educational activities and for no other purpose.

Subd. 5. [ANNUAL LICENSE FEE.] Each institution licensed under this section shall pay an annual license fee of \$50 for each calendar year, or part (THEREOF) *of a year*, to the board. All (SUCH) license fees (SHALL) *must* be deposited in the general fund of the state of Minnesota.

Subd. 6. [REVOCAION OF LICENSE.] The board upon 15 days written notice and an opportunity to be heard, may revoke the license granted any institution ((1)) if the institution has violated any provisions of this section, or ((2) HAS) failed to comply with the conditions required by the board in respect to the issuance of (SUCH) *its* license.

Subd. 7. [DISPOSITION OF DOGS AND CATS.] *Any identified dog or cat not redeemed by its owner after five days becomes the property of the establishment and must either be placed for adoption under the procedures of the establishment or be euthanized humanely.*

Subd. 8. [VOLUNTARY CONTRIBUTION.] *Nothing contained in this section prohibits any person from making a voluntary contribution of a dog or cat owned by the person to an institution, without consideration.*

Subd. 9. [NO ESTABLISHMENT TO BE A DEALER.] *No establishment or person who has an interest in an establishment may be a dealer.*

Subd. 10. [DEALERS TO PROVIDE PUBLIC NOTICE AND ACCESS.] *A person licensed as a dealer shall post a con-*

*spicuous notice in a format no less than 24 by 36 inches and easily readable by the general public, that states: (1) that the person is a licensed dealer in dogs and cats; (2) that dogs and cats left with the dealer may be used for research purposes; and (3) the hours the dealer is open to the public. The notice must be placed in not less than two locations on the dealer's premises, one of which must be on or near the mail delivery point and one of which must be at the regularly used point of exchange of dogs and cats. A person may view dogs and cats in the custody of a dealer during the time the dealer is open to the public. Dealers are required to be open on a regular basis at least four consecutive hours between 8:00 a.m. and 7:00 p.m. on at least five of the seven days of each week. Any advertisement placed by a dealer seeking dogs or cats must inform the public that dogs and cats brought to the dealer may be used for research purposes.*

*Subd. 11. [RULES.] The board (SHALL HAVE THE POWER TO) may adopt rules, not inconsistent with this section, necessary to carry out the provisions of this section, and (SHALL HAVE THE RIGHT) may whenever it (DEEMS) considers it advisable (,) or in the public interest (, TO) inspect or investigate any institution which has applied for a license or has been granted a license (HEREUNDER) under this section.*

*Subd. (8) 12. [VIOLATIONS, PENALTIES.] (IT SHALL BE) A violation of this section is a misdemeanor (FOR ANY PERSON OR CORPORATION TO VIOLATE ANY OF THE PROVISIONS OF THIS SECTION)."*

Delete the title and insert:

"A bill for an act relating to animals; prohibiting transfer of certain animals for use in research; regulating dealers in certain animals; amending Minnesota Statutes 1984, section 35.71."

With the recommendation that when so amended the bill pass.

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 1020, A bill for an act relating to higher education; allowing systems to spend appropriations for scholarships; proposing coding for new law in Minnesota Statutes, chapter 135A.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 1023, A bill for an act relating to probate; clarifying provisions relating to the award of costs in guardianship and conservatorship proceedings; providing for the payment of reasonable fees and expenses for certain guardians and conservators; amending Minnesota Statutes 1984, section 525.703.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Redalen from the Committee on Regulated Industries and Energy to which was referred:

H. F. No. 1025, A bill for an act relating to public utilities; deregulating providers of coin telephone service; imposing a penalty; amending Minnesota Statutes 1984, section 237.01, subdivision 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 237.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 237.01, subdivision 2, is amended to read:

Subd. 2. [TELEPHONE COMPANY.] "Telephone company," means and applies to any person, firm, association or any corporation, private or municipal, owning or operating any telephone line or telephone exchange for hire, wholly or partly within this state, or furnishing any telephone service to the public.

A "telephone company" does not include a radio common carrier as defined in subdivision 4. A telephone company which also conforms with the definition of a radio common carrier is subject to regulation as a telephone company. However, none of chapter 237 applies to telephone company activities which conform to the definition of a radio common carrier.

*A telephone company does not include a coin telephone business as defined in section 2.*

Sec. 2. Minnesota Statutes 1984, section 237.01, is amended by adding a subdivision to read:

Subd. 6. [COIN TELEPHONE BUSINESS.] "Coin telephone business" means a person, firm, association, or corpora-

*tion which furnishes telephone service to the public solely by means of a customer-owned, coin-operated telephone set connected to the lines or transmission facilities of a telephone company.*

**Sec. 3. [237.48] [COIN TELEPHONE BUSINESS; REQUIREMENTS.]**

*Subdivision 1. [SERVICES PROVIDED.] A coin telephone business shall offer telephone service which must provide access for local telephone calls of unlimited duration, permit long distance and credit card telephone calls, permit telephone calls to directory assistance (411), and permit, without charge, telephone calls to emergency service (911) and to an operator for emergency aid. The telephone set of a coin telephone business must be compatible with hearing aids and installed at a height above the floor not exceeding 54 inches to the highest working component. The rate per call and per minute charged by a coin telephone business must equal the rate for coin-operated telephones set by the public utilities commission for the largest telephone company in the state. The rate for directory assistance (411) charged to users by a coin telephone business must not exceed the rate for directory assistance set by the public utilities commission for coin telephones operated by the largest telephone company in the state.*

*Subd. 2. [PENALTY.] A coin telephone business that violates subdivision 1 is guilty of a petty misdemeanor."*

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 1055, A bill for an act relating to lawful gambling; transferring certain functions of the charitable gambling control board to local units of government and to the commissioner of revenue; imposing penalties; amending Minnesota Statutes 1984, section 340.14, subdivision 2; 349.12, subdivision 11 and by adding subdivisions; 349.14; 349.151; 349.16; 349.161; 349.162; 349.17; 349.18, subdivisions 1 and 2; 349.19, subdivisions 5 and 6, and by adding a subdivision; 349.20; 349.21; 349.211, subdivisions 3 and 4; 349.213, subdivision 1; 349.214, subdivisions 1 and 2; 349.22, subdivision 2; 349.31, subdivision 1; 609.75, subdivision 3; and 609.761; repealing Minnesota Statutes 1984, sections 349.19, subdivision 4; 349.212; and 349.213, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 297C.

Reported the same back with the following amendments:

Page 2, line 6, after "if" insert "(1)"

Page 2, line 7, after "gambling" and before the period insert "or if (2) the organization conducting lawful gambling on the licensed premises is the auxiliary of the intoxicating liquor licensee"

Page 4, line 19, after "suspend" insert "or revoke"

Page 5, line 10, delete "for not" and insert "or revocation"

Page 5, line 11, delete "more than 30 days"

Pages 8 and 9, delete section 9 and insert:

"Sec. 9. Minnesota Statutes 1984, section 349.162, is amended to read:

349.162 [EQUIPMENT REGISTERED.]

Subdivision 1. [STAMP REQUIRED.] A distributor may not sell to an organization and an organization may not purchase from a distributor gambling equipment unless the equipment has been registered with the (BOARD) *commissioner* and has a registration stamp affixed. The (BOARD) *commissioner* may charge a fee of up to 25 cents for each stamp. Each stamp must bear a registration number assigned by the (BOARD) *commissioner*.

Subd. 2. [RECORDS REQUIRED.] A distributor must maintain a record of all gambling equipment which it sells to organizations. The record must include:

- (1) the identity of the person or firm from whom the equipment was purchased;
- (2) the registration number of the equipment;
- (3) the name and address of the organization to which the sale was made; (AND)
- (4) the date of the sale; and
- (5) the organization's tax identification number.

The record for each sale must be retained for at least three years after the sale is completed. For purposes of this section, a sale is completed when the gambling equipment is physically delivered to the purchaser.



Each distributor must report monthly to the (BOARD) *commissioner*, on a form the (BOARD) *commissioner* prescribes, its sales of each type of gambling equipment. Employees of the (BOARD) *commissioner* may inspect the books, records, and other documents of a distributor at any reasonable time without notice and without a search warrant.

Subd. 3. [SALES FROM FACILITIES.] All gambling equipment purchased by a licensed distributor for resale in Minnesota must prior to its resale be unloaded into a facility located in Minnesota which the distributor owns or leases."

Page 20, line 17, delete "*all necessary*" and after "*rules*" insert "*, including emergency rules,*"

Page 20, line 19, delete "*not*"

Page 20, line 21, delete everything after the period

Page 20, delete line 22

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 1064, A bill for an act relating to public employment; providing that criminal offenders applying for public employment in the fire services must be fingerprinted; amending Minnesota Statutes 1984, section 364.09.

Reported the same back with the following amendments:

Page 1, line 19, delete "*The*" and insert "*Any*"

Amend the title as follows:

Page 1, line 2, delete "*criminal*" and insert "*applicants*"

Page 1, line 3, delete "*offenders applying*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 1073, A bill for an act relating to education; authorizing the collection and setoff of debts to the University of Minnesota; proposing coding for new law in Minnesota Statutes, chapter 137.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 136A.09, is amended to read:

**136A.09 [STUDENT SCHOLARSHIPS, PURPOSE.]**

The legislature (HAS FOUND) *finds* and (HEREBY) declares that (THE) identification of the talented (YOUNG) men and women of the state and (THE) encouragement of their maximum educational development is in the best interest of the state. The state scholarship program (PROVIDED FOR HEREIN) is designed to encourage (SUCH) able and worthy students to continue their education in the eligible institutions of their own choosing and to provide financial assistance for those (WHO WOULD NOT) otherwise (BE) *not* able to do so.

Sec. 2. Minnesota Statutes 1984, section 136A.095, is amended to read:

**136A.095 [GRANTS-IN-AID; PURPOSE.]**

The legislature (HAS FOUND) *finds* and (HEREBY) declares that the identification of (YOUNG) men and women of the state who are economically disadvantaged and the encouragement of their educational development in eligible institutions of their choosing are in the best interests of the state and of the students.

Sec. 3. Minnesota Statutes 1984, section 136A.101, is amended to read:

**136A.101 [DEFINITIONS.]**

Subdivision 1. For purposes of sections 136A.09 to 136A.131, the terms defined in this section have the meanings ascribed to them:

Subd. 2. “Board” means the Minnesota higher education coordinating board.

Subd. 3. "Director" means the executive director of the Minnesota higher education coordinating board.

Subd. 4. "Eligible institution" means (AN) *a post-secondary educational institution (OF HIGHER EDUCATION) located in this state or in a state with which the board has entered into a higher education reciprocity agreement on state student aid programs (WHICH PROVIDES AN ORGANIZED COURSE OF INSTRUCTION OF AT LEAST TWO YEARS DURATION IN THE SCIENCES OR LIBERAL ARTS, INCLUDING PERFORMING AND VISUAL ARTS, OR A COMBINATION OF THESE, AT THE COLLEGIATE LEVEL WHICH) that either (1) is operated by this state, or (2) is operated publicly or privately and, as determined by the board, maintains academic standards substantially equivalent to those of comparable institutions operated in this state (OR AN AREA VOCATIONAL-TECHNICAL SCHOOL OR OTHER VOCATIONAL SCHOOL APPROVED BY THE BOARD).*

Subd. 5. "Financial need" means the demonstrated need of the applicant for financial assistance to meet the actual costs of attending the eligible institution of (HIS) choice as determined from financial information on the applicant *and, if required, on the applicant's parents*, by a college scholarship service or equivalent service under criteria established by the board.

Subd. 6. "Qualified applicant" means (THOSE STUDENTS) *a person who ranked in the upper quarter of the class at the end of the junior year in high school according to academic standards prescribed by the board for (PURPOSES OF) the state scholarship program (AND). It also means (ALL) any eligible (STUDENTS) person regardless of academic rank for (PURPOSES OF) the state grant-in-aid program.*

Subd. 7. "Student" means a (STUDENT) *person who (MEETS THE REQUIREMENTS FOR FULL TIME STUDENT STATUS AS DEFINED BY THE ELIGIBLE INSTITUTION HE ATTENDS) is enrolled at least half time, as defined by the board, in a program or course of study that applies to a degree, diploma, or certificate.*

Sec. 4. Minnesota Statutes 1984, section 136A.121, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY FOR SCHOLARSHIPS.] An applicant (SHALL BE) *is eligible to be considered for a scholarship under (THE PROVISIONS OF) sections 136A.09 to 136A.131 if the board finds that the applicant:*

- (1) is a resident of the state of Minnesota;

(2) has met all the requirements for admission as a (FULL-TIME) student to an eligible institution of (HIS) choice as defined in sections 136A.09 to 136A.131;

(3) has demonstrated capacity for superior achievement at the institutional level as measured by standards prescribed by the board;

(4) is a qualified applicant (AS DEFINED HEREIN).

Sec. 5. Minnesota Statutes 1984, section 136A.121, subdivision 2, is amended to read:

Subd. 2. [ELIGIBILITY FOR GRANTS-IN-AID.] An applicant (SHALL BE) *is* eligible to be considered for a grant-in-aid, regardless of the applicant's sex, creed, race, color, national origin, or ancestry, under (THE PROVISIONS OF) sections 136A.09 to 136A.131 if the board finds that *the* applicant:

(1) is a resident of the state of Minnesota;

(2) is a graduate of a secondary school or its equivalent, or is 17 years of age or over, and has met all requirements for admission as a (FULL-TIME) student to an eligible college or vocational school of (HIS) choice as defined in sections 136A.09 to 136A.131;

(3) has met (SUCH) *the* criteria (PERTAINING TO) *about* financial need (AS THE BOARD SHALL MAKE BY REGULATION) *established in rules.*

Sec. 6. Minnesota Statutes 1984, section 136A.121, subdivision 3, is amended to read:

Subd. 3. [ALLOCATION.] Scholarships and grants-in-aid shall be awarded (ANNUALLY) on a funds available basis to those applicants (FOR INITIAL AWARDS AND APPLICANTS FOR RENEWAL AWARDS) who meet the board's requirements.

Sec. 7. Minnesota Statutes 1984, section 136A.121, subdivision 4, is amended to read:

Subd. 4. [SCHOLARSHIP STIPENDS.] An eligible scholarship applicant shall be considered for a financial stipend if the applicant demonstrates financial need. (AN ELIGIBLE SCHOLARSHIP APPLICANT WHO DOES NOT DEMONSTRATE FINANCIAL NEED UNDER CRITERIA PRESCRIBED BY THE BOARD SHALL BE AWARDED AN HONORARY SCHOLARSHIP.) The amount of a financial stipend (SHALL) *must* not exceed a scholarship applicant's cost of attendance, as defined in subdivision 6, after deducting the following:

(a) a contribution by the scholarship applicant of at least 50 percent of the cost of attending the institution of the applicant's choosing;

(b) a contribution by the scholarship applicant's parents, as determined by a standardized need analysis; and

(c) the amount of a federal Pell grant award for which the scholarship applicant is eligible.

The minimum financial stipend (SHALL BE) is \$100.

Sec. 8. Minnesota Statutes 1984, section 136A.121, subdivision 5, is amended to read:

Subd. 5. [GRANTS-IN-AID STIPENDS.] A financial stipend based on financial need (SHALL) *must* accompany grants-in-aid. The amount of a financial stipend (SHALL) *must* not exceed a grant applicant's cost of attendance, as defined in subdivision 6, after deducting the following:

(a) a contribution by the grant applicant of at least 50 percent of the cost of attending the institution of the applicant's choosing;

(b) a contribution by the grant applicant's parents, as determined by a standardized need analysis; and

(c) the amount of a federal Pell grant award for which the grant applicant is eligible.

The minimum financial stipend (SHALL BE) is \$100.

Sec. 9. Minnesota Statutes 1984, section 136A.121, subdivision 6, is amended to read:

Subd. 6. [COST OF ATTENDANCE.] The cost of attendance (SHALL CONSIST) *consists* of allowances specified by the board for room and board and miscellaneous expenses, and

(a) for public institutions, tuition and fees charged by the institution; or

(b) for private institutions, (BEGINNING JULY 1, 1985,) an allowance for tuition and fees equal to the lesser of (1) the actual tuition and fees charged by the institution, or (2) the instructional costs per full-year equivalent student in comparable public institutions. (PRIOR TO JULY 1, 1985, THE TUITION AND FEES ALLOWANCE SHALL NOT EXCEED THE INSTRUCTIONAL COSTS PER FULL-YEAR EQUIVALENT STUDENT IN COMPARABLE PUBLIC INSTITUTIONS.)

Sec. 10. Minnesota Statutes 1984, section 136A.121, subdivision 7, is amended to read:

Subd. 7. [INSUFFICIENT APPROPRIATION.] If the amount appropriated is *determined by the board to be insufficient to make full awards to applicants (PURSUANT TO SUBDIVISION) under subdivisions 4 and 5, before any award for that year has been disbursed*, then awards shall be reduced by

(a) adding a surcharge to the contribution of the applicant's parents, and

(b) a percentage increase in the applicant's contribution.

Sec. 11. Minnesota Statutes 1984, section 136A.121, subdivision 9, is amended to read:

Subd. 9. [INITIAL AWARDS.] (ONLY FIRST YEAR STUDENTS SHALL BE ELIGIBLE TO APPLY FOR AND RECEIVE INITIAL SCHOLARSHIP AWARDS. ANY) *An undergraduate student who has not previously received a scholarship or grant-in-aid and who meets the board's requirements (SHALL BE) is eligible to apply for and receive an initial scholarship or grant-in-aid in any year of undergraduate study.*

Sec. 12. Minnesota Statutes 1984, section 136A.121, subdivision 10, is amended to read:

Subd. 10. [RENEWALS.] Each scholarship or grant-in-aid shall be awarded for one academic year (BUT SHALL BE), *is renewable for a maximum of six semesters or nine quarters or their equivalent, but may not continue after the recipient has obtained a baccalaureate degree (OR BEEN ENROLLED FULL-TIME OR THE EQUIVALENT FOR THE NUMBER OF SEMESTERS OR QUARTERS NORMALLY REQUIRED TO COMPLETE A BACCALAUREATE DEGREE, WHICH-EVER OCCURS FIRST).*

Sec. 13. Minnesota Statutes 1984, section 136A.121, subdivision 11, is amended to read:

Subd. 11. [RENEWAL CONDITIONS.] Each scholarship or grant-in-aid (SHALL BE) *is renewable, contingent on continued residency in Minnesota, satisfactory academic standing (AND), recommendation of the (COLLEGE OR VOCATIONAL SCHOOL) eligible institution currently attended, and (, IN THE CASE OF FINANCIAL ASSISTANCE,) evidence of continued need.*

Sec. 14. Minnesota Statutes 1984, section 136A.121, subdivision 12, is amended to read:

Subd. 12. [ANNUAL APPLICATION.] *To continue to receive a scholarship or grant-in-aid, the student (MUST) shall apply for renewal (OF HIS SCHOLARSHIP OR GRANT-IN-AID) each year.*

Sec. 15. Minnesota Statutes 1984, section 136A.121, subdivision 13, is amended to read:

Subd. 13. [DEADLINE.] The board (MUST) *shall* accept applications for state scholarships and grants-in-aid until February 15 and may establish a deadline for the acceptance of applications (WHICH) *that* is later than February 15.

Sec. 16. Minnesota Statutes 1984, section 136A.121, subdivision 16, is amended to read:

Subd. 16. [HOW APPLIED; ORDER.] (FINANCIAL) Scholarships and grants-in-aid awarded under (THE TERMS OF) sections 136A.09 to 136A.131 shall be applied to educational costs in the following order: tuition, fees, books, supplies and other expenses. Unpaid portions of (SUCH) *the* awards (SHALL) revert to the board scholarship or grant-in-aid account.

Sec. 17. Minnesota Statutes 1984, section 136A.132, subdivision 3, is amended to read:

Subd. 3. (ANY STUDENT ATTENDING AN ELIGIBLE INSTITUTION LESS THAN FULL-TIME AND PURSUING A PROGRAM OR COURSE OF STUDY LEADING TO A DEGREE, DIPLOMA OR CERTIFICATE SHALL BE ELIGIBLE FOR A PART-TIME STUDENT GRANT-IN-AID) *An applicant is eligible to be considered for a part-time student grant if the applicant:*

(a) *is a resident of the state of Minnesota;*

(b) *is an undergraduate student who has not earned a baccalaureate degree, except a post-baccalaureate student enrolled in an undergraduate or graduate program who had been enrolled in the same program and had received a part-time grant during the 1984-1985 school year shall be eligible to be considered for a part-time student grant in the 1985-1986 school year;*

(c) *is pursuing a program or course of study that applies to a degree, diploma, or certificate; and*

(d) *is attending an eligible institution (1) in the 1985-1986 school year less than full time as defined by the board, or (2) after July 1, 1986, either less than half time as defined by the board, or as a new or returning student enrolled at least half time but less than full time as defined by the board.*

Sec. 18. Minnesota Statutes 1984, section 136A.132, subdivision 4, is amended to read:

Subd. 4. A recipient of a part-time grant-in-aid shall be selected by the post-secondary education institution of attendance in accordance with guidelines, (CRITERIA,) policies and (PROCEDURES) *rules* established by the higher education coordinating board.

Sec. 19. Minnesota Statutes 1984, section 136A.132, subdivision 5, is amended to read:

Subd. 5. The amount of any part-time student grant-in-aid award shall be based on the need of the applicant determined by the institution in accordance with policies and *rules* established by the higher education coordinating board (BUT THE AMOUNT OF AN AWARD SHALL NOT EXCEED THE COST OF TUITION AND REQUIRED FEES PAID OR TO BE PAID BY THE STUDENT OR THE COST OF TUITION AND FEES FOR A COMPARABLE PROGRAM AT THE UNIVERSITY OF MINNESOTA, WHICHEVER IS THE LESSER).

Sec. 20. Minnesota Statutes 1984, section 136A.132, subdivision 6, is amended to read:

Subd. 6. Part-time student grants-in-aid shall be awarded for a single term as defined by the institution in accordance with guidelines and policies of the higher education coordinating board. Awards shall not be renewable but the recipient of an award may apply for additional awards for subsequent terms *as follows*:

(a) *In the 1985-1986 school year a recipient of an award who is enrolled less than full time as defined by the board may apply for additional awards.*

(b) *After July 1, 1986, a recipient of an award who is enrolled less than half time as defined by the board may apply for additional awards.*

*A new or returning student enrolled at least half time but less than full time as defined by the board and pursuing a program or course of study that applies to a degree, diploma, or certificate shall be eligible for an award for only one term.*

Sec. 21. Minnesota Statutes 1984, section 136A.162, is amended to read:

#### 136A.162 [CLASSIFICATION OF DATA.]

All data on applicants for financial assistance collected and used by the higher education coordinating board for (THE PUR-



POSES OF) student financial aid programs administered by that board shall be classified as private data on individuals (PURSUANT TO) *under* section 13.02, subdivision 12. Exceptions to this classification are *that*:

(a) the names and addresses of program recipients or participants are *public data*; and

(b) *the following data collected in the Minnesota supplemental loan program under section 136A.1701 may be disclosed to a consumer credit reporting agency:*

- (1) *the lender-assigned borrower identification number;*
- (2) *the name and address of borrower;*
- (3) *the name and address of cosigner;*
- (4) *the date the account is opened;*
- (5) *the outstanding account balance;*
- (6) *the dollar amount past due;*
- (7) *the number of payments past due;*
- (8) *the number of late payments in previous 12 months;*
- (9) *the type of account;*
- (10) *the responsibility for the account; and*
- (11) *the status or remarks code.*

## Sec. 22. [GRADUATE FINANCIAL NEED STUDY.]

*The higher education coordinating board shall study the need for financial aid for post-baccalaureate undergraduate and graduate students with consideration of aid currently available, loan indebtedness, and the costs of graduate and professional education. The board shall report its findings and recommendations to the legislature by February 1, 1987.*

## Sec. 23. [EMERGENCY RULES.]

*The higher education coordinating board shall adopt emergency rules under Minnesota Statutes, sections 14.29 to 14.36 to implement the part-time student grant program under Minnesota Statutes, section 136A.132, as amended, for the 1985-1986 academic year. Notwithstanding Minnesota Statutes, section*

14.35, the emergency rules are effective until permanent rules are adopted or June 30, 1986, whichever is earlier.

#### Sec. 24. [PEER COUNSELING.]

*Subdivision 1. [PILOT PROGRAMS.] The higher education coordinating board shall develop a pilot program for peer counseling in financial aid. This program shall consist of trained students employed in the financial aid offices of post-secondary institutions to offer counseling to post-secondary students and outreach services to secondary and other potential students. Students selected to be peer counselors shall be eligible for and compensated through work-study grants.*

*Subd. 2. [TRAINING.] The higher education coordinating board shall develop a training program to prepare students to become peer counselors. Counselors shall be trained to begin working prior to the start of the 1986 application period for state scholarships and grants.*

*Subd. 3. [APPLICATIONS.] All public and private post-secondary institutions in Minnesota are eligible to apply to participate in the pilot program.*

*Applicants shall propose the manner in which they intend to utilize peer counselors, including plans for serving current students and outreach services for potential students. Each proposal shall provide for the necessary number of counselors to meet the needs of the students at a maximum ratio of one counselor for 500 students. Each proposal shall also specify the manner in which students are to be selected as counselors, including necessary criteria to assure the selection of well qualified students. The higher education coordinating board shall develop necessary procedures for institutions to follow in developing and filing their applications.*

*Subd. 4. [SELECTION.] The higher education coordinating board shall select three institutions from those applying for the initial pilot program to begin in February 1986 and run through the 1986-1987 school year. Institutions shall be selected on the basis of the proposals contained in their applications.*

*Subd. 5. [ALLOCATIONS.] The higher education coordinating board shall determine the allocation of funds to each selected institution based on the number of students employed for approximately ten hours per week at a rate of approximately four dollars per hour.*

#### Sec. 25. [APPROPRIATIONS.]

*Subdivision 1. \$ . . . . . is appropriated from the general fund to the higher education coordinating board for the fiscal*

*biennium ending June 30, 1987, for the purposes of implementing section 24. This appropriation shall be used for the costs of development and training and for the additional work-study grants necessary under section 24. This money shall not be considered in determining other work-study grant appropriations.*

*Subd. 2. \$ . . . . . is appropriated from the general fund to the higher education coordinating board for the fiscal year ending June 30, 1986, for the purpose of funding part-time grants to post-baccalaureate students under section 17.*

**Sec. 26. [REPEALER.]**

*Minnesota Statutes 1984, section 136A.121, subdivisions 8 and 14, are repealed.*

**Sec. 27. [EFFECTIVE DATES.]**

*Subdivision 1. [IMMEDIATE.] Sections 17, 18, 19, 20, and 23 are effective the day after final enactment.*

*Subd. 2. [JULY 1, 1986.] Sections 3, subdivision 7; 4; 5; 25; and 26 are effective July 1, 1986."*

Delete the title and insert:

"A bill for an act relating to education; allowing eligibility for state scholarships or grants when students are enrolled at least half time in certain programs; providing for part-time student grants for certain students; modifying the years of eligibility for scholarships and grants; establishing peer counseling pilot program and graduate financial need study; appropriating money; amending Minnesota Statutes 1984, sections 136A.09; 136A.095; 136A.101; 136A.121, subdivisions 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, and 16; 136A.132, subdivisions 3, 4, 5, and 6; and 136A.162; repealing Minnesota Statutes 1984, section 136A.121, subdivisions 8 and 14."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 1075, A bill for an act relating to courts; raising the jurisdictional limit on claims heard in conciliation court; amend-

ing Minnesota Statutes 1984, sections 487.30, subdivision 1; 488A.12, subdivision 3; 488A.14, subdivision 6; 488A.29, subdivision 3; and 488A.31, subdivision 6.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 1086, A bill for an act relating to agriculture; regulating organic foods; proposing coding for new law in Minnesota Statutes, chapter 31.

Reported the same back with the following amendments:

Page 2, line 4, after "*fertilizers*," insert "*chemical*"

Page 2, line 6, after the period insert "*Other natural substances, such as diatomaceous earth, soaps, elemental sulfur, lime sulfur, and copper sulfate may be used in the growing of organic food.*"

Page 2, delete lines 7 to 14

Renumber the subdivisions in sequence

With the recommendation that when so amended the bill pass.

The report was adopted.

Levi from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 1088, A resolution memorializing the President and Congress of the United States to award posthumous Medals of Freedom to Andrew Goodman, Michael Schwerner, and James Chaney.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 1093, A resolution memorializing the President and Secretary of Agriculture of the United States to insist to the government of Canada on fair trade regulations on hogs, or impose quotas and strict tariffs on Canadian hog imports.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1106, A bill for an act relating to consumer protection; regulating prepayments of certain funeral and burial goods and services; amending Minnesota Statutes 1984, section 149.11.

Reported the same back with the following amendments:

Page 1, line 11, strike everything after the comma

Page 1, line 12, strike "his behalf," and insert "*that person or another*"

Page 1, line 16, strike "for or related to the disposition of his body,"

Page 1, line 17, after "property" insert "*related to the funeral services or the burial, cremation, or other disposition of dead human remains*" and strike "delivered"

Page 1, line 18, strike "upon his death" and insert "*used upon the death of the person for whom the property is to be used*" and after "or" insert "*when*"

Page 1, line 20, strike "so" and strike "such" and insert "*the*"

Page 1, line 23, strike everything after "until"

Page 1, strike line 24

Page 1, line 25, strike everything before the comma and insert "*the death of the person for whose benefit the money was paid*"

Page 2, line 1, strike "his"

Page 2, line 2, strike "so"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kvam from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1117, A bill for an act relating to gifts to minors; permitting securities to be registered in the name of a broker or financial institution; amending Minnesota Statutes 1984, sections 527.02, subdivision 1; and 527.04, subdivision 7.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 1129, A bill for an act relating to real estate; providing for service in forcible entry and unlawful detainer actions; amending Minnesota Statutes 1984, section 566.06.

Reported the same back with the following amendments:

Page 2, line 2, delete "*personal or substitute*"

Page 2, line 3, delete "*or by the sheriff or constable*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Heap from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1130, A bill for an act relating to workers' compensation; providing for miscellaneous changes; amending Minnesota Statutes 1984, sections 176.021, subdivision 3b; 176.101, subdivision 3e; 176.102, subdivisions 3 and 8; 176.103, subdivision 3; 176.136, by adding a subdivision; 176.138; 176.191, subdivision 3; 176.511, subdivisions 1 and 2; and 176.66, subdivision 10;

proposing coding for new law in Minnesota Statutes, chapter 176; repealing Minnesota Statutes 1984, sections 79.22, subdivision 2; 176.081, subdivision 4; and 176.134.

Reported the same back with the following amendments:

Page 2, line 7, delete "*seciton*" and insert "*section*"

Page 7, line 3, delete "176.135" and insert "176.136"

Page 7, line 5, delete "6" and insert "5"

Page 9, line 5, after "*for*" insert "*at least*"

Page 11, line 2, delete "*79.22, subdivision 2;*"

Amend the title as follows:

Page 1, line 11, delete "*79.22, subdivision 2;*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1150, A bill for an act relating to state lands; providing for the sale of certain tax-forfeited land in Chisago county.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 1158, A bill for an act relating to education; authorizing state universities to make and enforce parking rules on their property; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 1163, A bill for an act relating to crimes; defining the crime of using police radios while committing a criminal act; prescribing penalties; proposing coding for new law 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 1984, section 609.035, is amended to read:

609.035 [CRIME PUNISHABLE UNDER DIFFERENT PROVISIONS.]

Except as provided in (SECTION) sections 609.251 (AND), 609.585, and section 2 of this act, if a person's conduct constitutes more than one offense under the laws of this state, he may be punished for only one of the offenses and a conviction or acquittal of any one of them is a bar to prosecution for any other of them. All the offenses, if prosecuted, shall be included in one prosecution which shall be stated in separate counts.

Sec. 2. [609.856] [USE OF POLICE RADIOS DURING COMMISSION OF CRIME; PENALTIES.]

*Subdivision 1. [ACTS CONSTITUTING.] Whoever has in his or her possession or uses a radio or device capable of receiving or transmitting a police radio signal, message, or transmission of information used for law enforcement purposes, while in the commission of a criminal act or the attempt to commit a criminal act 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 \$5,000, or both. A prosecution for or conviction of the crime of use or possession of a police radio is not a bar to conviction for any other crime committed while possessing or using the police radio. Any imprisonment sentence imposed under this subdivision shall run consecutively with any sentence imposed for the other crime.*

*Subd. 2. [FORFEITURE.] A radio or device defined in subdivision 1 that is used in the commission of a criminal act or attempt to commit a criminal act is contraband property and subject to the forfeiture provisions of section 609.531.*

Sec. 3. [EFFECTIVE DATE.]

*Section 2 is effective August 1, 1985, and applies to all crimes committed on or after that date."*



Amend the title as follows:

Page 1, line 4, after the semicolon insert "amending Minnesota Statutes 1984, section 609.035;"

With the recommendation that when so amended the bill pass.

The report was adopted.

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 1170, A bill for an act relating to drainage; authorizing the construction of roads rather than crossings in certain instances; proposing coding for new law in Minnesota Statutes, chapter 106.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 1178, A bill for an act relating to courts; providing conciliation court with jurisdiction to determine actions brought by educational institutions to recover student loans; amending Minnesota Statutes 1984, sections 487.30, by adding a subdivision; 488A.12, subdivision 3; and 488A.29, subdivision 3.

Reported the same back with the following amendments:

Page 1, line 23, after "are" insert "*at least 120 days*"

Page 3, line 22, after "are" insert "*at least 120 days*"

Page 5, line 10, after "are" insert "*at least 120 days*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Redalen from the Committee on Regulated Industries and Energy to which was referred:

H. F. No. 1185, A bill for an act relating to transportation; advertising devices; authorizing advertising on certain telephone booths; amending Minnesota Statutes 1984, section 160.27, subdivision 3.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 1193, A bill for an act relating to corrections; updating the recordkeeping systems of jails and lockups; amending Minnesota Statutes 1984, sections 641.05; and 642.07.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Redalen from the Committee on Regulated Industries and Energy to which was referred:

H. F. No. 1197, A bill for an act relating to cities of Circle Pines and Lino Lakes; permitting cities to determine the size of Circle Pines utilities commission.

Reported the same back with the following amendments:

Page 1, line 15, delete everything after the period

Page 1, delete lines 16 to 18

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Levi from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 1202, A resolution memorializing the President and Congress of the United States to take action to reverse the action

by the Internal Revenue Service requiring elaborate and unnecessary recordkeeping regarding use of a personal automobile in business.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1210, A bill for an act relating to natural resources; grants to counties to aid in timber development; amending Minnesota Statutes 1984, section 282.38.

Reported the same back with the following amendments:

Page 3, after line 10, insert:

“Sec. 2. [APPROPRIATION.]

*There is appropriated to the commissioner of natural resources from the general fund \$ . . . . . or so much thereof as may be required for the purpose of making grants to counties for forestry management purposes as authorized by section 1 during the biennium beginning July 1, 1985.”*

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.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 1224, A bill for an act relating to courts; providing that tax court judges must be learned in the law; permitting retired tax court judges and district court judges to serve on the tax court; amending Minnesota Statutes 1984, section 271.01, subdivision 1, and by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 1, reinstate the stricken language and delete the new language

With the recommendation that when so amended the bill pass.

The report was adopted.

Redalen from the Committee on Regulated Industries and Energy to which was referred:

H. F. No. 1234, A bill for an act relating to energy; extending certain residential energy credits; providing an energy investment tax credit for businesses; authorizing rules; amending Minnesota Statutes 1984, section 290.06, subdivision 14, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 116J.

Reported the same back with the following amendments:

Page 1, line 26, delete "*section 1*" and insert "*sections 1 and 4*"

Page 6, after line 20, insert:

*"No credit may be claimed under this subdivision on an expenditure for which a credit is claimed under section 4."*

Page 6, line 31, before the period insert "*installed in conjunction with property used in a trade or business*"

Page 7, line 11, after "*peat,*" insert "*and biomass-derived*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Fjoslien from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 1244, A bill for an act appropriating funds for the Chatfield Brass Band Music Lending Library.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 1250, A bill for an act relating to public safety; authorizing commissioner to prescribe fees and prescribing fees; providing for statutory inclusion of state patrol lieutenants; providing that commissioner control video game of chance license fees; abolishing fire code regulations relating to theaters, halls, and dry cleaning and dyeing establishments; amending Minnesota Statutes 1984, sections 299A.01, subdivision 6; 299C.37, subdivision 3; 299D.03, subdivision 2; 299F.19, subdivision 1; and 349.52, subdivisions 2 and 3; repealing Minnesota Statutes 1984, sections 299H.211 to 299H.28; 299I.01 to 299I.08; 299I.10; and 299I.20 to 299I.24.

Reported the same back with the following amendments:

Page 1, line 23, delete "*promulgate rules under chapter 14 to prescribe fees*" and insert "*prescribe a fee of \$5*"

Page 3, line 2, after "*rule*" insert "*pursuant to chapter 14*"

Page 3, line 22, strike "The" and after the stricken "commissioner" insert "*Each*"

Page 3, line 24, strike "located" and insert "*operated by him or her*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Redalen from the Committee on Regulated Industries and Energy to which was referred:

H. F. No. 1254, A bill for an act relating to local government; permitting insurance and indemnification of certain municipal electric power personnel; correcting a statutory cross reference; amending Minnesota Statutes 1984, section 453.55, subdivision 11.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 1261, A bill for an act relating to agriculture; creating the Minnesota agriculture finance agency and Minnesota agriculture loan fund; prescribing penalties; authorizing the issuance of state bonds; appropriating money; amending Minnesota Statutes 1984, section 290.01, subdivision 20b; proposing coding for new law as Minnesota Statutes, chapter 17C.

Reported the same back with the following amendments:

Page 13, line 31, delete "*members*" and insert "*residents of the county*"

Page 13, line 33, delete "*from the agricultural community*"

Page 13, line 34, delete everything before the period and insert "*farm operators*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 1267, A bill for an act relating to government operations; establishing a certification process for set-aside programming in the department of administration; providing penalties; amending Minnesota Statutes 1984, sections 16B.19, subdivisions 2, 5, and 6; 16B.21, subdivision 1; 16B.22; 187.31, subdivision 3; 161.321, subdivisions 3 and 6; 473.129, subdivision 3, and by adding a subdivision; 473.406, subdivision 6; 473.523, by adding a subdivision; and 473.652, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 16B.

Reported the same back with the following amendments:

Page 5, line 25, after the period insert "*The commissioner may delegate to the commissioner of transportation the responsibility to perform the certification of socially or economically disadvantaged businesses for transportation related set-aside programs.*"

Page 5, delete lines 31 and 32

Page 7, line 6, delete "7" and insert "1"

Page 10, line 15, after the period insert "*The commissioner may delegate this responsibility to the commissioner of transportation.*"

Page 12, after line 15, insert:

"Sec. 18. [APPROPRIATION.]

*\$ . . . . . is appropriated from the general fund to the commissioner of administration to carry out the responsibilities in sections 1 to 17."*

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1279, A bill for an act relating to natural resources; making groundwater protection a watershed district purpose; establishing a procedure for increasing the number of watershed district managers; defining certain proceedings as contested cases; providing a procedure for noncontroversial proceedings; allowing demands for contested case hearings in certain proceedings; amending Minnesota Statutes 1984, sections 112.36, subdivision 2; 112.37, subdivision 1a; and 112.401; proposing coding for new law in Minnesota Statutes, chapter 112; repealing Minnesota Statutes 1984, section 112.37, subdivision 6.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Redalen from the Committee on Regulated Industries and Energy to which was referred:

H. F. No. 1281, A bill for an act relating to horse racing; making certain technical and clarifying amendments; providing for certain name changes; modifying certain license revocation and suspension procedures; modifying the amounts deducted by the licensee for purses; amending Minnesota Statutes 1984, sections 240.01, subdivision 10; 240.02, subdivision 5; 240.03; 240.04; 240.05, subdivision 2; 240.06, subdivision 2; 240.08, subdivisions 1 and 5; 240.09, subdivisions 2, 3, and 6; 240.13, subdivisions 5

and 6; 240.15, subdivision 6; 240.16, subdivisions 1 and 6; 240.18; 240.22; 240.25, subdivisions 1 and 4; and 240.29.

Reported the same back with the following amendments:

Page 1, line 27, strike the first "the" and strike "on the"

Page 1, line 28, strike "secretary of state" and insert "*, in the manner provided in Minnesota rules of court,*"

Page 1, line 29, strike everything after the period

Page 2, lines 1 to 7, strike the old language and delete the new language

Page 2, line 8, strike "changes in it."

Page 4, line 13, after "of" insert "*racings*"

Page 8, after line 19, insert:

"Sec. 14. Minnesota Statutes 1984, section 240.14, subdivision 1, is amended to read:

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) *December 31* of the previous year, except that days may be assigned after that date to a licensee whose license is issued after that date.

Sec. 15. Minnesota Statutes 1984, section 240.15, subdivision 5, is amended to read:

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.

*Notwithstanding any provision to the contrary in chapter 345, unredeemed pari-mutuel tickets shall not be considered unclaimed funds and shall be handled in accordance with the provisions of this subdivision. Any person claiming to be entitled to the proceeds of any unredeemed ticket who fails to claim said*



*proceeds prior to their being remitted to the commission, may within one year after the date of remittance to the commission file with the commission a verified claim for such proceeds on such form as the commission prescribes along with the pari-mutuel ticket. Unless the claimant satisfactorily establishes the right to the proceeds, the claim shall be rejected. If the claim is allowed, the commission shall pay the proceeds without interest to the claimant. There is hereby appropriated from the general fund to the commission an amount sufficient to make payment to persons entitled to such proceeds."*

Page 11, after line 3, insert:

"Sec. 21. Minnesota Statutes 1984, section 240.24, is amended to read:

**240.24 [MEDICATION.]**

*Subdivision 1. [RULES.] 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 commission 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.*

*Subd. 2. [FEES.] The commission shall establish by rule a fee or schedule of fees to recover the costs of medical testing of horses running at racetracks licensed by the commission. Fees charged for the testing of horses shall not exceed \$30 per horse. Fee receipts shall be deposited in the state treasury and credited to the equine drug testing account in the special revenue fund."*

Page 12, after line 3, insert:

"Sec. 25. Minnesota Statutes 1984, section 541.20, is amended to read:

**541.20 [RECOVERY OF MONEY LOST.]**

*Every person who, by playing at cards, dice, or other game, or by betting on the hands or sides of such as are gambling, shall lose to any person so playing or betting any sum of money or any goods, and pays or delivers the same, or any part thereof, to the winner, may sue for and recover such money by a civil action, before any court of competent jurisdiction. For purposes of this section, gambling shall not include pari-mutuel wagering conducted under a license issued pursuant to chapter 240.*

Sec. 26. Minnesota Statutes 1984, section 541.21, is amended to read:

## 541.21 [COMMITMENTS FOR GAMBLING DEBT VOID.]

Every note, bill, bond, mortgage, or other security or conveyance in which the whole or any part of the consideration shall be for any money or goods won by gambling or playing at cards, dice, or any other game whatever, or by betting on the sides or hands of any person gambling, or for reimbursing or repaying any money knowingly lent or advanced at the time and place of such gambling or betting, or lent and advanced for any gambling or betting to any persons so gambling or betting, shall be void and of no effect as between the parties to the same, and as to all persons except such as hold or claim under them in good faith, without notice of the illegality of the consideration of such contract or conveyance. *The provisions of this section shall not apply to pari-mutuel wagering conducted under a license issued pursuant to chapter 240.*

Sec. 27. Minnesota Statutes 1984, section 624.02, is amended to read:

## 624.02 [THINGS PROHIBITED; EXCEPTIONS.]

All horse racing, except horse racing *licenses under chapter 240* or at the annual fairs held by the various county agricultural societies of the state, gaming, and shows; all noises disturbing the peace of the day; all trades, manufacturers, and mechanical employments, except works of necessity performed in an orderly manner so as not to interfere with the repose and religious liberty of the community; all public selling or offering for sale of property, and all other labor except works of necessity and charity are prohibited on the Sabbath day.

Meals to be served upon the premises or elsewhere by caterers, prepared tobacco in places other than where intoxicating liquors are kept for sale, fruits, confectionery, newspapers, drugs, medicines, and surgical appliances may be sold in a quiet and orderly manner. In works of necessity or charity is included whatever is needful during the day for good order, health, or comfort of the community, including the usual shoe shining service; but keeping open a barber shop or shaving and hair cutting shall not be deemed works of necessity or charity, and nothing in this section shall be construed to permit the selling of uncooked meats, groceries, clothing, boots, or shoes. The games of baseball, football, hockey, basketball, golf, soccer and other contests of athletic skill when conducted in a quiet and orderly manner so as not to interfere with the peace, repose, and comfort of the community, may be played on the Sabbath day.

Sec. 28. [EFFECTIVE DATE.]

*Sections 1 to 14 and 16 to 27 are effective the day following final enactment. Section 15 is effective August 1, 1985."*

Renumber the sections in sequence

Amend the title as follows :

Page 1, line 11, after the second semicolon insert "240.14, subdivision 1;"

Page 1, line 11, delete "subdivision" and insert "subdivisions 5 and"

Page 1, line 12, after "240.22;" insert "240.24;"

Page 1, line 13, delete the second "and" and before the period insert "; 541.20; 541.21; and 624.02"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1300, A bill for an act relating to the development of timber resources on tax-forfeited lands; transferring certain powers and duties of the commissioner of iron range resources and rehabilitation to the commissioner of natural resources; amending Minnesota Statutes 1984, section 282.38, subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Heap from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1319, A bill for an act relating to St. Louis county; providing a retirement contribution exemption for emergency jobs program employees; amending Laws 1984, chapter 501, section 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 1359, A bill for an act relating to state government; providing for indemnification of judges and employees of the legislative and judicial branches from tort, civil, or equitable claims; preserving immunities; amending Minnesota Statutes 1984, sections 3.732, subdivision 1; and 3.736, subdivisions 1 and 9.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 1370, A bill for an act relating to statutes; revising the text of certain laws to remove redundant and obsolete language, to simplify grammar and syntax, and to improve the style of language without causing changes in the meaning of the laws affected; amending Minnesota Statutes 1984, chapters 35; 37; 92; 219; 315; 344; 390; 458; 589; 629; and 631; Laws 1959, chapter 699, section 4; Laws 1961, chapter 545, section 1; Laws 1963, chapters 254, section 1; and 827, section 1; Laws 1965, chapter 344, as amended; Laws 1967, chapter 541, section 1, as amended; Laws 1971, extra session, chapter 35, sections 7, 8, and 9; Laws 1974, chapter 218; Laws 1975, chapter 326, section 1; Laws 1976, chapter 234, section 3, as amended; Laws 1979, chapters 269, section 1; and 303, article 10, section 16; Laws 1980, chapter 453, section 1; and chapter 595, section 5; Laws 1982, chapter 523, article 24, section 2; Laws 1983, chapters 110, sections 1 and 2; and 257, section 1; Laws 1984, chapters 397, section 1; 498, section 1; and 548, section 9; repealing Minnesota Statutes 1984, sections 458.13; 458.16, subdivision 3; 458.192, subdivision 3a; 458.41; 458.50; 458.51; 458.52; 458.54; 458.55; 458.56; 458.57; 458.58; and 458.60.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 1371, 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; reenacting certain laws; providing instructions to the revisor; amending Minnesota Statutes 1984, sections 3C.12, subdivision 2; 8.31, subdivision 2; 13.37, subdivision 2; 14.47, subdivision 8; 16A.065; 16A.133, subdivision 1; 16B.64, subdivision 2; 21.92; 35.09, subdivision 1; 42.09, subdivision 9; 46.046, subdivision 1; 47.101, subdivisions 2 and 3; 47.29, subdivision 1; 47.30, subdivisions 2 and 3; 47.51; 48.89, subdivision 1; 60A.03, subdivision 2; 62D.04, subdivision 1; 62D.041, subdivision 5; 62D.09; 62H.06; 83.23, subdivision 3; 106.631, subdivisions 2 and 4; 116J.58, subdivision 4; 122.531, subdivisions 3a and 5; 124A.03, subdivision 3; 204B.14, subdivision 5; 214.13, subdivision 4; 240.16, subdivision 6; 256B.431, subdivision 4; 257.67, subdivision 3; 260.121, subdivision 3; 268.04, subdivision 32; 268.08, subdivision 1; 268.675, subdivision 1; 270.84, subdivision 1; 290.531; 290A.111, subdivision 2; 296.18, subdivision 1; 297A.391; 307.06; 309.502; 349.51, subdivision 5; 352.01, subdivision 2A; 360.531, subdivision 7; 363.071, subdivision 1; 388.051, subdivision 2; 422A.101, subdivision 2; 453.55, subdivision 11; 473.384, subdivision 6; 473.446, subdivision 1; 474.17, subdivision 3; 474.19, subdivisions 3 and 7; 519.01; 525.619; 571.41, subdivision 5b; amending Laws 1984, chapter 463, article 7, section 53, subdivision 2; reenacting Minnesota Statutes 1984, sections 10A.31, subdivision 5; 62D.03, subdivision 4; repealing Minnesota Statutes 1984, sections 124A.035, subdivision 6; 177.-295; 204B.19, subdivision 3; repealing Laws 1977, chapter 434, sections 4 and 5; chapter 386, section 1; Laws 1978, chapter 772, section 8; Laws 1980, chapter 522, section 4; Laws 1983, chapter 222, section 14; chapter 247, sections 122, 176, and 217; chapter 253, section 19; chapter 299, section 20; chapter 301, section 220; chapter 314, article 11, section 19; chapter 359, section 149; Laws 1984, chapter 464, section 12, clause (g), and the second paragraph after clause (g); chapter 468, section 1; chapter 471, sections 14, 15, and 16; chapter 514, article 2, section 13; chapter 541, section 1; chapter 543, section 8; chapter 618, section 59; that part of Laws 1984, chapter 629, section 2, that amends section 375.193; Laws 1984, chapter 638, section 3; chapter 654, article 2, section 118.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Schreiber from the Committee on Taxes to which was referred:

S. F. No. 450, A bill for an act relating to taxation; providing for collection of outstate liabilities; changing certain time limitations; changing tax lien provisions; providing for certain disclosures; changing entry for confessions of judgment; amending Minnesota Statutes 1984, sections 270.06; 270.063; 270.66, subdivision 1; 270.68, subdivisions 1 and 4; 270.69, subdivisions 1,

2, 3, and 4; 270.70, subdivisions 1 and 13; 290.49, subdivision 7; 290.58; 290.92, subdivisions 6 and 23; 296.15, subdivision 6; 297A.34, subdivision 5; 297A.42, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 270; repealing Minnesota Statutes 1984, section 270.69, subdivision 5.

Reported the same back with the following amendments :

Page 1, line 17 to page 4, line 30, delete section 1

Page 11, line 27 to page 12, line 16, delete section 14

Page 20, lines 17 to 34, delete section 19

Page 21, line 4, delete "17" and insert "15"

Renumber the sections in sequence

Amend the title as follows :

Page 1, line 4, delete "providing"

Page 1, line 5, delete "for certain disclosures;"

Page 1, line 7, delete "270.06;"

Page 1, line 10, delete "290.58;"

Page 1, line 12, delete "297A.42, subdivision 2;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Levi from the Committee on Rules and Legislative Administration to which was referred :

House Resolution No. 6, A house resolution recognizing the outstanding Parents are Teachers program and Family Oriented Structured Preschool Activity program achievements at the St. Cloud Area Vocational Technical Institute.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

Erickson from the Committee on Education to which was referred:

House Resolution No. 18, A house resolution congratulating the Flyers girls basketball team from Little Falls High School for winning the 1985 Class AA Girls State High School Basketball Championship.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 18, 123, 413, 545, 563, 645, 659, 671, 683, 781, 852, 887, 891, 918, 921, 957, 959, 968, 985, 1000, 1016, 1023, 1025, 1064, 1075, 1086, 1088, 1093, 1106, 1117, 1129, 1130, 1150, 1163, 1170, 1178, 1185, 1193, 1197, 1202, 1224, 1250, 1254, 1279, 1281, 1300, 1319, 1370 and 1371 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 472 and 450 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Forsythe introduced:

H. F. No. 1439, A bill for an act relating to independent school district No. 273, Edina, and independent school district No. 274, Hopkins, both in Hennepin county; providing for the transfer of territory from independent school district No. 274 to independent school district No. 273.

The bill was read for the first time and referred to the Committee on Education.

Begich and Battaglia introduced:

H. F. No. 1440, A bill for an act relating to independent school district No. 697, Eveleth; authorizing the issuance of general obligation bonds following electoral approval to finance the acquisition and betterment of school buildings and facilities and the levy of ad valorem taxes therefor; authorizing the transfer of certain taconite taxes to the district for payment of debt service on the bonds.

The bill was read for the first time and referred to the Committee on Education.

Ogren introduced:

H. F. No. 1441, A bill for an act relating to real property; allowing closed bids to be made by Fond du Lac governing body on tax-forfeited lands within the Fond du Lac reservation; proposing coding for new law in Minnesota Statutes, chapter 282.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Jennings, L., introduced:

H. F. No. 1442, A bill for an act relating to local improvements; requiring certain information to be included in the notice of the hearing on proposed assessments; amending Minnesota Statutes 1984, section 429.061, subdivision 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Onnen and Pappas introduced:

H. F. No. 1443, A bill for an act relating to notaries; providing procedures for various notarial acts; enacting the uniform law on notarial acts; proposing coding for new law in Minnesota Statutes, chapter 358; repealing Minnesota Statutes 1984, sections 358.32 to 358.40.

The bill was read for the first time and referred to the Committee on Judiciary.

Shaver introduced:

H. F. No. 1444, A bill for an act relating to waters and watercraft safety; requiring liability insurance on all licensed watercraft in the state; amending Minnesota Statutes 1984, section 361.03, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.



Fjoslien introduced:

H. F. No. 1445, A bill for an act relating to crimes; requiring the commissioner of public safety to reinstate driving privileges that have been civilly revoked upon acquittal of a criminal charge of driving under the influence of alcohol or a controlled substance; amending Minnesota Statutes 1984, sections 169.123, subdivision 4, and by adding a subdivision; and 169.1261.

The bill was read for the first time and referred to the Committee on Transportation.

Clark, Greenfield, Long and Kahn introduced:

H. F. No. 1446, A bill for an act relating to human rights; prohibiting unfair discriminatory practices on the basis of affectional or sexual orientation; amending Minnesota Statutes 1984, sections 363.01, subdivision 24, and by adding a subdivision; 363.02, subdivisions 1 and 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.

Rodosovich introduced:

H. F. No. 1447, A bill for an act relating to health; requiring insurance coverage for special dietary treatment for phenylketonuria; providing an educational testing program; allowing a deduction for the costs of the special dietary treatment; amending Minnesota Statutes 1984, sections 62E.06, subdivision 1; and 290.089, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 62A and 144.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Vellenga and Boo introduced:

H. F. No. 1448, A bill for an act relating to liquor; authorizing municipalities to permit holders of both on-sale wine and non-intoxicating malt liquor licenses to sell intoxicating malt liquors; amending Minnesota Statutes 1984, section 340.11, subdivision 20.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Gruenes introduced:

H. F. No. 1449, A bill for an act relating to state employees; extending insurance benefits to certain state employees selecting early retirement; amending Minnesota Statutes 1984, section 43A.24, subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Backlund introduced:

H. F. No. 1450, A bill for an act relating to the legislature; eliminating a scheduled pay increase for legislators; amending Minnesota Statutes 1984, section 3.099, subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Wenzel introduced:

H. F. No. 1451, A bill for an act relating to local government; clarifying the authority of counties to employ accountants; amending Minnesota Statutes 1984, section 6.55.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Simoneau and Dempsey introduced:

H. F. No. 1452, A bill for an act relating to retirement; highway patrol formula; amending Minnesota Statutes 1984, section 352B.08, subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Simoneau and Dempsey introduced:

H. F. No. 1453, A bill for an act relating to retirement; authorizing reimbursement of retired members of the state patrol retirement fund for the cost of medicare supplemental insurance; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 352B.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Dempsey introduced:

H. F. No. 1454, A bill for an act relating to motor vehicles; establishing a special account to reimburse municipalities with unpaid citations for traffic violations committed by operators of leased or rented motor vehicles; imposing a surcharge; proposing coding for new law in Minnesota Statutes, chapter 168.

The bill was read for the first time and referred to the Committee on Transportation.

Voss introduced:

H. F. No. 1455, A bill for an act relating to courts; providing court reporters with travel expenses; amending Minnesota Statutes 1984, section 486.05, subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Heap, Marsh, Fjoslien and Dempsey introduced:

H. F. No. 1456, A bill for an act relating to taxation; income; providing an exclusion for military pension payments; amending Minnesota Statutes 1984, sections 290.01, subdivision 20b; and 290.08, subdivision 26.

The bill was read for the first time and referred to the Committee on Taxes.

Blatz, Kvam, Marsh and Osthoff introduced:

H. F. No. 1457, A bill for an act relating to traffic regulations; removing certain restrictions on special permits to move manufactured homes; amending Minnesota Statutes 1984, section 169.86, subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation.

Valan, DenOuden and Kalis introduced:

H. F. No. 1458, 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.

**Valan, DenOuden and Kalis introduced:**

**H. F. No. 1459, 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.**

**Ozment introduced:**

**H. F. No. 1460, A bill for an act relating to Dakota county; permitting electronic funds transfers.**

**The bill was read for the first time and referred to the Committee on Local and Urban Affairs.**

**Knickerbocker introduced:**

**H. F. No. 1461, A bill for an act relating to retirement; public employees retirement association; omitted deductions; police and fire disability benefit formula; amending Minnesota Statutes 1984, sections 353.27, subdivision 12; and 353.656, subdivision 1.**

**The bill was read for the first time and referred to the Committee on Governmental Operations.**

**Himle, Poppenhagen, Shaver, Tjornhom and Thiede introduced:**

**H. F. No. 1462, A bill for an act relating to the legislature; providing for a statement of economic impact for bills and rules; amending Laws 1984, chapter 640, section 7; proposing coding for new law in Minnesota Statutes, chapter 3.**

**The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.**

**Jaros introduced:**

**H. F. No. 1463, A bill for an act relating to human services; requiring general assistance payments to be in the form of vouchers or vendor payments; amending Minnesota Statutes 1984, sections 256D.02, subdivision 4; and 256D.09, subdivision 1; repealing Minnesota Statutes 1984, section 256D.09, subdivision 2.**

**The bill was read for the first time and referred to the Committee on Health and Human Services.**

Thiede, by request, introduced :

H. F. No. 1464, A bill for an act relating to natural resources and agriculture; allowing compensation to owners of crops damaged by deer, bear, or other wild animals; permitting the killing of bear which are damaging crops; appropriating money; amending Minnesota Statutes 1984, sections 3.737, by adding subdivisions; and 98.48, subdivision 5.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Jaros introduced :

H. F. No. 1465, A bill for an act relating to public safety; making it a felony to use a bulletproof garment in the commission of a crime; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 624.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Vanasek, Wenzel, Rose, Rodosovich and Ogren introduced :

H. F. No. 1466, A bill for an act relating to taxation; changing the property tax exemption and credit for wetlands; amending Minnesota Statutes 1984, sections 272.02, subdivision 1; and 273.115.

The bill was read for the first time and referred to the Committee on Taxes.

Welle, Blatz, Himle, Krueger and Voss introduced :

H. F. No. 1467, A bill for an act relating to energy; providing for the terms of payment for district heating and qualified energy improvement loans; amending Minnesota Statutes 1984, section 116J.36, subdivision 6.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

Valan introduced :

H. F. No. 1468, A bill for an act relating to the city of Breckenridge; permitting the establishment of a port authority; authorizing the port authority to exercise the powers of a municipal housing and redevelopment authority.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Brinkman introduced :

H. F. No. 1469, A bill for an act relating to education; changing provisions relating to second tier levy fund balances; amending Minnesota Statutes 1984, section 124A.08, subdivision 5.

The bill was read for the first time and referred to the Committee on Education.

Brinkman introduced :

H. F. No. 1470, A bill for an act relating to occupations and professions; barbers; providing for compensation of board members for the performance of their examination duties; amending Minnesota Statutes 1984, section 154.22.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Brinkman and Welle introduced :

H. F. No. 1471, A bill for an act relating to waters; prohibiting certain ice blocks upon the surface of frozen waters; amending Minnesota Statutes 1984, section 101.42, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Dempsey, Ozment, Bishop, Clausnitzer and Ellingson introduced :

H. F. No. 1472, A bill for an act relating to human services; authorizing a court to order release of certain confidential information; amending Minnesota Statutes 1984, section 254A.09.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Sherman, Johnson, Becklin and Nelson, D., introduced:

H. F. No. 1473, A bill for an act relating to elections; clarifying the provision of time off to vote; amending Minnesota Statutes 1984, section 204C.04.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Begich, Battaglia and Elioff introduced:

H. F. No. 1474, A bill for an act relating to transportation; municipal state-aid streets; allowing cities with a population decrease to continue to receive municipal state-aid for streets; amending Minnesota Statutes 1984, section 162.09, subdivision 4.

The bill was read for the first time and referred to the Committee on Transportation.

Vellenga and Clausnitzer introduced:

H. F. No. 1475, A bill for an act relating to vocational technical education; requiring the state board to establish a two-year pilot program at a vocational technical institute for vocational generalist; appropriating money; amending Minnesota Statutes 1984, section 136C.04, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Price introduced:

H. F. No. 1476, A bill for an act relating to health; requiring chemical dependency treatment facilities to report data; requiring the department of health to report data to the legislature; proposing coding for new law in Minnesota Statutes, chapter 254A.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Price introduced:

H. F. No. 1477, A bill for an act relating to crime; using force or threat of force against revenue department employees; amending Minnesota Statutes 1984, section 609.50.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

McLaughlin introduced:

H. F. No. 1478, A bill for an act relating to insurance; providing flexibility in the amount of coverage for structures other than the dwelling under a homeowner's policy; proposing coding for new law in Minnesota Statutes, chapter 65A.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Jaros introduced:

H. F. No. 1479, A bill for an act relating to taxation; establishing an income tax checkoff for the purpose of providing funds for organ transplants; proposing coding for new law in Minnesota Statutes, chapter 290.

The bill was read for the first time and referred to the Committee on Taxes.

Valento, by request, Skoglund and Schreiber introduced:

H. F. No. 1480, A bill for an act relating to the metropolitan sports facilities commission; renaming it the metropolitan sports and convention facilities commission; authorizing it to acquire, design, construct, equip, improve, control, operate, and maintain convention and trade show facilities and related facilities in the city of Minneapolis and to expend certain money for it; authorizing it to exercise eminent domain; authorizing it to issue bonds to finance the acquisition and betterment of convention and trade show facilities and related facilities; authorizing the city of Minneapolis to expend certain funds, including taxes and tax increments, for commission purposes; authorizing the city of



Minneapolis and the metropolitan council to contract with the commission and to exercise powers of the commission and perform other acts; authorizing the city to levy and collect certain taxes and to issue bonds to finance the acquisition and betterment of the facility; authorizing the city to proceed with the convention and trade show facilities if the commission does not; authorizing the council to issue bonds to finance the acquisition and betterment of convention and trade show facilities or to refund outstanding bonds issued to finance certain sports facilities, and to levy taxes; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 473.

The bill was read for the first time and referred to the Committee on Budget.

Valento, Hartinger and Clausnitzer introduced:

H. F. No. 1481, A bill for an act relating to local government aid; modifying the distribution formula for cities; amending Minnesota Statutes 1984, sections 477A.011, subdivision 3, and by adding subdivisions; and 477A.013; repealing Minnesota Statutes 1984, sections 477A.011, subdivision 10; and 477A.0131.

The bill was read for the first time and referred to the Committee on Taxes.

Elioff introduced:

H. F. No. 1482, A bill for an act relating to crimes; authorizing courts to set aside convictions in certain circumstances; amending Minnesota Statutes 1984, section 609.166.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Elioff, Battaglia and Begich introduced:

H. F. No. 1483, A bill for an act relating to education; prohibiting use of professional strikebreakers during a teacher strike; establishing certain actions by a school board as unfair labor practices; amending Minnesota Statutes 1984, sections 179A.03, by adding a subdivision; and 179A.13, subdivision 2.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Segal and Simoneau introduced:

H. F. No. 1484, A bill for an act relating to employment; regulating entertainment agencies; providing a penalty; amending Minnesota Statutes 1984, sections 184A.01; 184A.03; 184A.04; 184A.05; 184A.06; 184A.10; 184A.12; 184A.13; 184A.14; 184A.15; 184A.16; 184A.18; 184A.19; and 184A.20; proposing coding for new law in Minnesota Statutes, chapter 184A.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Redalen, Uphus, Bishop and Dyke introduced:

H. F. No. 1485, A bill for an act relating to taxation; sales and use; reducing the general rate to five percent; amending Minnesota Statutes 1984, sections 297A.02, subdivision 1; 297A.03, subdivision 2; 297A.14; 297B.02; and 297B.08.

The bill was read for the first time and referred to the Committee on Taxes.

Nelson, K., introduced:

H. F. No. 1486, A bill for an act relating to education; requiring school boards to grant contracts to licensed personnel who are employed by the board for a position requiring licensure and who are in the teacher bargaining unit; provides for providing negotiated contractual rights and continuing contract status; amending Minnesota Statutes 1984, section 123.35, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Wenzel, McDonald, Richter, Krueger and Tunheim introduced:

H. F. No. 1487, A bill for an act relating to natural resources and agriculture; allowing compensation to owners of crops damaged by wild animals; amending Minnesota Statutes 1984, section 3.737, by adding subdivisions.

The bill was read for the first time and referred to the Committee on Agriculture.

Kelly, Marsh, Seaberg, Pappas and Bishop introduced:

H. F. No. 1488, A bill for an act relating to public safety; establishing a state reimbursement program for purchases of soft body armor by and for peace officers; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299A.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Shaver, Gutknecht, Himle, Tjornhom and McPherson introduced:

H. F. No. 1489, A bill for an act relating to taxation; income; abolishing the combined reporting method of apportioning the income of multistate businesses; allowing certain corporations to elect to file consolidated returns; amending Minnesota Statutes 1984, sections 290.07, subdivision 1; 290.095, subdivision 3; 290.17, subdivision 2; 290.175; 290.21, subdivision 4; 290.34, by adding a subdivision; repealing Minnesota Statutes 1984, sections 290.06, subdivision 15; 290.068, subdivision 6; 290.21, subdivision 8; and 290.34, subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

Shaver, Clausnitzer and Heap introduced:

H. F. No. 1490, A bill for an act relating to the city of Plymouth; authorizing the reassessment of special assessments against certain lands in the city.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Olson, E.; Tunheim; Rodosovich; Wenzel and Brown introduced:

H. F. No. 1491, A bill for an act relating to agriculture; restricting limited partnership ownership of agricultural land; amending Minnesota Statutes 1984, section 500.24.

The bill was read for the first time and referred to the Committee on Agriculture.

Boo; Munger; Jennings, D.; Norton and Begich introduced:

H. F. No. 1492, A bill for an act relating to taxation; segregating certain sales tax revenues; providing for the establishment of a national class state convention center in the city of Duluth; authorizing the issuance of bonds and appropriating money.

The bill was read for the first time and referred to the Committee on Taxes.

Segal and Cohen introduced:

H. F. No. 1493, A resolution memorializing the negotiators for the United States at the Geneva arms talks to demand Soviet action to stop anti-Jewish discrimination and to allow Jews to emigrate.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Sherman, Munger, Begich, Sviggum and Carlson, D., introduced:

H. F. No. 1494, A bill for an act relating to game and fish; requiring expenditure data in syllabi accompanying game and fish licenses or stamps; amending Minnesota Statutes 1984, section 97.53, subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Jennings, L., introduced:

H. F. No. 1495, A bill for an act relating to Chisago county; providing conditions for the sale of certain types of tax-forfeited land.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Jennings, L., introduced:

H. F. No. 1496, A bill for an act relating to state lands; providing for the sale of certain tax-forfeited land in Chisago county.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Battaglia introduced :

H. F. No. 1497, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to sell certain lands in St. Louis county.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Neuenschwander introduced :

H. F. No. 1498, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to sell certain lands in Koochiching County.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Boo and Munger introduced :

H. F. No. 1499, A bill for an act relating to economic development; creating a state grant program for area labor-management committees; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Battaglia, Minne, Begich and Elioff introduced :

H. F. No. 1500, A bill for an act relating to taxation; exempting electricity sold for residential use from the sales tax; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Sviggum introduced :

H. F. No. 1501, A bill for an act relating to state government; providing for fees for cooperative purchasing and transfer of state surplus property; amending Minnesota Statutes 1984, sections 16B.09, by adding a subdivision; and 16B.29.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Simoneau introduced :

H. F. No. 1502, A bill for an act relating to taxation; exempting certain nonprofit nursing homes from taxation; amending Minnesota Statutes 1984, section 272.02, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Thorson introduced :

H. F. No. 1503, A bill for an act relating to the city of Bemidji; permitting the city to contribute to a community seed capital fund.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Simoneau introduced :

H. F. No. 1504, A bill for an act relating to education; providing incentive aid for school consolidation; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124.

The bill was read for the first time and referred to the Committee on Education.

Hartinger introduced :

H. F. No. 1505, A bill for an act relating to environment; authorizing the collection by municipalities of certain fees from the operators of sanitary landfills; providing for a landfill victims' compensation trust fund and administration of the fund; establishing a market value and method of assessment of certain landfills and property surrounding those landfills; providing for assessments against landfills of the cost of public improvements; appropriating money; amending Minnesota Statutes 1984, sections 115A.921; and 429.051; proposing coding for new law in Minnesota Statutes, chapters 115A; 116; and 273.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Fjoslien and Uphus introduced :

H. F. No. 1506, A bill for an act relating to natural resources; providing for payment of attorney fees for proceedings involving the determination of public waters and wetlands; amending Minnesota Statutes 1984, section 105.391, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Begich, Elioff and Battaglia introduced :

H. F. No. 1507, A bill for an act relating to taxation; providing for the allocation among governmental units of increases in the assessed valuation of commercial-industrial property within the taconite tax relief area; providing a formula for the distribution of additional revenues to municipalities within the taconite tax relief area; proposing coding for new law as Minnesota Statutes, chapter 276A.

The bill was read for the first time and referred to the Committee on Taxes.

Begich and Battaglia introduced :

H. F. No. 1508, A bill for an act relating to taxation; extending the 3cc classification to homesteads of recipients of private disability pensions; amending Minnesota Statutes 1984, 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. 1509, A bill for an act relating to taxation; property; extending the assessment years for which reimbursement may be made to taxing districts for certain refunds or abatements made to railroads; allowing a levy in 1986 for certain abatements or refunds made to railroads; clarifying terms; appropriating money; amending Laws 1984, chapter 502, article 9, section 5.

The bill was read for the first time and referred to the Committee on Taxes.

Begich and Battaglia introduced :

H. F. No. 1510, A bill for an act relating to government operations; mandating a full-time auditor to be assigned by the legislative auditor to the iron range resources and rehabilitation board; amending Minnesota Statutes 1984, section 298.22, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Begich introduced :

H. F. No. 1511, A bill for an act relating to labor; defining a professional strikebreaker; amending Minnesota Statutes 1984, section 179.01, subdivision 16.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Jaros and Munger introduced :

H. F. No. 1512, A bill for an act relating to the city of Duluth; authorizing the issuance of bonds to purchase capital equipment.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

McDonald introduced :

H. F. No. 1513, A bill for an act relating to agriculture; requiring the inspection of certain animals to ensure their compliance with Minnesota standards; amending Minnesota Statutes 1984, section 31A.03.

The bill was read for the first time and referred to the Committee on Agriculture.

Dempsey, Schreiber, Dimler and Tomlinson introduced :

H. F. No. 1514, A bill for an act relating to levy limits; providing a levy base adjustment for loss of revenue sharing funds; amending Minnesota Statutes 1984, section 275.51, subdivision 3h.

The bill was read for the first time and referred to the Committee on Taxes.



Sparby introduced:

H. F. No. 1515, A bill for an act relating to teachers; early retirement incentive program; changing the deadline for applying for retirement under the state-reimbursed incentive grant program; extending the state-reimbursed program; appropriating money; amending Minnesota Statutes 1984, section 125.611, subdivisions 3, 5, and 13.

The bill was read for the first time and referred to the Committee on Governmental Operations.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 14, a senate concurrent resolution relating to adjournment for more than three days.

PATRICK E. FLAHAVEN, Secretary of the Senate

### SUSPENSION OF RULES

Levi moved that the rules be so far suspended that Senate Concurrent Resolution No. 14 be now considered and be placed upon its adoption. The motion prevailed.

### SENATE CONCURRENT RESOLUTION NO. 14

A senate concurrent resolution relating to adjournment for more than three days.

*Be It Resolved*, by the Senate, the House of Representatives concurring:

1. Upon its adjournment on Thursday, April 4, 1985, the Senate may set its next day of meeting for Tuesday, April 9, 1985.

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.

Levi moved that Senate Concurrent Resolution No. 14 be now adopted. The motion prevailed and Senate Concurrent Resolution No. 14 was adopted.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 122.

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. 122

A bill for an act relating to retirement; public employees retirement association; setting the salary range of the executive director; changing the membership of the board; providing qualifications for the executive director; requiring advice and consent of the senate for appointment of the executive director; defining the duties of the board; ending the terms of current board members; defining the duties of the executive director; amending Minnesota Statutes 1984, sections 15A.081, subdivision 1; 43A.10, subdivision 6; and 353.03, subdivisions 1, 1a, 2, 3, 3a, and 5; proposing coding for new law in Minnesota Statutes, chapter 353.

March 28, 1985

The Honorable Jerome M. Hughes  
President of the Senate

The Honorable David M. Jennings  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 122, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 122 be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [FINDINGS.]

*The legislature reaffirms that the public employees retirement association is a public agency, created by and subject to the control of the legislature. The legislature is responsible for assuring that the laws establishing the association lead to responsible governance and efficient administration. The legislature must assure that the board of trustees fulfills its fiduciary obligations to the state, to the taxpayers, and to the members of the association.*

*The legislature finds that actions of the association board of trustees have damaged public confidence in the association's ability to fulfill its fiduciary obligations and to operate in accordance with legislative intent. The legislature finds that this act is necessary to assure that the board of trustees will fulfill its fiduciary obligations and will responsibly administer the affairs of the association in keeping with legislative intent.*

Sec. 2. Minnesota Statutes 1984, section 15A.081, subdivision 1, is amended to read:

Subdivision 1. [SALARY.] The governor shall set the salary rate within the ranges listed below for positions specified in this subdivision, upon approval of the legislative commission on employee relations and the legislature as provided by section 43A.18, subdivisions 2 and 5:

	Salary Range Effective July 1, 1983
Commissioner of education;	\$57,500-\$70,000
Commissioner of finance;	
Commissioner of transportation;	
Commissioner of human services;	
Chancellor, community college system;	
Chancellor, state university system;	
Director, vocational technical education;	
Executive director, state board of investment;	
Commissioner of administration;	\$50,000-\$60,000
Commissioner of agriculture;	
Commissioner of commerce;	

Commissioner of corrections;

Commissioner of economic security;

Commissioner of employee relations;

Commissioner of energy and economic development;

Commissioner of health;

Commissioner of labor and industry;

Commissioner of natural resources;

Commissioner of revenue;

Commissioner of public safety;

Chairperson, waste management board;

Chief administrative law judge; office of administrative hearings;

Director, pollution control agency;

Director, state planning agency;

Executive director, higher education coordinating board;

Executive director, housing finance agency;

*Executive director, public employees retirement association;*

Executive director, teacher's retirement association;

Executive director, state retirement system;

Commissioner of human rights; \$40,000-\$52,500

Director, department of public service;

Commissioner of veterans' affairs;

Director, bureau of mediation services;

Commissioner, public utilities commission;

Member, transportation regulation board;

Director, zoological gardens.

Sec. 3. Minnesota Statutes 1984, section 43A.04, subdivision 1, is amended to read:

Subdivision 1. [STATEWIDE LEADERSHIP.] The commissioner shall be the chief personnel and labor relations manager of the civil service in the executive branch.

(a) Whenever any power or responsibility is given to the commissioner by any provision of Laws 1981, Chapter 210, unless otherwise expressly provided, the power or authority shall apply to all employees of agencies in the executive branch and to employees in classified positions in the office of the legislative auditor, the Minnesota state retirement system, *the public employees retirement association*, and the teacher's retirement association. Unless otherwise provided by law, the power or authority shall not apply to unclassified employees in the legislative and judicial branches.

(b) The commissioner shall operate an information system from which personnel data, as defined in section 13.43, concerning employees and applicants for positions in the classified service can be retrieved.

The commissioner shall have access to all public and private personnel data kept by appointing authorities which will aid in the discharge of the commissioner's duties.

(c) The commissioner may consider and investigate any matters concerned with the administration of provisions of Laws 1981, Chapter 210 and may order any remedial actions consistent with law.

Sec. 4. Minnesota Statutes 1984, section 43A.10, subdivision 6, is amended to read:

Subd. 6. [ELIGIBILITY FOR COMPETITIVE PROMOTIONAL EXAMINATIONS.] Competitive promotional examinations shall be open only to employees of the civil service, the Minnesota state retirement system, *the public employees retirement association*, and the teacher's retirement association. The commissioner may require that competition be extended to all employees as defined above or may limit competition to employees of one or more agencies or organizational units thereof or to employees meeting specified employment conditions.

Sec. 5. Minnesota Statutes 1984, section 353.03, subdivision 1, is amended to read:

Subdivision 1. [MANAGEMENT; COMPOSITION; ELECTION.] The management of the public employees retirement fund is (HEREBY) vested in a board of trustees consisting of (15) *the state auditor and eight members* (, WHO SHALL BE KNOWN AS THE BOARD OF TRUSTEES). (THIS BOARD SHALL CONSIST OF FOUR TRUSTEES) *The governor shall appoint five trustees to four-year terms*, one of whom shall be designated (BY EACH OF THE FOLLOWING ASSOCIATIONS OR ORGANIZATIONS, MINNESOTA) *to represent school boards* (ASSOCIATION), (LEAGUE OF MINNESOTA) *one to represent cities*, (ASSOCIATION OF MINNESOTA) *one to represent counties* (AND THE EXECUTIVE COMMITTEE OF THE STATEWIDE GENERAL LABOR ORGANIZATION WHICH INCLUDES AMONG ITS MEMBERSHIP THE EMPLOYEE ORGANIZATIONS, AS DEFINED IN SECTION 179A.03, SUBDIVISION 6, WHICH REPRESENT THE LARGEST NUMBER OF EMPLOYEES WHO ARE ASSOCIATION MEMBERS; NINE AREA TRUSTEES, WHO SHALL BE ELECTED FROM THE MEMBERSHIP EMPLOYED IN ONE OF THE AREAS DESCRIBED BELOW BY THE MEMBERS EMPLOYED IN SUCH AREA EXCEPT MEMBERS OF THE POLICE AND FIRE FUND;), one (TRUSTEE) who shall be a retired annuitant (ELECTED AT LARGE BY OTHER RETIRED ANNUITANTS AND DISABILITANTS;), and one (TRUSTEE) who is a *public* member (OF THE POLICE AND FIRE FUND ELECTED AT LARGE BY THE MEMBERSHIP OF THE POLICE AND FIRE FUND) *knowledgeable in pension matters*. (TRUSTEES ELECTED BY) The membership of the association (OR BY THE RETIRED ANNUITANTS AND DISABILITANTS OF THE ASSOCIATION) shall (BE ELECTED) *elect three trustees* for (A TERM) *terms* of four years. Trustees (DESIGNATED BY AN ASSOCIATION OR ORGANIZATION OR) *elected* (OR SELECTED BY THE USE OF A PROCEDURE OTHER THAN DIRECT ELECTION) by the membership of the association (OR BY THE ANNUITANTS OF THE ASSOCIATION) shall (HOLD OFFICE FOR A TERM OF TWO YEARS OR UNTIL THE DESIGNATION, ELECTION OR SELECTION PROCEDURE IS CHANGED, IF THAT OCCURS EARLIER) *be public employees and members of the association*. For seven days beginning November 1 of each year *preceding a year in which an election is held*, the association shall accept at its office filings in person or by mail of candidates for the board of trustees. (AN AREA) A candidate shall submit at the time of filing a nominating petition signed by 25 or more members of the fund (FROM THE AREA OF THE CANDIDATE, A RETIRED ANNUITANT CANDIDATE, A NOMINATING PETITION SIGNED BY ANY COMBINATION OF 25 OR MORE RETIRED ANNUITANTS OR DISABILITANTS, AND A POLICE AND FIRE FUND CANDIDATE, A NOMINATING PETITION SIGNED BY 25 OR MORE MEMBERS OF SUCH FUND). No name may be withdrawn from nomination by the nominee after November 15. *At the request of a candidate for an elected position on the board of trustees, the board shall mail a*

*statement of up to 300 words prepared by the candidate to all persons eligible to vote in the election of the candidate. The board may adopt policies to govern form and length of these statements, timing of mailings, and deadlines for submitting materials to be mailed. These policies must be approved by the secretary of state. Disputes between the board and a candidate concerning application of these policies to a particular statement shall be resolved by the secretary of state. A candidate who:*

*(a) receives contributions or makes expenditures in excess of \$100; or*

*(b) has given implicit or explicit consent for any other person to receive contributions or make expenditures in excess of \$100;*

*for the purpose of bringing about the candidate's election, must file a report with the ethical practices board disclosing the source and amount of all contributions to his or her campaign. The ethical practices board shall prescribe forms governing these disclosures. Expenditures and contributions have the meaning defined in section 10A.01. These terms do not include the mailing made by the association board on behalf of the candidate. A candidate must file a report within 30 days from the day that the results of the election are announced. The ethical practices board shall maintain these reports and make them available for public inspection in the same manner as the board maintains and makes available other reports filed with it. By January 10 of each year in which elections are to be held the board shall distribute by mail to the members (, RETIRED ANNUITANTS AND DISABILITIES,) ballots listing the candidates. No member may vote for more than one candidate for each board position to be filled. A ballot indicating a vote for more than one person for any position shall be void. No special marking may be used on the ballot to indicate incumbents. The last day for mailing ballots to the fund shall be January 31. (EXCEPT AS PROVIDED IN THIS SECTION, ALL) Terms expire on January 31 of the fourth year, and (THE POSITION SHALL REMAIN) positions are vacant until (THE) newly elected (MEMBER IS) members are qualified. The ballot envelopes shall be so designed and the ballots shall be counted in such a manner as to insure that each vote is secret. (FOR THE PURPOSE OF ELECTING THE NINE AREA TRUSTEES, THE STATE SHALL BE DIVIDED INTO THREE AREAS AS FOLLOWS: AREA ONE SHALL INCLUDE ANOKA, HENNEPIN, RAMSEY AND WASHINGTON COUNTIES. AREA TWO SHALL INCLUDE BIG STONE, SWIFT, KANDIYOHI, MEEKER AND WRIGHT COUNTIES AND ALL COUNTIES SOUTH THEREOF, EXCEPT COUNTIES IN AREA ONE. AREA THREE SHALL INCLUDE ALL THE REMAINING COUNTIES OF THE STATE. IF ANY GOVERNMENTAL UNIT IS LOCATED IN MORE THAN ONE AREA, PLACE OF EMPLOYMENT SHALL BE DEEMED TO BE IN THE AREA IN WHICH THE*

MAIN OFFICE OF THE GOVERNMENTAL UNIT IS LOCATED. EACH YEAR FOR THREE YEARS ONE AREA TRUSTEE SHALL BE ELECTED TO A FOUR-YEAR TERM FROM EACH AREA BY THE MEMBERS EMPLOYED IN THE RESPECTIVE AREAS. IN THE FOURTH YEAR ONE TRUSTEE SHALL BE ELECTED AT LARGE BY THE POLICE AND FIRE FUND MEMBERSHIP AND ONE TRUSTEE ELECTED AT LARGE BY THE RETIRED ANNUITANTS AND DISABILITANTS.)

The elections shall be supervised by the secretary of state. It shall be the duty of the board of trustees to faithfully administer the law without prejudice and consistent with the expressed intent of the legislature. They shall act as trustees with a fiduciary obligation to the state of Minnesota which created the fund, the taxpayers of the governmental subdivisions which aid in financing it and the public employees who are its beneficiaries. *They shall act in good faith and shall exercise that degree of judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs.*

Sec. 6. Minnesota Statutes 1984, section 353.03, subdivision 1a, is amended to read:

Subd. 1a. [VACANCY, HOW FILLED.] Any vacancy on the board caused by death, resignation, or removal of any (MEMBER SO ELECTED SHALL) *trustee, or occurring because an elected trustee ceases to be a public employee and an active member of the association, must be filled by the board for trustees elected by members, and by the governor for other trustees,* for the unexpired portion of the term in which the vacancy occurs.

Sec. 7. Minnesota Statutes 1984, section 353.03, subdivision 2, is amended to read:

Subd. 2. [NO COMPENSATION EXPENSES.] The members of the board of trustees (AND MEMBERS OF ANY AUTHORIZED COMMITTEE OF SAID RETIREMENT ASSOCIATION) shall serve without compensation, but shall be reimbursed out of the retirement fund for expenses actually and necessarily paid or incurred in the performance of their duties. Members of the board of trustees shall suffer no loss of compensation from (THEIR) *a public employer by reason of service on or for the board or on any authorized committee thereof.*

Sec. 8. Minnesota Statutes 1984, section 353.03, subdivision 3, is amended to read:

Subd. 3. [(OFFICERS; EMPLOYEES; BYLAWS) DUTIES AND POWERS OF THE BOARD.] (a) The board shall elect a (CHAIRMAN) *president* and (VICE-CHAIRMAN, AND SHALL APPOINT AN EXECUTIVE DIRECTOR



AND OTHER EMPLOYEES AND MAY ADOPT BYLAWS, AND PROCURE OTHER SERVICES AS IT MAY REASONABLY DEEM NECESSARY AND FIX THEIR COMPENSATION SUBJECT TO SUBDIVISION 2 HEREOF) vice-president. The board shall approve the staffing complement necessary to administer the fund. The cost of administering this chapter must be paid by the fund.

(b) The board shall adopt bylaws for its own government and for the management of the fund consistent with the laws of the state and may modify them at pleasure. It shall adopt, alter, and enforce reasonable rules consistent with the laws of the state for the administration and management of the fund, for the payment and collection of payments from members, and for the payment of withdrawals and benefits. It shall pass upon and allow or disallow all applications for membership in the fund and shall allow or disallow claims for withdrawals, pensions, or benefits payable from the fund. It shall adopt an appropriate mortality table based on experience of the fund as recommended by the association actuary, with interest set at the rate specified in section 356.215, subdivision 4, clause (4). It shall provide for the payment out of the fund of all necessary expenses for the administration of the fund and of all claims for withdrawals, pensions, or benefits allowed. The board shall approve or disapprove all recommendations and actions of the executive director made subject to its approval or disapproval by subdivision 3a.

(c) In passing upon all applications and claims, the board may summon, swear, hear, and examine witnesses and, in the case of claims for disability benefits, may require the claimant to submit to a medical examination by a physician of the board's choice, at the expense of the fund, as a condition precedent to the passing on the claim, and, in the case of all applications and claims, may conduct investigations necessary to determine their validity and merit.

(d) The board may continue to authorize the sale of life insurance to members under the insurance program in effect on January 1, 1985, but must not change that program without the approval of the commissioner of finance. The association shall not receive any financial benefit from the life insurance program beyond the amount necessary to reimburse the association for costs incurred in administering the program. The association shall not engage directly or indirectly in any other activity involving the sale or promotion of goods or services, or both, whether to members or nonmembers.

(e) The board shall establish procedures governing reimbursement of expenses to board members. These procedures shall define the types of activities and expenses that qualify for reimbursement, shall provide that all out-of-state travel must be authorized by the board, and shall provide for independent verification of claims for expense reimbursement. The procedures must

*comply with applicable rules and policies of the department of finance, the department of administration, and the department of employee relations.*

Sec. 9. Minnesota Statutes 1984, section 353.03, subdivision 3a, is amended to read:

Subd. 3a. [(DUTIES AND POWERS OF THE) EXECUTIVE DIRECTOR.] (a) [(QUALIFICATIONS) APPOINTMENT.] *The board shall appoint, with the advice and consent of the senate, an executive director on the basis of education, experience in the retirement field, and leadership ability. The executive director shall have had at least five years' experience in an executive level management position, which has included responsibility for pensions, deferred compensation, or employee benefits. The executive director serves at the pleasure of the board. The salary of the executive director is as provided by section 15A.081, subdivision 1.*

(b) [DUTIES.] The management of the association is vested in the executive director who shall be the executive and administrative head of the association. He shall act as adviser to the board on all matters pertaining to the association. He shall also act as the secretary of the board. (IT IS THE DUTY OF) The executive director (AND HE HAS THE POWER TO) *shall:*

- (1) Attend all meetings of the board;
- (2) Prepare and recommend to the board rules (AND REGULATIONS) for the purpose of carrying out the provisions of this chapter;
- (3) Establish and maintain an adequate system of records and accounts following recognized accounting principles and controls;
- (4) Designate an assistant director, with the approval of the board, *who shall serve in the unclassified service and whose salary is set in accordance with section 43A.18, subdivision 3, appoint a confidential secretary in the unclassified service, and appoint (SUCH) employees (, BOTH PERMANENT AND TEMPORARY, AS ARE NECESSARY) to carry out (THE PROVISIONS OF SAID) this chapter, (AND WITH THE APPROVAL OF THE BOARD FIX THEIR COMPENSATION) who are subject to chapters 43A and 179A in the same manner as are executive branch employees;*
- (5) Organize the work of the association as he deems necessary to fulfill the functions of the association, and define the duties of its employees and delegate to them any of his powers or duties, subject to his control and under such conditions as he may prescribe;

(6) With the approval of the board, contract for actuarial services, professional management services, and consulting services as (MAY BE) necessary (AND FIX THE COMPENSATION THEREFOR) *to fulfill the purposes of this chapter.* (SUCH) All contracts (SHALL NOT BE) *are* subject to (THE COMPETITIVE BIDDING PROCEDURE PRESCRIBED BY) chapter (16) 16B. *The commissioner of administration shall not approve, and the association shall not enter into, any contract to provide lobbying services or legislative advocacy of any kind.* Copies of all professional management survey reports shall be sent directly to the legislature and the legislative auditor at the same time reports are furnished the board. Only management firms experienced in conducting management surveys of federal, state or local public retirement systems shall be qualified to contract with the director hereunder;

(7) With the approval of the board provide inservice training for all employees of the association;

(8) Make refunds of accumulated contributions to former members and to the designated beneficiary, surviving spouse, legal representative or next of kin of deceased members or deceased former members, all as provided in this chapter;

(9) Determine the amount of the annuities and disability benefits of members covered by the association and authorize payment thereof beginning as of the dates such annuities and benefits begin to accrue, all in accordance with the provisions of (SAID) *this* chapter;

(10) Pay annuities, (REFUNDMENTS) *refunds*, survivor benefits, salaries and all necessary operating expenses of the association;

(11) Prepare and submit to the board and the legislature an annual report covering the operation of the association, as required by chapter 356;

(12) *Prepare and submit biennial and annual budgets to the board for its approval and submit the approved budgets to the department of finance for approval by the commissioner; and*

(13) With the approval of the board, perform such other duties as may be required for the administration of the association and the other provisions of this chapter and for the transaction of its business.

Sec. 10. Minnesota Statutes 1984, section 353.03, subdivision 5, is amended to read:

Subd. 5. [APPLICATION OF LAWS.] Laws applicable to state agencies and agencies with statewide jurisdiction shall

(NOT BE CONSTRUED TO) apply to the association (UNLESS SUCH LAWS MAKE SPECIFIC REFERENCE TO THIS SUBDIVISION; PROVIDED, HOWEVER, THE APPLICABLE PROVISIONS OF CHAPTERS 355 AND 356 SHALL APPLY TO THE ASSOCIATION).

Sec. 11. [TERMS ENDED.]

*Notwithstanding any other law to the contrary, the terms of all people who are members of the public employees retirement association board prior to the effective date of this section, whether they were elected or designated, end on the effective date of this section. Incumbent members, including those elected in January 1985, do not hold over and cease to have any authority to carry out the decisions of the board unless reappointed or re-elected to the board. If individuals elected in January 1985 have not become members of the board by the effective date of this section, they shall not take office. In addition, all committees established by the board are abolished on the effective date of this section.*

Sec. 12. [TRANSITION.]

*Subdivision 1. [APPOINTMENTS.] Within 30 days after the effective date of this act, the governor shall appoint the five trustees specified in Minnesota Statutes, section 353.03, subdivision 1. In addition, and notwithstanding any provision of section 353.03, subdivision 1, the governor shall appoint three trustees who are public employees and members of the association. The term of one trustee who is a public employee and member of the association and who is appointed under this subdivision ends January 31, 1986. The terms of the other two trustees who are public employees and members of the association and who are appointed under this subdivision end January 31, 1987. In making those appointments, the governor shall designate the trustee whose term ends in 1986 and the trustees whose terms end in 1987. Minnesota Statutes, section 15.0597 does not govern appointments made under this subdivision.*

*Subd. 2. [INTERIM DIRECTOR.] The acting interim director of the association, actively serving in that position on the effective date of this section, from that date until a new board has taken office may exercise all powers vested in the board by Minnesota Statutes, section 353.03, subdivisions 1, 3, and 3a. Until a new executive director has been appointed by the board, the acting interim director has the powers and duties assigned to the executive director under Minnesota Statutes, section 353.03, subdivision 3a.*

*Subd. 3. [ELECTION PROCEDURES.] The board shall accept filings for one elected position on the board in November 1985 and shall conduct an election for that position in January*

*1986. The board shall accept filings for two elected positions on the board in November 1986 and shall conduct an election for those positions in January 1987. Thereafter, the board shall follow the election procedures described in Minnesota Statutes, section 353.03, subdivision 1, as necessary to fill the positions of elected trustees.*

*Subd. 4. [EMPLOYEES.] Notwithstanding any provision of Minnesota Statutes, section 353.03, subdivision 3a, employees of the association are not subject to Minnesota Statutes, chapters 43A and 179A until July 1, 1985.*

**Sec. 13. [CURRENT EMPLOYEES.]**

*Employees who hold or are on leave from positions of the association on July 1, 1985, are appointed to the civil service of the state without competitive or qualifying examination. The commissioner of employee relations shall place the employees in the proper classifications in the classified service, except for those holding or on leave from unclassified positions listed in Minnesota Statutes, section 353.03, subdivision 3a, who are to be placed in the proper classifications in the unclassified service. Each employee is appointed at no loss in salary or accrued vacation benefits, but no increase in salary until the employee's salary comes within the range for the employee's class and no additional accrual of vacation benefits until the employee's total accrued vacation benefits falls below the maximum permitted by the state for the employee's position. An employee so appointed shall begin on July 1, 1985, to serve a probationary period not to exceed six months, which the executive director may terminate earlier. Employees who retire by June 30, 1985, are entitled to the cash value of their accrued sick leave under the formula in use by the association the day before the day of final enactment of this act. The association shall provide health insurance for employees who are retired on the day of final enactment of this act and employees who retire or qualify for retirement by June 30, 1985. The health insurance provided under this section is subject to any change in plan design or coverage that occurs through collective bargaining or implementation of a plan established under Minnesota Statutes, section 43A.18 for employees in positions equivalent to that from which the insured employee retired. Coverages must be coordinated with relevant health insurance benefits provided through the federal medicare program. Notwithstanding other law to the contrary, the commissioners of employee relations and finance may adjust reporting of hours worked by association employees after July 1, 1985, as needed to facilitate the transition to the state's biweekly payroll system.*

**Sec. 14. [SEVERABILITY.]**

*The provisions of this act are severable. If any provision is found to be void, the remaining provisions shall remain valid.*

## Sec. 15. [EFFECTIVE DATE.]

*Sections 1, 2, 5 to 12, and 14 are effective the day following final enactment. Sections 3, 4, and 13 are effective July 1, 1985."*

Delete the title and insert:

"A bill for an act relating to retirement; public employees retirement association; setting the salary range of the executive director; changing the membership of the board; providing qualifications for the executive director; requiring advice and consent of the senate for appointment of the executive director; defining the duties of the board; ending the terms of current board members; defining the duties of the executive director; amending Minnesota Statutes 1984, sections 15A.081, subdivision 1; 43A.04, subdivision 1; 43A.10, subdivision 6; and 353.03, subdivisions 1, 1a, 2, 3, 3a, and 5."

We request adoption of this report and repassage of the bill.

Senate Conferees: DONALD M. MOE, DARRIL WEGSCHEID, ALLAN H. SPEAR, EARL W. RENNEKE and FRITZ KNAAK.

House Conferees: GERALD C. KNICKERBOCKER, RICH O'CONNOR, TONY BENNETT, DALE A. CLAUSNITZER and DEE LONG.

Knickerbocker moved that the report of the Conference Committee on S. F. No. 122 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 122, A bill for an act relating to retirement; public employees retirement association; setting the salary range of the executive director; changing the membership of the board; providing qualifications for the executive director; requiring advice and consent of the senate for appointment of the executive director; defining the duties of the board; ending the terms of current board members; defining the duties of the executive director; amending Minnesota Statutes 1984, sections 15A.081, subdivision 1; 43A.10, subdivision 6; and 353.03, subdivisions 1, 1a, 2, 3, 3a, and 5; proposing coding for new law in Minnesota Statutes, chapter 353.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Battaglia	Begich	Blatz	Brandl
Anderson, R.	Beard	Bennett	Boerboom	Brinkman
Backlund	Becklin	Bishop	Boo	Burger

Carlson, D.	Hartle	Miller	Quinn	Staten
Carlson, J.	Haukoos	Minne	Redalen	Sviggum
Carlson, L.	Himle	Murphy	Rees	Thiede
Clark	Jacobs	Nelson, D.	Rest	Thorson
Clausnitzer	Jaros	Nelson, K.	Rice	Tjornhom
Cohen	Jennings, L.	Neuenschwander	Richter	Tomlinson
Dempsey	Johnson	Norton	Riveness	Tompkins
DenOuden	Kahn	O'Connor	Rodosovich	Tunheim
Dimler	Kalis	Ogren	Rose	Uphus
Dyke	Kiffmeyer	Olsen, S.	Sarna	Valan
Elioff	Knickerbocker	Olson, E.	Schafer	Valento
Ellingson	Knuth	Omann	Scheid	Vanasek
Erickson	Kostohryz	Onnen	Schoenfeld	Vellenga
Fjoslien	Kvam	Osthoff	Schreiber	Voss
Forsythe	Levi	Otis	Seaberg	Waltman
Frederick	Lieder	Ozment	Segal	Welle
Frederickson	Long	Pappas	Shaver	Wenzel
Frerichs	Marsh	Pauly	Sherman	Wynia
Greenfield	McDonald	Peterson	Simoneau	Zaffke
Gruenes	McEachern	Piepho	Skoglund	Spk. Jennings, D.
Gutknecht	McLaughlin	Piper	Solberg	
Halberg	McPherson	Poppenhagen	Sparby	
Hartinger	Metzen	Price	Stanius	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker :

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted :

S. F. Nos. 374 and 679.

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. 77, 625, 635 and 923.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 374, A bill for an act relating to property transfers; regulating transfers to persons under a certain age; enacting the uniform transfers to minors act; proposing coding for new law in Minnesota Statutes, chapter 527; repealing Minnesota Statutes 1984, sections 527.01 to 527.11.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 679, A bill for an act relating to natural resources; providing for annual timber harvest public informational meetings; amending Minnesota Statutes 1984, section 90.041, subdivision 4.

The bill was read for the first time.

Thorson moved that S. F. No. 679 and H. F. No. 881, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 77, A bill for an act relating to real property; extending the provisions authorizing courts to approve postponements of mortgage foreclosure and contract for deed terminations and making them permanent law in certain cases; abolishing certain exclusionary provisions; clarifying certain provisions; declaring a public economic emergency to exist; prohibiting mortgage foreclosure and foreclosure sales for one year; prohibiting repossession, foreclosure, and foreclosure sales of agricultural personal property for one year; providing for an application to the court to allow repossession, foreclosure, and foreclosure sale; prohibiting actions for deficiency judgments; providing for the parties to compromise; and repealing the act after one year; amending Minnesota Statutes 1984, sections 47.20, subdivision 15; 559.21, subdivision 6; 580.031; 583.02; 583.03; 583.04; 583.05; 583.07; and 583.10; repealing Laws 1983, chapter 215, section 16, as amended.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 625, A bill for an act relating to energy; delaying the effective date of energy efficiency ratings for certain devices sold in Minnesota; amending Minnesota Statutes 1984, section 116J.19, subdivision 13.

The bill was read for the first time.

Gruenes moved that S. F. No. 625 and H. F. No. 626, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 635, A bill for an act relating to advertising devices; allowing "star city" signs on interstate highways; amending Minnesota Statutes 1984, sections 173.02, subdivisions 2 and 6; and 173.13, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 173.

The bill was read for the first time.



McEachern moved that S. F. No. 635 and H. F. No. 586, now on the Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 923, A bill for an act relating to controlled substances; prescribing "small amount" of marijuana; clarifying certain Schedule II controlled substances; prescribing amount of marijuana for possession in a motor vehicle; amending Minnesota Statutes 1984, sections 152.01, subdivision 16; 152.02, subdivision 3; and 152.15, subdivision 2.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

### CONSENT CALENDAR

H. F. No. 835 was reported to the House.

Price moved to amend H. F. No. 835, the first engrossment, as follows:

Page 2, line 9, after the period insert:

*"If the license of a spouse has expired at the time of establishment of residence within the state, the license shall be renewed within 90 days."*

Page 2, strike lines 10 and 11

The motion prevailed and the amendment was adopted.

H. F. No. 835, A bill for an act relating to driver's licenses; allowing same time for expiration of driver's license for spouse of active duty member of armed forces; amending Minnesota Statutes 1984, section 171.27.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, C.	Bishop	Carlson, D.	Dimler	Frederickson
Anderson, R.	Blatz	Carlson, J.	Dyke	Frerichs
Backlund	Boerboom	Carlson, L.	Elioff	Greenfield
Battaglia	Boo	Clark	Ellingson	Gruenes
Beard	Brandl	Clausnitzer	Erickson	Gutknecht
Becklin	Brinkman	Cohen	Fjoslien	Halberg
Begich	Brown	Dempsey	Forsythe	Hartinger
Bennett	Burger	DenOuden	Frederick	Hartle

Haukoos	Marsh	Olson, E.	Richter	Sviggun
Heap	McDonald	Omann	Riveness	Thiede
Himle	McEachern	Onnen	Rodosovich	Tjornhom
Jacobs	McKasy	Osthoff	Rose	Tomlinson
Jaros	McLaughlin	Otis	Sarna	Tompkins
Jennings, L.	McPherson	Ozment	Schafer	Tunheim
Johnson	Metzen	Pappas	Scheid	Uphus
Kalis	Miller	Pauly	Schoenfeld	Valan
Kelly	Minne	Peterson	Seaberg	Valento
Kiffmeyer	Munger	Piepho	Segal	Vanasek
Knickerbocker	Murphy	Piper	Shaver	Vellenga
Knuth	Nelson, D.	Poppenhagen	Sherman	Voss
Kostohryz	Nelson, K.	Price	Simoneau	Waltman
Krueger	Neuenschwander	Quinn	Skoglund	Welle
Kvam	Norton	Redalen	Solberg	Wenzel
Levi	O'Connor	Rees	Sparby	Wynia
Lieder	Ogren	Rest	Stanius	Zaffke
Long	Olsen, S.	Rice	Staten	Spk. Jennings, D.

The bill was passed, as amended, and its title agreed to.

H. F. No. 991, A bill for an act relating to local government; regulating certain municipal dissolutions and annexations; amending Minnesota Statutes 1984, sections 412.091; 414.033, by adding subdivisions; and 414.061, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Kvam	Otis	Simoneau
Anderson, R.	Ellingson	Levi	Ozment	Skoglund
Backlund	Erickson	Lieder	Pappas	Solberg
Battaglia	Fjoslien	Long	Peterson	Sparby
Beard	Forsythe	Marsh	Piepho	Stanius
Becklin	Frederick	McDonald	Piper	Staten
Begich	Frederickson	McEachern	Poppenhagen	Sviggun
Bennett	Frerichs	McKasy	Price	Thiede
Bishop	Greenfield	McLaughlin	Quinn	Thorson
Blatz	Gruenes	McPherson	Quist	Tjornhom
Boerboom	Gutknecht	Metzen	Redalen	Tomlinson
Brandl	Halberg	Miller	Rees	Tunheim
Brinkman	Hartinger	Minne	Rest	Uphus
Brown	Haukoos	Munger	Rice	Valan
Burger	Himle	Murphy	Richter	Valento
Carlson, D.	Jacobs	Nelson, D.	Rodosovich	Vanasek
Carlson, J.	Jaros	Nelson, K.	Rose	Vellenga
Carlson, L.	Jennings, L.	Neuenschwander	Sarna	Voss
Clark	Norton	Kalis	Schafer	Waltman
Clausnitzer	Kelly	Ogren	Scheid	Welle
Cohen	Kiffmeyer	Olsen, S.	Schoenfeld	Wenzel
Dempsey	Knickerbocker	Olson, E.	Seaberg	Wynia
DenOuden	Knuth	Omann	Segal	Zaffke
Dimler	Kostohryz	Onnen	Shaver	Spk. Jennings, D.
Dyke	Krueger	Osthoff	Sherman	

The bill was passed and its title agreed to.

H. F. No. 10, A bill for an act relating to the city of New Ulm; authorizing payment of health insurance costs for certain retired police 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 2 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Kostohryz	Osthoff	Sherman
Anderson, R.	Ellingson	Krueger	Otis	Simoneau
Backlund	Erickson	Kvam	Ozment	Skoglund
Battaglia	Fjoslien	Levi	Pauly	Sparby
Beard	Forsythe	Lieder	Peterson	Stanius
Becklin	Frederick	Long	Piepho	Staten
Begich	Frederickson	Marsh	Piper	Sviggum
Bennett	Frerichs	McDonald	Poppenhagen	Thiede
Bishop	Greenfield	McEachern	Price	Thorson
Blatz	Gruenes	McKasy	Quinn	Tomlinson
Boerboom	Gutknecht	McLaughlin	Quist	Tompkins
Boo	Halberg	McPherson	Redalen	Tunheim
Brandl	Hartinger	Metzen	Rees	Uphus
Brinkman	Hartle	Miller	Rest	Valan
Brown	Haukoos	Minne	Rice	Valento
Burger	Heap	Munger	Richter	Vanasek
Carlson, D.	Himle	Murphy	Riveness	Voss
Carlson, J.	Jacobs	Nelson, D.	Rodosovich	Waltman
Carlson, L.	Jaros	Nelson, K.	Rose	Welle
Clark	Jennings, L.	Neuenschwander	Sarna	Wenzel
Clausnitzer	Johnson	Norton	Schafer	Wynia
Cohen	Kahn	Ogren	Scheid	Zaffke
Dempsey	Kalis	Olsen, S.	Schoenfeld	Spk. Jennings, D.
DenOuden	Kelly	Olson, E.	Seaberg	
Dimler	Kiffmeyer	Omman	Segal	
Dyke	Knickerbocker	Onnen	Shaver	

Those who voted in the negative were:

Solberg                      Vellenga

The bill was passed and its title agreed to.

H. F. No. 86, A bill for an act relating to retirement; increasing survivor benefits payable by the Thief River Falls police relief association; amending Laws 1981, chapter 68, section 42, 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, G.	Ellingson	Kostohryz	Onnen	Seaberg
Anderson, R.	Erickson	Krueger	Osthoff	Segal
Backlund	Fjoslien	Kvam	Otis	Shaver
Battaglia	Forsythe	Levi	Ozment	Sherman
Beard	Frederick	Lieder	Pappas	Simoneau
Becklin	Frederickson	Long	Pauly	Skoglund
Begich	Frerichs	Marsh	Peterson	Solberg
Bennett	Greenfield	McDonald	Piepho	Sparby
Bishop	Gruenes	McEachern	Piper	Stanius
Blatz	Gutknecht	McKasy	Poppenhagen	Sviggum
Boerboom	Halberg	McLaughlin	Price	Thiede
Boo	Hartinger	McPherson	Quinn	Thorson
Brandl	Hartle	Metzen	Quist	Tomlinson
Brinkman	Haukoos	Miller	Redalen	Tunheim
Brown	Heap	Minne	Rees	Uphus
Burger	Himle	Munger	Rest	Valan
Carlson, D.	Jacobs	Murphy	Rice	Valento
Carlson, J.	Jaros	Nelson, D.	Richter	Vanasek
Carlson, L.	Jennings, L.	Nelson, K.	Riveness	Vellenga
Clark	Johnson	Neuenschwander	Rodosovich	Voss
Cohen	Kahn	Norton	Rose	Waltman
Dempsey	Kalis	O'Connor	Sarna	Welle
DenOuden	Kelly	Ogren	Schafer	Wenzel
Dimler	Kiffmeyer	Olsen, S.	Scheid	Wynia
Dyke	Knickerbocker	Olson, E.	Schoenfeld	Zaffke
Elioff	Knuth	Omann	Schreiber	Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 91, A bill for an act relating to elections; providing for the preparation and availability of correct precinct lists; amending Minnesota Statutes 1984, section 201.091, 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 131 yeas and 0 nays as follows:

## Those who voted in the affirmative were:

Anderson, G.	Carlson, J.	Greenfield	Knickerbocker	Munger
Anderson, R.	Carlson, L.	Gruenes	Knuth	Murphy
Backlund	Clark	Gutknecht	Kostohryz	Nelson, D.
Battaglia	Clausnitzer	Halberg	Krueger	Nelson, K.
Beard	Cohen	Hartinger	Kvam	Neuenschwander
Becklin	Dempsey	Hartle	Levi	Norton
Begich	DenOuden	Haukoos	Lieder	O'Connor
Bennett	Dimler	Heap	Long	Ogren
Bishop	Dyke	Himle	Marsh	Olsen, S.
Blatz	Elioff	Jacobs	McDonald	Olson, E.
Boerboom	Ellingson	Jaros	McEachern	Omann
Boo	Erickson	Jennings, L.	McKasy	Onnen
Brandl	Fjoslien	Johnson	McLaughlin	Osthoff
Brinkman	Forsythe	Kahn	McPherson	Otis
Brown	Frederick	Kalis	Metzen	Ozment
Burger	Frederickson	Kelly	Miller	Pappas
Carlson, D.	Frerichs	Kiffmeyer	Minne	Pauly

Peterson	Rice	Seaberg	Thiede	Voss
Piepho	Richter	Segal	Thorson	Waltman
Piper	Riveness	Sherman	Tomlinson	Welle
Poppenhagen	Rodosovich	Simoneau	Tompkins	Wenzel
Price	Rose	Skoglund	Tunheim	Zaffke
Quinn	Sarna	Solberg	Uphus	Spk. Jennings, D.
Quist	Schafer	Sparby	Valan	
Redalen	Scheid	Stanius	Valento	
Rees	Schoenfeld	Staten	Vanasek	
Rest	Schreiber	Sviggum	Vellenga	

The bill was passed and its title agreed to.

H. F. No. 234, 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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Kostohryz	Otis	Shaver
Anderson, R.	Erickson	Krueger	Ozment	Sherman
Backlund	Fjoslien	Kvam	Pappas	Simoneau
Battaglia	Forsythe	Levi	Pauly	Skoglund
Beard	Frederick	Lieder	Peterson	Solberg
Becklin	Frederickson	Marsh	Piepho	Sparby
Begich	Frerichs	McDonald	Piper	Stanius
Bennett	Greenfield	McEachern	Poppenhagen	Staten
Bishop	Gruenes	McKasy	Price	Sviggum
Blatz	Gutknecht	McLaughlin	Quinn	Thiede
Boerboom	Halberg	McPherson	Quist	Thorson
Boo	Hartinger	Metzen	Redalen	Tomlinson
Brandl	Hartle	Miller	Rees	Tompkins
Brinkman	Haukoos	Munger	Rest	Tunheim
Brown	Heap	Murphy	Rice	Uphus
Burger	Himle	Nelson, D.	Richter	Valan
Carlson, D.	Jacobs	Nelson, K.	Riveness	Valento
Carlson, J.	Jaros	Neuenschwander	Rodosovich	Vanasek
Carlson, L.	Jennings, L.	Norton	Rose	Vellenga
Clark	Johnson	O'Connor	Sarna	Voss
Cohen	Kahn	Ogren	Schafer	Waltman
Dempsey	Kahis	Olsen, S.	Scheid	Welle
DenOuden	Kelly	Olson, E.	Schoenfeld	Wenzel
Dimler	Kiffmeyer	Omann	Schreiber	Wynia
Dyke	Knickerbocker	Onnen	Seaberg	Zaffke
Elioff	Knuth	Osthoff	Segal	Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 245, A bill for an act relating to crimes; clarifying elements of the crime of depriving another of custodial or parental rights; amending Minnesota Statutes 1984, section 609.26, subdivisions 1 and 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Krueger	Ozment	Simoneau
Anderson, R.	Erickson	Kvam	Pappas	Skoglund
Backlund	Fjoslien	Levi	Pauly	Solberg
Battaglia	Forsythe	Lieder	Peterson	Sparby
Beard	Frederick	Long	Piepho	Stanius
Becklin	Frederickson	Marsh	Piper	Staten
Begich	Frerichs	McDonald	Poppenhagen	Sviggun
Bennett	Greenfield	McEachern	Price	Thiede
Bishop	Gruenes	McLaughlin	Quinn	Thorson
Blatz	Gutknecht	McPherson	Quist	Tjornhom
Boerboom	Halberg	Metzen	Redalen	Tomlinson
Boo	Hartinger	Miller	Rees	Tompkins
Brandl	Hartle	Minne	Rest	Tunheim
Brinkman	Haukoos	Munger	Rice	Uphus
Brown	Heap	Murphy	Richter	Valan
Burger	Himle	Nelson, D.	Riveness	Valento
Carlson, D.	Jacobs	Nelson, K.	Rodosovich	Vanasek
Carlson, J.	Jaros	Neuenschwander	Rose	Vellenga
Carleon, L.	Jennings, L.	Norton	Sarna	Voss
Clark	Johnson	O'Connor	Schafer	Waltman
Clausnitzer	Kahn	Ogren	Scheid	Welle
Cohen	Kalis	Olsen, S.	Schoenfeld	Wenzel
Dempsey	Kelly	Olsen, E.	Schreiber	Wynia
DenOuden	Kiffmeyer	Omamm	Seaberg	Zaffke
Dimler	Knickerbocker	Onnen	Segal	Spk. Jennings, D.
Dyke	Knuth	Osthoff	Shaver	
Elioff	Kostohryz	Otis	Sherman	

The bill was passed and its title agreed to.

H. F. No. 360, A bill for an act relating to retirement; changing the method for computing benefits for members of the Buhl police relief association; amending Laws 1984, chapter 574, section 18.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Bishop	Carlson, J.	Dyke	Frerichs
Anderson, R.	Blatz	Carlson, L.	Elioff	Greenfield
Backlund	Boerboom	Clark	Ellingson	Gruenes
Battaglia	Brandl	Clausnitzer	Erickson	Gutknecht
Beard	Brinkman	Cohen	Fjoslien	Halberg
Becklin	Brown	Dempsey	Forsythe	Hartinger
Begich	Burger	DenOuden	Frederick	Hartle
Bennett	Carlson, D.	Dimler	Frederickson	Haukoos

Heap	Marsh	Omamm	Riveness	Thiede
Himle	McDonald	Osthoff	Rodosovich	Thorson
Jacobs	McEachern	Otis	Rose	Tjornhom
Jaros	McLaughlin	Ozment	Sarna	Tomlinson
Jennings, L.	McPherson	Pappas	Schafer	Tompkins
Johnson	Metzen	Pauly	Scheid	Tunheim
Kahn	Miller	Peterson	Schoenfeld	Uphus
Kalis	Minne	Piepho	Schreiber	Valan
Kelly	Munger	Piper	Segal	Valento
Kiffmeyer	Murphy	Poppenhagen	Shaver	Vanasek
Knickerbocker	Nelson, D.	Price	Sherman	Vellenga
Knuth	Nelson, K.	Quinn	Simoneau	Voss
Kostohryz	Neuenschwander	Quist	Skoglund	Waltman
Krueger	Norton	Redalen	Solberg	Welle
Kvam	O'Connor	Rees	Sparby	Wenzel
Levi	Ogren	Rest	Stanius	Wynia
Lieder	Olsen, S.	Rice	Staten	Zaffke
Long	Olsen, E.	Richter	Sviggum	Spk. Jennings, D.

Those who voted in the negative were:

Onnen

The bill was passed and its title agreed to.

H. F. No. 379, A bill for an act relating to elections; qualifying certain persons to be election judges; amending Minnesota Statutes 1984, section 204B.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 124 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dimler	Kalis	Norton	Richter
Backlund	Dyke	Kelly	O'Connor	Riveness
Battaglia	Elioff	Kiffmeyer	Ogren	Rodosovich
Beard	Ellingson	Knickerbocker	Olsen, S.	Rose
Becklin	Erickson	Kostohryz	Olsen, E.	Sarna
Begich	Fjoslien	Krueger	Omamm	Schafer
Bennett	Forsythe	Kvam	Onnen	Scheid
Bishop	Frederick	Levi	Otis	Schoenfeld
Blatz	Frederickson	Lieder	Ozment	Schreiber
Boerboom	Frerichs	Long	Pappas	Seaberg
Brandl	Greenfield	McDonald	Pauly	Segal
Brinkman	Gruenes	McEachern	Peterson	Shaver
Brown	Gutknecht	McKasy	Piepho	Sherman
Burger	Halberg	McPherson	Piper	Simoneau
Carlson, D.	Haukoos	Metzen	Poppenhagen	Skoglund
Carlson, J.	Heap	Miller	Price	Solberg
Carlson, L.	Himle	Minne	Quinn	Sparby
Clark	Jacobs	Munger	Quist	Stanius
Clausnitzer	Jaros	Murphy	Redalen	Sviggum
Cohen	Jennings, L.	Nelson, D.	Rees	Thiede
Dempsey	Johnson	Nelson, K.	Rest	Thorson
DenOuden	Kahn	Neuenschwander	Rice	Tjornhom

Tomlinson	Valan	Vellenga	Welle	Zaffke
Tunheim	Valento	Voss	Wenzel	Spk. Jennings, D.
Uphus	Vanasek	Waltman	Wynia	

Those who voted in the negative were:

Marsh	McLaughlin	Osthoff	Staten
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The bill was passed and its title agreed to.

H. F. No. 611, A bill for an act relating to retirement; refunding excess employee contributions to retired St. Paul health bureau employees.

The bill was read for the third 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, R.	Erickson	Levi	Pappas	Skoglund
Backlund	Fjoslien	Lieder	Pauly	Solberg
Battaglia	Forsythe	Long	Peterson	Sparby
Beard	Frederick	Marsh	Piepho	Stanius
Becklin	Frederickson	McDonald	Piper	Staten
Begich	Frerichs	McEachern	Poppenhagen	Sviggum
Bennett	Greenfield	McKasy	Price	Thiede
Bishop	Gruenes	McLaughlin	Quinn	Thorson
Blatz	Gutknecht	McPherson	Quist	Tjornhom
Boorboom	Halberg	Metzen	Redalen	Tomlinson
Boo	Hartinger	Miller	Rees	Tunheim
Brandl	Haukoos	Minne	Rest	Uphus
Brinkman	Heap	Munger	Rice	Valan
Brown	Himle	Murphy	Richter	Valento
Burger	Jacobs	Nelson, D.	Riveness	Vanasek
Carlson, D.	Jaros	Nelson, K.	Rodosovich	Vellenga
Carlson, J.	Jennings, L.	Neuenschwander	Rose	Voss
Carlson, L.	Johnson	Norton	Sarna	Waltman
Clark	Kahn	O'Connor	Schafer	Welle
Clausnitzer	Kalis	Ogren	Scheid	Wenzel
Cohen	Kelly	Olsen, S.	Schoenfeld	Wynia
Dempsey	Kiffmeyer	Olson, E.	Schreiber	Zaffke
DenOuden	Kniekerbocker	Omman	Seaberg	Spk. Jennings, D.
Dimler	Knuth	Onnen	Segal	
Dyke	Kostohryz	Osthoff	Shaver	
Elioff	Krueger	Otis	Sherman	
Ellingson	Kvam	Ozment	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 729, A bill for an act relating to retirement; providing for an increased redemption benefit option for participants in the Hennepin county supplemental retirement program; allowing withdrawal from the program; amending Laws 1969,



chapter 950, sections 1, subdivision 1, as amended; and 4, as amended; and Laws 1983, chapter 100, 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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Fjoslien	Levi	Ozment	Sherman
Backlund	Forsythe	Lieder	Pappas	Simoneau
Battaglia	Frederick	Long	Pauly	Skoglund
Beard	Frederickson	Marsh	Peterson	Solberg
Becklin	Frerichs	McDonald	Piepho	Sparby
Begich	Greenfield	McEachern	Piper	Stanius
Bennett	Gruenes	McKasy	Poppenhagen	Staten
Blatz	Gutknecht	McLaughlin	Price	Thiede
Boerboom	Halberg	McPherson	Quinn	Thorson
Brandl	Hartinger	Metzen	Quist	Tjornhom
Brinkman	Haukoos	Miller	Redalen	Tomlinson
Brown	Heap	Minne	Rees	Tunheim
Burger	Himle	Munger	Rest	Uphus
Carlson, D.	Jacobs	Murphy	Rice	Valan
Carlson, J.	Jaros	Nelson, D.	Richter	Valento
Carlson, L.	Jennings, L.	Nelson, K.	Riveness	Vanasek
Clark	Johnson	Neuenschwander	Rodosovich	Vellenga
Clausnitzer	Kahn	Norton	Rose	Voss
Cohen	Kalis	O'Connor	Sarna	Waltman
Dempsey	Kelly	Ogren	Schafer	Welle
DenOuden	Kiffmeyer	Olsen, S.	Scheid	Wenzel
Dimler	Knickerbocker	Olsen, E.	Schoenfeld	Wynia
Dyke	Knuth	Omann	Schreiber	Zaffke
Elioff	Kostohryz	Onnen	Seaberg	Spk. Jennings, D.
Ellingson	Krueger	Osthoff	Segal	
Erickson	Kvam	Otis	Shaver	

The bill was passed and its title agreed to.

H. F. No. 796, A bill for an act relating to Ramsey county; exempting county highways from seasonal load restrictions unless posted by the county authority; proposing coding for new law in Minnesota Statutes, chapter 383A.

The bill was read for the third 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, G.	Battaglia	Begich	Boerboom	Brinkman
Anderson, R.	Beard	Bennett	Boo	Brown
Backlund	Becklin	Blatz	Brandl	Burger

Carlson, D.	Haukoos	McPherson	Poppenhagen	Sparby
Carlson, J.	Heap	Metzen	Price	Stanius
Carlson, L.	Himle	Miller	Quinn	Staten
Clark	Jacobs	Minne	Quist	Sviggum
Clausnitzer	Jaros	Munger	Redalen	Thiede
Cohen	Jennings, L.	Murphy	Rees	Thorson
Dempsey	Johnson	Nelson, D.	Rest	Tjornhom
DenOuden	Kahn	Nelson, K.	Rice	Tomlinson
Dindler	Kalis	Neuenschwander	Richter	Tompkins
Dyke	Kelly	Norton	Rivness	Tunheim
Elioff	Kiffmeyer	O'Connor	Rodosovich	Uphus
Ellingson	Knickerbocker	Ogren	Rose	Valan
Erickson	Knuth	Olsen, S.	Sarna	Valento
Fjoslien	Kostohryz	Olson, E.	Schafer	Vanasek
Forsythe	Krueger	Omann	Scheid	Vellenga
Frederick	Kvam	Onnen	Schoenfeld	Voss
Frederickson	Levi	Osthoff	Schreiber	Waltman
Frerichs	Lieder	Otis	Seaberg	Welle
Greenfield	Long	Ozment	Segal	Wenzel
Gruenes	Marsh	Pappas	Shaver	Wynia
Guiknecht	McDonald	Pauly	Sherman	Zaffke
Halberg	McEachern	Peterson	Simoneau	Spk. Jennings, D.
Hartinger	McKasy	Piepho	Skoglund	
Hartle	McLaughlin	Piper	Solberg	

The bill was passed and its title agreed to.

H. F. No. 831 was reported to the House.

Ozment moved to amend H. F. No. 831, as follows:

Page 2, delete lines 3 to 10 and insert:

*"The extradition of any convicted offender from the custody of the commissioner of corrections shall not diminish the effect of any sentence pursuant to which he was committed to the custody of the commissioner of corrections. His sentence shall continue to run during the time that he is in the custody of the appropriate officials of the United States or the foreign country to which extradited. The offender shall not be subject to return to the territory of the United States and to the custody of the commissioner of corrections pursuant to this section unless there remains an unserved portion of his Minnesota sentence."*

The motion prevailed and the amendment was adopted.

H. F. No. 831, A bill for an act relating to crimes; prescribing the powers of the governor and the commissioner of corrections with respect to extradition under treaty; amending Minnesota Statutes 1984, section 243.515.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Krueger	Osthoff	Sherman
Anderson, R.	Erickson	Kvam	Otis	Skoglund
Backlund	Fjoslien	Levi	Ozment	Solberg
Battaglia	Forsythe	Lieder	Pappas	Sparby
Beard	Frederick	Long	Pauly	Stanius
Becklin	Frederickson	Marsh	Piepho	Staten
Begich	Frerichs	McDonald	Poppenhagen	Sviggum
Bennett	Greenfield	McEachern	Price	Thiede
Blatz	Gruenes	McKasy	Quinn	Thorson
Boerboom	Gutknecht	McLaughlin	Quist	Tjornhom
Boo	Halberg	McPherson	Redalen	Tomlinson
Brandl	Hartle	Metzen	Rees	Tompkins
Brinkman	Haukoos	Miller	Rest	Tunheim
Brown	Heap	Minne	Rice	Uphus
Burger	Himle	Munger	Richter	Valan
Carlson, D.	Jacobs	Murphy	Riveness	Valento
Carlson, J.	Jaros	Nelson, D.	Rodosovich	Vanasek
Carlson, L.	Jennings, L.	Nelson, K.	Rose	Vellenga
Clark	Johnson	Neuenschwander	Sarna	Voss
Clausnitzer	Kahn	Norton	Schafer	Waltman
Cohen	Kalis	O'Connor	Scheid	Welle
Dempsey	Kelly	Ogren	Schoenfeld	Wenzel
DenOuden	Kiffmeyer	Olsen, S.	Schreiber	Wynia
Dimler	Knickerbocker	Olson, E.	Seaberg	Zaffke
Dyke	Knuth	Omam	Segal	Spk. Jennings, D.
Elioff	Kostohryz	Onnen	Shaver	

The bill was passed, as amended, and its title agreed to.

H. F. No. 855 was reported to the House.

Knickerbocker moved to amend H. F. No. 855, the first engrossment, as follows:

Page 1, delete section 1

Re number the remaining sections

Page 3, delete line 22

Page 3, line 23, delete "*The remaining sections*" and insert "*Sections 1 to 4*"

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 855, A bill for an act relating to retirement; police and salaried firefighters relief associations; permitting retirees on the board of trustees; St. Louis Park firefighters service, disability, and survivor benefits; amending Laws 1969, chapter 576, sections 3, subdivision 1; and 4, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 423A.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Krueger	Pappas	Skoglund
Anderson, R.	Erickson	Kvam	Pauly	Solberg
Backlund	Fjoslien	Levi	Peterson	Sparby
Battaglia	Forsythe	Lieder	Piepho	Stanius
Beard	Frederick	Long	Piper	Staten
Becklin	Frederickson	Marsh	Poppenhagen	Sviggum
Begich	Frerichs	McDonald	Price	Thiede
Bennett	Greenfield	McEachern	Quinn	Thorson
Bishop	Gruenes	McLaughlin	Quist	Tjornhom
Blatz	Gutknecht	McPherson	Redalen	Tomlinson
Boerboom	Halberg	Miller	Rees	Tunheim
Boo	Hartinger	Minne	Rest	Uphus
Brandl	Hartle	Munger	Rice	Valan
Brinkman	Haukoos	Murphy	Richter	Valento
Brown	Heap	Nelson, D.	Riveness	Vanasek
Burger	Himle	Nelson, K.	Rodosovich	Vellenga
Carlson, D.	Jacobs	Neuenschwander	Rose	Voss
Carlson, J.	Jaros	Norton	Sarna	Waltman
Carlson, L.	Jennings, L.	O'Connor	Schafer	Welle
Clark	Johnson	Ogren	Scheid	Wenzel
Clausnitzer	Kahn	Olsen, S.	Schoenfeld	Wynia
Cohen	Kalis	Olson, E.	Schreiber	Zaffke
Dempsey	Kelly	Omann	Seaberg	Spk. Jennings, D.
DenOuden	Kiffmeyer	Onnen	Segal	
Dimler	Knickerbocker	Osthoff	Shaver	
Dyke	Knuth	Otis	Sherman	
Elioff	Kostohryz	Ozment	Simoneau	

The bill was passed, as amended, and its title agreed to.

H. F. No. 930, A bill for an act relating to retirement; volunteer firefighters serving new fire district; service credit; amending Minnesota Statutes 1984, section 424A.02, 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, G.	Bishop	Carlson, J.	Elioff	Greenfield
Anderson, R.	Blatz	Carlson, L.	Ellingson	Gruenes
Backlund	Boo	Clark	Erickson	Gutknecht
Battaglia	Brandl	Clausnitzer	Fjoslien	Halberg
Beard	Brinkman	Dempsey	Forsythe	Hartinger
Becklin	Brown	DenOuden	Frederick	Hartle
Begich	Burger	Dimler	Frederickson	Haukoos
Bennett	Carlson, D.	Dyke	Frerichs	Heap

Himle	McDonald	Osthoff	Rodosovich	Thorson
Jacobs	McEachern	Otis	Rose	Tjornhom
Jaros	McLaughlin	Ozment	Sarna	Tomlinson
Jennings, L.	McPherson	Pappas	Schafer	Tunheim
Johnson	Metzen	Pauly	Scheid	Uphus
Kahn	Miller	Peterson	Schoenfeld	Valan
Kalis	Minne	Piepho	Seaberg	Valento
Kelly	Munger	Piper	Segal	Vanasek
Kiffmeyer	Murphy	Poppenhagen	Shaver	Vellenga
Knickerbocker	Nelson, D.	Price	Sherman	Voss
Knuth	Nelson, K.	Quinn	Simoneau	Waltman
Kostohryz	Neuenschwander	Quist	Skoglund	Welle
Krueger	Norton	Redalen	Solberg	Wenzel
Kvam	O'Connor	Rees	Sparby	Wynia
Levi	Ogren	Rest	Stanius	Zaffke
Lieder	Olsen, S.	Rice	Staten	Spk. Jennings, D.
Long	Omann	Richter	Sviggum	
Marsh	Onnen	Riveness	Thiede	

The bill was passed and its title agreed to.

H. F. No. 960, A bill for an act relating to peace officers; eligibility for benefits of certain firefighters killed in the line of duty; amending Minnesota Statutes 1984, sections 352E.01, subdivision 2; and 352E.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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Kostohryz	Otis	Shaver
Anderson, R.	Erickson	Kvam	Ozment	Sherman
Backlund	Fjoslien	Levi	Pappas	Simoneau
Battaglia	Forsythe	Lieder	Pauly	Skoglund
Beard	Frederick	Long	Peterson	Solberg
Becklin	Frederickson	Marsh	Piepho	Sparby
Begich	Frerichs	McDonald	Piper	Stanius
Bennett	Greenfield	McEachern	Poppenhagen	Staten
Bishop	Gruenes	McKasy	Price	Sviggum
Blatz	Gutknecht	McLaughlin	Quinn	Thiede
Boerboom	Halberg	Metzen	Quist	Thorson
Boo	Hartinger	Miller	Redalen	Tjornhom
Brandl	Hartle	Minne	Rees	Tomlinson
Brinkman	Haukoos	Munger	Rest	Tunheim
Brown	Heap	Murphy	Rice	Uphus
Burger	Himle	Nelson, D.	Richter	Valan
Carlson, D.	Jacobs	Nelson, K.	Riveness	Valento
Carlson, J.	Jaros	Neuenschwander	Rodosovich	Vanasek
Carlson, L.	Jennings, L.	Norton	Rose	Vellenga
Clark	Johnson	O'Connor	Sarna	Voss
Clausnitzer	Kahn	Ogren	Schafer	Waltman
Cohen	Kalis	Olsen, S.	Scheid	Welle
Dempsey	Kelly	Olson, E.	Schoenfeld	Wenzel
DenOuden	Kiffmeyer	Omann	Schreiber	Wynia
Dyke	Knickerbocker	Onnen	Seaberg	Zaffke
Eloff	Knuth	Osthoff	Segal	Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 982, A bill for an act relating to veterans; providing space in the veterans service building for certain veterans organizations; amending Minnesota Statutes 1984, section 197.53.

The bill was read for the third 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, G.	Ellingson	Krueger	Otis	Simoneau
Anderson, R.	Erickson	Kvam	Ozment	Skoglund
Backlund	Fjoslien	Levi	Pappas	Solberg
Battaglia	Forsythe	Lieder	Pauly	Sparby
Beard	Frederick	Long	Peterson	Stanius
Becklin	Frederickson	Marsh	Piepho	Staten
Begich	Frerichs	McDonald	Piper	Swiggum
Bennett	Greenfield	McEachern	Poppenhagen	Thiede
Bishop	Gruenes	McKasy	Price	Thorson
Blatz	Gutknecht	McLaughlin	Quinn	Tjornhom
Boerboom	Halberg	McPherson	Quist	Tomlinson
Boo	Hartering	Metzen	Redalen	Tunheim
Brandl	Hartle	Miller	Rees	Uphus
Brinkman	Haukoos	Minne	Rice	Valan
Brown	Heap	Munger	Richter	Valento
Burger	Himle	Murphy	Riveness	Vanasek
Carlson, D.	Jacobs	Nelson, D.	Rodosovich	Vellenga
Carlson, J.	Jaros	Nelson, K.	Rose	Voss
Carlson, L.	Jennings, L.	Neuenschwander	Sarna	Waltman
Clark	Johnson	Norton	Schafer	Welle
Clausnitzer	Kahn	O'Connor	Scheid	Wenzel
Cohen	Kalis	Ogren	Schoenfeld	Wynia
Dempsey	Kelly	Olsen, S.	Schreiber	Zaffke
DenOuden	Kiffmeyer	Olson, E.	Seaberg	Spk. Jennings, D.
Dimler	Knickerbocker	Omman	Segal	
Dyke	Knuth	Onnen	Shaver	
Elioff	Kostohryz	Osthoff	Sherman	

The bill was passed and its title agreed to.

H. F. No. 1019, A bill for an act relating to retirement; Virginia police; definition of prevailing pay; retirement and survivor benefit supplements; amending Laws 1982, chapter 574, sections 3, subdivision 9; 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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Battaglia	Begich	Blatz	Brandl
Anderson, R.	Beard	Bennett	Boerboom	Brinkman
Backlund	Becklin	Bishop	Boo	Brown

Burger	Haukoos	McPherson	Poppenhagen	Stanius
Carlson, D.	Heap	Metzen	Price	Staten
Carlson, J.	Himle	Miller	Quinn	Sviggum
Carlson, L.	Jacobs	Minne	Quist	Thiede
Clark	Jaros	Munger	Redalen	Thorsen
Clausnitzer	Jennings, L.	Murphy	Rees	Tjornhom
Cohen	Johnson	Nelson, D.	Rest	Tomlinson
Dempsey	Kahn	Nelson, K.	Rice	Tompkins
DenOuden	Kalis	Neuenschwander	Richter	Tunheim
Dyke	Kelly	Norton	Rodosovich	Uphus
Elioff	Kiffmeyer	O'Connor	Rose	Valan
Ellingson	Knickerbocker	Ogren	Sarna	Valento
Erickson	Knuth	Olsen, S.	Schafer	Vanasek
Fjoslien	Kostohryz	Olson, E.	Scheid	Vellenga
Forsythe	Krueger	Omann	Schoenfeld	Voss
Frederick	Kvam	Onnen	Schreiber	Waltman
Frederickson	Levi	Osthoff	Seaberg	Welle
Frerichs	Lieder	Otis	Segal	Wenzel
Greenfield	Long	Ozment	Shaver	Wynia
Gruenes	Marsh	Pappas	Sherman	Zaffke
Gutknecht	McDonald	Pauly	Simoneau	Spk. Jennings, D.
Halberg	McEachern	Peterson	Skoglund	
Hartinger	McKasy	Piepho	Solberg	
Hartle	McLaughlin	Piper	Sparby	

The bill was passed and its title agreed to.

H. F. No. 1032, A bill for an act relating to the borough of Belle Plaine; permitting Belle Plaine to use the term "borough" for all purposes; amending Minnesota Statutes 1984, sections 410.015; and 413.02, subdivision 5, 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 127 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dimler	Johnson	Murphy	Redalen
Anderson, R.	Dyke	Kahn	Nelson, D.	Rees
Backlund	Elioff	Kalis	Nelson, K.	Rest
Battaglia	Ellingson	Kelly	Neuenschwander	Rice
Beard	Erickson	Kiffmeyer	Norton	Richter
Becklin	Fjoslien	Knickerbocker	O'Connor	Riveness
Begich	Forsythe	Knuth	Ogren	Rodosovich
Bennett	Frederick	Kostohryz	Olsen, S.	Rose
Bishop	Frederickson	Krueger	Olson, E.	Sarna
Blatz	Frerichs	Kvam	Omann	Schafer
Boerboom	Greenfield	Levi	Onnen	Scheid
Brandl	Gruenes	Lieder	Otis	Schoenfeld
Brinkman	Gutknecht	Long	Ozment	Seaberg
Burger	Halberg	Marsh	Pappas	Segal
Carlson, D.	Hartinger	McDonald	Pauly	Shaver
Carlson, J.	Hartle	McKasy	Peterson	Sherman
Carlson, L.	Haukoos	McLaughlin	Piepho	Simoneau
Clark	Heap	McPherson	Piper	Skoglund
Clausnitzer	Himle	Metzen	Poppenhagen	Solberg
Cohen	Jacobs	Miller	Price	Sparby
Dempsey	Jaros	Minne	Quinn	Staten
DenOuden	Jennings, L.	Munger	Quist	Sviggum

Thiede	Tompkins	Vanasek	Waltman	Wynia
Thorson	Tunheim	Vellenga	Welle	Zaffke
Tjornhom	Uphus	Voss	Wenzel	Spk. Jennings, D.
Tomlinson	Valento			

Those who voted in the negative were:

McEachern      Osthoff

The bill was passed and its title agreed to.

H. F. No. 1095, A bill for an act relating to retirement; public employees retirement association; permitting certain former municipal court judges to receive a deferred early retirement annuity notwithstanding the law in effect on the date of their termination of public service; amending Minnesota Statutes 1984, section 353.34, 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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Krueger	Otis	Skoglund
Anderson, R.	Erickson	Kvam	Ozment	Solberg
Backlund	Fjoslien	Levi	Pappas	Sparby
Battaglia	Forsythe	Lieder	Pauly	Stanius
Beard	Frederick	Long	Peterson	Staten
Becklin	Frederickson	Marsh	Piepho	Sviggum
Begich	Frerichs	McDonald	Piper	Thiede
Bennett	Greenfield	McEachern	Poppenhagen	Thorson
Bishop	Grunes	McKasy	Price	Tjornhom
Blatz	Cutknecht	McLaughlin	Quinn	Tomlinson
Boerboom	Halberg	McPherson	Redalen	Tompkins
Boo	Hartinger	Metzen	Rees	Tunheim
Brandl	Hartle	Miller	Rest	Uphus
Brinkman	Haukoos	Minne	Rice	Valan
Brown	Heap	Munger	Richter	Valento
Burger	Himle	Murphy	Rodosovich	Vanasek
Carlson, D.	Jacobs	Nelson, D.	Rose	Vellenga
Carlson, J.	Jaros	Nelson, K.	Sarna	Voss
Carlson, L.	Jennings, L.	Neuenschwander	Schafer	Waltman
Clark	Johnson	Norton	Scheid	Welle
Clausnitzer	Kahn	O'Connor	Schoenfeld	Wenzel
Cohen	Kalis	Ogren	Schreiber	Wynia
Dempsey	Kelly	Olsen, S.	Seaberg	Zaffke
DenOuden	Kiffmeyer	Olson, E.	Segal	Spk. Jennings, D.
Dimler	Knickerbocker	Omann	Shaver	
Dyke	Knuth	Onnen	Sherman	
Elioff	Kostohryz	Osthoff	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 1145, A bill for an act relating to liquor; recodifying statutory provisions relating to intoxicating liquor and non-intoxicating malt liquor; amending Minnesota Statutes 1984,



sections 260.015, subdivision 22; 299A.02; 473F.02, subdivision 17; and 624.701; proposing coding for new law in Minnesota Statutes, chapter 171; proposing coding for new law as Minnesota Statutes, chapters 297C and 340A; repealing Minnesota Statutes 1984, sections 340.001 to 340.988.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Krueger	Otis	Sherman
Anderson, R.	Ellingson	Kvam	Ozment	Simoneau
Backlund	Fjoslien	Levi	Pappas	Skoglund
Battaglia	Forsythe	Lieder	Pauly	Solberg
Beard	Frederick	Long	Peterson	Sparby
Becklin	Frederickson	Marsh	Piepho	Stanius
Begich	Frerichs	McDonald	Piper	Staten
Bennett	Greenfield	McEachern	Poppenhagen	Sviggum
Bishop	Gruenes	McKasy	Price	Thiede
Blatz	Gutknecht	McLaughlin	Quinn	Thorson
Boerboom	Halberg	McPherson	Quist	Tjornhom
Boo	Hartle	Metzen	Redalen	Tomlinson
Brandl	Haukoos	Miller	Rees	Tompkins
Brinkman	Heap	Minne	Rest	Tunheim
Brown	Himle	Munger	Richter	Uphus
Burger	Jacobs	Murphy	Rivencas	Valan
Carlson, D.	Jaros	Nelson, K.	Rodosovich	Valento
Carlson, J.	Jennings, L.	Neuenschwander	Rose	Vellenga
Carlson, L.	Johnson	Norton	Sarna	Voss
Clark	Kahn	O'Connor	Schafer	Waltman
Clausnitzer	Kalis	Ogren	Scheid	Welle
Cohen	Kelly	Olsen, S.	Schoenfeld	Wenzel
Dempsey	Kiffmeyer	Olson, E.	Schreiber	Wynia
DenOuden	Knickerbocker	Omann	Seaberg	Zaffke
Dimler	Knuth	Onnen	Segal	Spk. Jennings, D.
Dyke	Kostohryz	Osthoff	Shaver	

Those who voted in the negative were:

Erickson            Hartinger            Nelson, D.

The bill was passed and its title agreed to.

H. F. No. 1152, A bill for an act relating to Winona county; authorizing the sale of certain 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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Krueger	Osthoff	Sherman
Anderson, R.	Ellingson	Kvam	Otis	Simoneau
Backlund	Erickson	Levi	Ozment	Skoglund
Battaglia	Fjoslien	Lieder	Pappas	Solberg
Beard	Forsythe	Long	Pauly	Sparby
Becklin	Frederick	Marsh	Peterson	Stanius
Begich	Frederickson	McDonald	Piepho	Staten
Bennett	Frerichs	McEachern	Piper	Sviiggum
Bishop	Greenfield	McKasy	Poppenhagen	Thiede
Blatz	Gruenes	McLaughlin	Price	Thorson
Boerboom	Gutknecht	McPherson	Quinn	Tjornhom
Boo	Halberg	Metzen	Quist	Tomlinson
Brandl	Hartinger	Miller	Redalen	Tompkins
Brinkman	Hartle	Minne	Rees	Tunheim
Brown	Haukoos	Munger	Rest	Uphus
Burger	Heap	Murphy	Richter	Valan
Carlson, D.	Himle	Nelson, D.	Riveness	Valento
Carlson, J.	Jacobs	Nelson, K.	Rodosovich	Vanasek
Carlson, L.	Jaros	Neuenschwander	Rose	Vellenga
Clark	Jennings, L.	Norton	Sarna	Voss
Clausnitzer	Kahn	O'Connor	Schafer	Waltman
Cohen	Kalis	Ogren	Scheid	Welle
Dempsey	Kelly	Olsen, S.	Schoenfeld	Wenzel
DenOuden	Knickerbocker	Olson, E.	Schreiber	Wynia
Dimler	Knuth	Omann	Seaberg	Zaffke
Dyke	Kostohryz	Onnen	Segal	Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 1242, A bill for an act relating to retirement; authorizing an amendment to the articles of incorporation of the Duluth teachers retirement fund 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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Clark	Halberg	Levi	O'Connor
Anderson, R.	Clausnitzer	Hartinger	Lieder	Ogren
Backlund	Cohen	Hartle	Long	Olsen, S.
Battaglia	Dempsey	Haukoos	Marsh	Olson, E.
Beard	DenOuden	Heap	McDonald	Omann
Becklin	Dimler	Himle	McEachern	Onnen
Begich	Dyke	Jacobs	McKasy	Osthoff
Bennett	Elioff	Jaros	McLaughlin	Otis
Bishop	Ellingson	Jennings, L.	McPherson	Ozment
Blatz	Erickson	Kahn	Metzen	Pappas
Boerboom	Fjoslien	Kalis	Miller	Pauly
Boo	Forsythe	Kelly	Minne	Peterson
Brandl	Frederick	Kiffmeyer	Munger	Piepho
Brinkman	Frederickson	Knickerbocker	Murphy	Piper
Brown	Frerichs	Knuth	Nelson, D.	Poppenhagen
Carlson, D.	Greenfield	Kostohryz	Nelson, K.	Price
Carlson, J.	Gruenes	Krueger	Neuenschwander	Quinn
Carlson, L.	Gutknecht	Kvam	Norton	Redalen

Rees	Scheid	Skoglund	Tjornhom	Voss
Rest	Schoenfeld	Solberg	Tomlinson	Waltman
Richter	Schreiber	Sparby	Tompkins	Welle
Riveness	Seaberg	Stanius	Tunheim	Wenzel
Rodosovich	Segal	Staten	Uphus	Wynia
Rose	Shaver	Sviggum	Valan	Zaffke
Sarna	Sherman	Thiede	Valento	Spk. Jennings, D.
Schafer	Simoneau	Thorson	Vellenga	

The bill was passed and its title agreed to.

S. F. No. 247, A bill for an act relating to veterans; establishing a memorial to veterans of certain wars in the Court of Honor on the Capitol grounds.

The bill was read for the third 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, G.	Ellingson	Krueger	Otis	Simoneau
Anderson, R.	Erickson	Kvam	Ozment	Skoglund
Backlund	Fjoslien	Levi	Pappas	Solberg
Battaglia	Forsythe	Lieder	Pauly	Sparby
Beard	Frederick	Long	Peterson	Stanius
Becklin	Frederickson	Marsh	Piepho	Staten
Begich	Frerichs	McDonald	Piper	Sviggum
Bennett	Greenfield	McEachern	Poppenhagen	Thiede
Bishop	Gruenes	McKasy	Price	Thorson
Blatz	Gutknecht	McLaughlin	Quinn	Tjornhom
Boerboom	Halberg	McPherson	Quist	Tomlinson
Boo	Hartinger	Metzen	Redalen	Tompkins
Brandl	Hartle	Miller	Rees	Tunheim
Brinkman	Haukoos	Minne	Rest	Uphus
Brown	Heap	Munger	Richter	Valan
Burger	Himle	Murphy	Riveness	Valento
Carlson, D.	Jacoba	Nelson, D.	Rodosovich	Vanasek
Carlson, J.	Jaros	Nelson, K.	Rose	Vellenga
Carlson, L.	Jennings, L.	Neuenschwander	Sarna	Voss
Clark	Johnson	Norton	Schafer	Waltman
Clausnitzer	Kahn	O'Connor	Scheid	Welle
Cohen	Kalis	Ogren	Schoenfeld	Wenzel
Dempsey	Kelly	Olsen, S.	Schreiber	Wynia
DenOuden	Kiffmeyer	Olson, E.	Seaberg	Zaffke
Dimler	Knickerbocker	Omann	Segal	Spk. Jennings, D.
Dyke	Knuth	Onnen	Shaver	
Elioff	Kostohryz	Osthoff	Sherman	

The bill was passed and its title agreed to.

## CALENDAR

H. F. No. 825, A bill for an act relating to occupations and professions; regulating electricians; amending Minnesota Statutes 1984, sections 326.01, subdivisions 2, 5, 6b, and by adding a

subdivision; 326.242, subdivisions 1, 2, 3, 6, and 9; 326.243; 326.244, subdivisions 1, 2, and 5; and 326.246.

The bill was read for the third 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, G.	Erickson	Kvam	Pappas	Solberg
Anderson, R.	Fjoslien	Levi	Pauly	Sparby
Backlund	Forsythe	Lieder	Peterson	Stanius
Battaglia	Frederick	Long	Piepho	Staten
Beard	Frederickson	Marsh	Piper	Swiggum
Becklia	Frerichs	McDonald	Poppenhagen	Thiede
Begich	Greenfield	McEachern	Price	Thorson
Bennett	Gruenes	McKasy	Quinn	Tjornhom
Blatz	Gutknecht	McLaughlin	Quist	Tomlinson
Boerboom	Halberg	McPherson	Redalen	Tompkins
Boo	Hartinger	Metzen	Rees	Tunheim
Brandl	Hartle	Miller	Rest	Uphus
Brinkman	Haukoos	Minne	Richter	Valan
Brown	Heap	Munger	Riveness	Valento
Burger	Himle	Murphy	Rodosovich	Vanasek
Carlson, D.	Jacobs	Nelson, K.	Rose	Vellenga
Carlson, J.	Jaros	Neuenschwander	Sarna	Voss
Carlson, L.	Jennings, L.	Norton	Schafer	Waltman
Clark	Johnson	O'Connor	Scheid	Welle
Clausnitzer	Kahn	Ogren	Schoenfeld	Wenzel
Cohen	Kalis	Olsen, S.	Schreiber	Wynia
Dempsey	Kelly	Olson, E.	Seaberg	Zaffke
DenOuden	Kiffmeyer	Omann	Segal	Spk. Jennings, D.
Dimler	Knickerbocker	Onnen	Shaver	
Dyke	Knuth	Osthoff	Sherman	
Elioff	Kostohryz	Otis	Simoneau	
Ellingson	Krueger	Ozment	Skoglund	

The bill was passed and its title agreed to.

#### POINT OF ORDER

Knickerbocker raised a point of order pursuant to section 114, paragraph 5, of "Mason's Manual of Legislative Procedure" relating to asking questions of members. The Speaker ruled the point of order well taken.

H. F. No. 848, A bill for an act relating to children and families; providing judicial procedures to protect the welfare of alleged child abuse victims; requiring juvenile and criminal courts to give docket priority to child abuse cases; providing certain protections for parents in juvenile court proceedings; clarifying the scope and effect of juvenile court orders; changing the crimes of "intrafamilial sexual abuse" to "criminal sexual abuse" and limiting the discretion of courts to stay sentences for these crimes; requiring that investigative interviews with child abuse

victims be tape-recorded; providing a training program for child protection workers and requiring a new job classification in child protection; amending Minnesota Statutes 1984, sections 260.011, subdivision 2; 260.133, subdivision 2; 260.135, subdivision 1; 260.155, by adding a subdivision; 260.156; 260.171, subdivision 4; 260.172, subdivision 4, and by adding subdivisions; 260.191, subdivision 1, and by adding subdivisions; 260.301; 595.02, subdivision 3; 609.364 to 609.3644; and 630.36; proposing coding for new law in Minnesota Statutes, chapters 626 and 631.

The bill was read for the third 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, G.	Ellingson	Krueger	Otis	Solberg
Anderson, R.	Erickson	Kvam	Ozment	Sparby
Backlund	Fjoslien	Levi	Pappas	Stanius
Battaglia	Forsythe	Lieder	Pauly	Staten
Beard	Frederick	Long	Peterson	Sviggum
Becklin	Frederickson	Marsh	Piper	Thiede
Begich	Greenfield	McDonald	Poppenhagen	Thorson
Bennett	Gruenes	McEachern	Price	Tjornhom
Blatz	Gutknecht	McKasy	Quinn	Tomlinson
Boerboom	Halberg	McPherson	Quist	Tunheim
Boo	Hartinger	Metzen	Redalen	Uphus
Brandl	Hartle	Miller	Rees	Valan
Brinkman	Haukoos	Minne	Rice	Valento
Brown	Heap	Munger	Riveness	Vanasek
Burger	Himle	Murphy	Rodosovich	Vellenga
Carlson, D.	Jacobs	Nelson, D.	Sarna	Voss
Carlson, J.	Jaros	Nelson, K.	Schafer	Waltman
Carlson, L.	Johnson	Neuenschwander	Schoenfeld	Welle
Clausnitzer	Kahn	Norton	Schreiber	Wenzel
Cohen	Kalis	O'Connor	Seaberg	Wynia
Dempsey	Kelly	Ogren	Segal	Zaffke
DenOuden	Kiffmeyer	Olsen, S.	Shaver	Spk. Jennings, D.
Dimler	Knickerbocker	Olsen, E.	Sherman	
Dyke	Knuth	Omann	Simoneau	
Elioff	Kostohryz	Onnen	Skoglund	

The bill was passed and its title agreed to.

### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Forsythe requested immediate consideration of H. F. No. 876.

H. F. No. 876 was reported to the House.

Munger moved to amend H. F. No. 876, the third engrossment, as follows:

Page 1, line 8, before "DEFINITIONS" insert "PURPOSE AND"

Page 1, after line 8, insert:

*"Subdivision 1. [PURPOSE.] It is the purpose of the legislature of the state of Minnesota in enacting sections 1 to 14 to ensure that persons who suffered a personal injury as the result of a release from a facility of a hazardous substance be compensated for their injuries."*

Page 1, line 9, before the first "The" insert "Subd. 2. [DEFINITIONS.]"

The motion prevailed and the amendment was adopted.

Kahn moved to amend H. F. No. 876, the third engrossment, as amended, as follows:

Page 1, line 9, delete "14" and insert "15"

Page 1, line 19, delete "and 14" and insert ", 14, and 15"

Page 2, line 32, delete "14" and insert "15"

Page 3, line 32, delete "14" and insert "15"

Page 4, line 14, delete "14" and insert "15"

Page 10, after line 24, insert:

**"Sec. 15. [115B.39] [PARTIAL RECOUPMENT.]**

*At the end of each fiscal year, the board shall certify to the commissioner of revenue the amount expended from the fund to compensate persons injured by hazardous substances, less amounts recovered under subrogation claims under section 14. The commissioner of revenue shall compute a surtax to be added to the hazardous waste generator tax in section 115B.22 which, collected over the next calendar year, will recoup 50 percent of the expenditures made from the fund during the previous fiscal year in excess of the subrogation claims recovered. Surtaxes collected under this section must be deposited in the fund."*

Page 10, line 25, delete "15" and insert "16"

Page 10, line 28, delete "14" and insert "15"

A roll call was requested and properly seconded.

## CALL OF THE HOUSE

On the motion of Voss and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Anderson, G.	Erickson	Kvam	Otis	Sherman
Backlund	Fjoslien	Levi	Ozment	Simoneau
Battaglia	Forsythe	Lieder	Pappas	Skoglund
Beard	Frederick	Long	Pauly	Solberg
Becklin	Frederickson	Marsh	Peterson	Sparby
Begich	Frerichs	McDonald	Piepho	Stanius
Bennett	Greenfield	McEachern	Piper	Staten
Bishop	Gruenes	McKasy	Poppenhagen	Sviggum
Blatz	Gutknecht	McLaughlin	Price	Thiede
Boerboom	Halberg	McPherson	Quist	Thorson
Boo	Hartinger	Metzen	Redalen	Tjornhom
Brandl	Hartle	Miller	Rees	Tomlinson
Brinkman	Haukoos	Minne	Rest	Tompkins
Brown	Heap	Munger	Rice	Tunheim
Burger	Himle	Murphy	Richter	Uphus
Carlson, J.	Jacobs	Nelson, D.	Riveness	Valan
Carlson, L.	Jaros	Nelson, K.	Rodosovich	Valento
Clark	Johnson	Neuenschwander	Rose	Vanasek
Clausnitzer	Kahn	Norton	Sarna	Vellenga
Cohen	Kalis	O'Connor	Schafer	Voss
Dempsey	Kelly	Ogren	Scheid	Welle
DenOuden	Kiffmeyer	Olsen, S.	Schoenfeld	Wenzel
Dimler	Knickerbocker	Olson, E.	Schreiber	Wynia
Dyke	Knuth	Omann	Seaberg	Zaffke
Elioff	Kostohryz	Onnen	Segal	Spk. Jennings, D.
Ellingson	Krueger	Osthoff	Shaver	

Levi 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 Kahn amendment and the roll was called.

Levi moved that those not voting be excused from voting. The motion prevailed.

There were 61 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jacobs	Munger	Price	Solberg
Battaglia	Jennings, L.	Murphy	Quinn	Sparby
Beard	Kahn	Nelson, D.	Rest	Staten
Begich	Kalis	Nelson, K.	Rice	Tomlinson
Brandl	Kelly	Norton	Riveness	Tunheim
Brown	Knuth	O'Connor	Rodosovich	Vanasek
Carlson, L.	Kostohryz	Ogren	Rose	Vellenga
Clark	Krueger	Olson, E.	Sarna	Voss
Cohen	Lieder	Osthoff	Scheid	Welle
Elioff	Long	Otis	Schoenfeld	
Ellingson	McEachern	Pappas	Segal	
Greenfield	McLaughlin	Peterson	Simoneau	
Hartinger	Minne	Piper	Skoglund	

Those who voted in the negative were:

Anderson, R.	Dyke	Kiffmeyer	Ozment	Sviggum
Backlund	Erickson	Knickerbocker	Pauly	Thiede
Becklin	Forsythe	Kvam	Piepho	Thorson
Bennett	Frederick	Levi	Poppenhagen	Tjornhom
Blatz	Frederickson	Marsh	Quist	Tompkins
Boerboom	Frerichs	McDonald	Redalen	Uphus
Boo	Gruenes	McKasy	Rees	Valan
Brinkman	Gutknecht	McPherson	Richter	Valento
Burger	Halberg	Metzen	Schafer	Waltman
Carlson, J.	Hartle	Miller	Schreiber	Wenzel
Clausnitzer	Haukoos	Neuenschwander	Seaberg	Zaffke
Dempsey	Heap	Olsen, S.	Shaver	Spk. Jennings, D.
DenOuden	Himle	Omann	Sherman	
Dimler	Johnson	Onnen	Stanius	

The motion did not prevail and the amendment was not adopted.

Schoenfeld moved to amend H. F. No. 876, the third engrossment, as amended, as follows:

Page 5, delete lines 33 to 36 and insert:

*"A claimant who receives an administrative award from the fund is not precluded from later bringing a personal injury action in court for the same injury. Any judgment won by a claimant in a court action must be used first to repay the fund the amount of the administrative award. In any case where the final judgment does not exceed the administrative award by at least 25 percent, the presiding judge may assess costs and fees not including attorney fees against the claimant. A determination by the board whether to grant or deny compensation and the rationale for the determination are inadmissible as evidence in any later court action brought on the basis of the same injury, except the board determination is admissible solely as a basis for determining the amount to be subtracted from the judgment and returned to the fund."*

Page 6, delete lines 1 to 14

A roll call was requested and properly seconded.

The question was taken on the Schoenfeld amendment and the roll was called. There were 69 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Brinkman	Greenfield	Knuth	Metzen
Battaglia	Brown	Jacobs	Kostohryz	Minne
Beard	Carlson, L.	Jaros	Krueger	Munger
Begich	Clark	Jennings, L.	Lieder	Murphy
Bishop	Cohen	Kahn	Long	Nelson, D.
Boo	Elioff	Kalis	McEachern	Nelson, K.
Brandl	Ellingson	Kelly	McLaughlin	Neuenschwander



Norton	Pappas	Riveness	Simoneau	Vanasek
O'Connor	Peterson	Rodosovich	Skoglund	Vellenga
Ogren	Piper	Rose	Solberg	Voss
Olson, E.	Price	Sarna	Sparby	Welle
Osthoff	Quinn	Scheid	Staten	Wenzel
Otis	Rest	Schoenfeld	Tomlinson	Wynia
Ozment	Rice	Segal	Tunheim	

Those who voted in the negative were:

Anderson, R.	Dyke	Heap	Omann	Sherman
Backlund	Erickson	Himle	Onnen	Stanius
Becklin	Fjoslien	Johnson	Pauly	Sviggum
Bennett	Forsythe	Kiffmeyer	Piepho	Thiede
Blatz	Frederick	Knickerbocker	Poppenhagen	Thorson
Boerboom	Frederickson	Kvam	Quist	Tjornhom
Burger	Frerichs	Levi	Redalen	Tompkins
Carlson, D.	Gruenes	Marsh	Rees	Uphus
Carlson, J.	Gutknecht	McDonald	Richter	Valan
Clausnitzer	Halberg	McKasy	Schafer	Valento
Dempsey	Hartinger	McPherson	Schreiber	Waltman
DenOuden	Hartle	Miller	Seaberg	Zaffke
Dimler	Haukoos	Olsen, S.	Shaver	Spk. Jennings, D.

The motion prevailed and the amendment was adopted.

Segal moved to amend H. F. No. 876, the third engrossment, as amended, as follows:

Page 4, line 33, delete "or"

Page 4, line 36, delete the period and insert "; or"

Page 4, after line 36 insert:

*"(4) the claimant elects to file a claim against the trust account rather than proceed directly against a person responsible under section 115B.05 or any other law, including common law."*

A roll call was requested and properly seconded.

The question was taken on the Segal amendment and the roll was called.

Levi moved that those not voting be excused from voting. The motion prevailed.

There were 62 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Brandl	Elioff	Kahn	Lieder
Battaglia	Brown	Greenfield	Kelly	Long
Beard	Carlson, L.	Jacobs	Knuth	McEachern
Begich	Clark	Jaros	Kostohryz	McLaughlin
Bishop	Cohen	Jennings, L.	Krueger	Metzen

Minne	Ogren	Quinn	Segal	Vanasek
Munger	Olson, E.	Rest	Simoneau	Vellenga
Murphy	Osthoff	Rice	Skoglund	Voss
Nelson, D.	Otis	Riveness	Solberg	Welle
Nelson, K.	Pappas	Rodosovich	Sparby	Wynia
Neuenschwander	Peterson	Sarna	Staten	
Norton	Piper	Scheid	Tomlinson	
O'Connor	Price	Schoenfeld	Tunheim	

Those who voted in the negative were:

Anderson, R.	Dyke	Kalis	Piepho	Thiede
Backlund	Erickson	Kiffmeyer	Poppenhagen	Thorson
Becklin	Forsythe	Knickerbocker	Quist	Tjornhom
Blatz	Frederick	Kvam	Redalen	Tompkins
Boerboom	Frederickson	Levi	Rees	Uphus
Boo	Gruenes	Marsh	Richter	Valan
Brinkman	Gutknecht	McDonald	Rose	Valento
Burger	Halberg	McKasy	Schafer	Waltman
Carlson, D.	Hartinger	McPherson	Schreiber	Wenzel
Carlson, J.	Hartle	Miller	Seaberg	Zaffke
Clausnitzer	Haukoos	Olsen, S.	Shaver	Spk. Jennings, D.
Dempsey	Heap	Onnen	Sherman	
DenOuden	Himie	Ozment	Stanius	
Dimler	Johnson	Pauly	Swiggum	

The motion did not prevail and the amendment was not adopted.

Kelly moved to amend H. F. No. 876, the third engrossment, as amended, as follows:

Page 7, delete lines 32 to 36 and insert:

*"(1) the claimant suffers a medically verified injury that is eligible for compensation from the fund and that has resulted in a compensable loss; and*

*(2) the claimant has been exposed to a hazardous substance in an amount and duration sufficient to cause or significantly contribute to injury of the type suffered by claimant."*

Page 8, delete lines 1 to 6

A roll call was requested and properly seconded.

The Speaker called Halberg to the Chair.

The Speaker resumed the Chair.

The question was taken on the Kelly amendment and the roll was called.

Levi moved that those not voting be excused from voting. The motion prevailed.

There were 68 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	McLaughlin	Pappas	Skoglund
Battaglia	Halberg	Metzen	Peterson	Solberg
Beard	Jacobs	Minne	Piper	Sparby
Begich	Jaros	Munger	Price	Staten
Bishop	Jennings, L.	Murphy	Quinn	Tomlinson
Brandl	Kahn	Nelson, D.	Rest	Tunheim
Brinkman	Kalis	Nelson, K.	Rice	Vanasek
Brown	Kelly	Neuenschwander	Riveness	Vellenga
Carlson, L.	Knuth	Norton	Rodosovich	Voss
Clark	Kostohryz	O'Connor	Sarna	Welle
Clausnitzer	Krueger	Ogren	Scheid	Wenzel
Cohen	Lieder	Olson, E.	Schoenfeld	Wynia
Elioff	Long	Osthoff	Segal	
Ellingson	McEachern	Otis	Simoneau	

Those who voted in the negative were:

Anderson, R.	Dyke	Himle	Ozment	Sherman
Backlund	Erickson	Johnson	Pauly	Stanius
Becklin	Fjoslien	Kiffmeyer	Piepho	Sviggum
Bennett	Forsythe	Knickerbocker	Poppenhagen	Thiede
Blatz	Frederick	Kvam	Quist	Thorson
Boerboom	Frederickson	Levi	Redalen	Tjornhom
Boo	Frerichs	Marsh	Rees	Tompkins
Burger	Gruenes	McDonald	Richter	Uphus
Carlson, D.	Gutknecht	McKasy	Rose	Valan
Carlson, J.	Hartinger	McPherson	Schafer	Valento
Dempsey	Hartle	Miller	Schreiber	Waltman
DenOuden	Haukoos	Olsen, S.	Seaberg	Zaffke
Dimler	Heap	Onnen	Shaver	Spk. Jennings, D.

The motion prevailed and the amendment was adopted.

Murphy was excused for the remainder of today's session.

Vanasek moved to amend H. F. No. 876, the third engrossment, as amended, as follows:

Page 3, line 8, delete the second “,” and insert “;”

Page 3, delete lines 9 to 11

Page 3, line 34, delete “, provided that the rules governing”

Page 3, delete lines 35 and 36

Page 9, delete lines 8 to 12 and insert: “request the claimant and other appropriate persons to appear before it for further questioning, after which the board shall make a final decision.”

A roll call was requested and properly seconded.

The question was taken on the Vanasek amendment and the roll was called.

Levi moved that those not voting be excused from voting. The motion prevailed.

There were 65 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	McEachern	Otis	Segal
Battaglia	Greenfield	McLaughlin	Pappas	Simoneau
Beard	Jacobs	Metzen	Peterson	Skoglund
Begich	Jaros	Minne	Piper	Solberg
Bishop	Jennings, L.	Munger	Price	Sparby
Brandl	Kahn	Nelson, D.	Quinn	Staten
Brinkman	Kalis	Nelson, K.	Rest	Tomlinson
Brown	Kelly	Neuenschwander	Rice	Tunheim
Carlson, D.	Knuth	Norton	Riveness	Vanasek
Carlson, L.	Kostohryz	O'Connor	Rodosovich	Vellenga
Clark	Krueger	Ogren	Sarna	Voss
Cohen	Lieder	Olson, E.	Scheid	Welle
Elioff	Long	Osthoff	Schoenfeld	Wynia

Those who voted in the negative were:

Backlund	Fjoslien	Knickerbocker	Poppenhagen	Thorson
Becklin	Forsythe	Kvam	Quist	Tjornhom
Bennett	Frederick	Levi	Redalen	Tompkins
Blatz	Frederickson	Marsh	Rees	Uphus
Boerboom	Frerichs	McDonald	Richter	Valan
Boo	Gruenes	McKasy	Rose	Valento
Burger	Gutknecht	McPherson	Schafer	Waltman
Carlson, J.	Hartinger	Miller	Schreiber	Wenzel
Clausnitzer	Hartle	Olsen, S.	Seaberg	Zaffke
Dempsey	Haukoos	Omann	Shaver	Spk. Jennings, D.
DenOuden	Heap	Onnen	Sherman	
Dimler	Himle	Ozment	Stanius	
Dyke	Johnson	Pauly	Sviggum	
Erickson	Kiffmeyer	Piepho	Thiede	

The motion did not prevail and the amendment was not adopted.

Kostohryz was excused for the remainder of today's session.

Nelson, D., moved to amend H. F. No. 876, the third engrossment, as amended, as follows:

Page 5, line 3, after "result of" insert "(1) verifiable damage to property excluding diminution in property value and excluding any losses recoverable pursuant to sections 115B.01 to 115B.-24, or (2)"

Page 5, line 24, delete "damage to property;" and insert "claims for losses totalling less than \$500;"

Page 7, line 14, delete "and"

Page 7, after line 14, insert "(8) evidence of property damage suffered by claimant due to release of a hazardous substance; and"

Renumber remaining clause

Page 7, lines 28 and 29, delete "PERSONAL INJURY"

Page 7, line 30, before "The" insert "Subdivision 1. [PERSONAL INJURY.]"

Page 8, after line 6, insert:

"Subd. 2. [PROPERTY DAMAGE.] The board shall grant compensation to a claimant who shows that it is more likely than not that:

(1) the claimant has suffered property damage that is eligible for compensation and that has resulted in compensable loss; and

(2) the presence of the hazardous substance in or on the property could reasonably have resulted from the release of the hazardous substance from an identified site where the substance was deposited."

Page 8, line 14, after "illness" insert "; and

(4) one hundred percent of losses due to property damage compensable pursuant to section 5, subdivision 2, not to exceed \$8,000."

A roll call was requested and properly seconded.

The question was taken on the Nelson, D., amendment and the roll was called.

Levi moved that those not voting be excused from voting. The motion prevailed.

There were 63 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jacobs	Minne	Peterson	Solberg
Battaglia	Jaros	Munger	Piper	Sparby
Beard	Jennings, L.	Nelson, D.	Price	Staten
Begich	Kahn	Nelson, K.	Quinn	Tomlinson
Brandl	Kalis	Neuenschwander	Rest	Tunheim
Brown	Kelly	Norton	Rice	Vanasek
Carlson, L.	Knuth	O'Connor	Riveness	Vellenga
Clark	Krueger	Ogren	Rodosovich	Voss
Cohen	Lieder	Olson, E.	Sarna	Welle
Elioff	Long	Osthoff	Scheid	Wenzel
Ellingson	McEachern	Otis	Schoenfeld	Wynia
Fjoslien	McLaughlin	Ozment	Segal	
Greenfield	Metzen	Pappas	Skoglund	

Those who voted in the negative were:

Backlund	Dimler	Johnson	Piepho	Thiede
Becklin	Dyke	Kiffmeyer	Poppenhagen	Thorson
Bennett	Erickson	Knickerbocker	Quist	Tjornhom
Bishop	Forsythe	Kvam	Redalen	Tompkins
Blatz	Frederick	Levi	Rees	Uphus
Boerboom	Frederickson	Marsh	Richter	Valan
Boo	Frerichs	McDonald	Rose	Valento
Brinkman	Gruenes	McKasy	Schafer	Waltman
Burger	Gutknecht	McPherson	Schreiber	Zaffke
Carlson, D.	Halberg	Miller	Seaberg	Spk. Jennings, D.
Carlson, J.	Hartinger	Olsen, S.	Shaver	
Clausnitzer	Hartle	Omann	Sherman	
Dempsey	Haukoos	Onnen	Stanius	
DenOuden	Himle	Pauly	Swiggum	

The motion did not prevail and the amendment was not adopted.

Knuth moved to amend H. F. No. 876, the third engrossment, as amended, as follows:

Page 8, delete lines 8 to 14 and insert:

*"Losses due to personal injury compensable from the fund are limited to:*

*(1) medical expenses directly related to the claimant's death, personal injury or disease;*

*(2) up to two-thirds of the claimant's lost wages not to exceed \$2,000 per month or \$24,000 per year;*

*(3) up to two-thirds of a self-employed claimant's lost profits, not to exceed \$2,000 per month or \$24,000 per year;*

*(4) death benefits to dependents as follows:*

*(i) to a spouse with no dependent children, a sum computed by one-half of the deceased claimant's lost wages or lost profits, calculated on a monthly basis not to exceed \$2,000 per month, multiplied by 60 months;*

*(ii) to a spouse with three or fewer dependent children, a sum computed by two-thirds the deceased claimant's lost wages or lost profits, calculated on a monthly basis not to exceed \$2,000 per month, multiplied by the number of months remaining until the youngest dependent child attains the age of 18 or the benefit computed in (i), whichever is greater;*

*(iii) to a spouse with four or more dependent children, a sum computed by three-fourths the deceased claimant's lost wages or lost profits, calculated on a monthly basis not to exceed \$2,000*

*per month, multiplied by the number of months remaining until the youngest dependent child attains the age of 18 or the benefit computed in (i), whichever is greater;*

*(iv) to three or fewer dependent children where there is no surviving spouse, an amount as calculated in paragraph (ii) but using one-half the deceased claimant's lost wages or lost profits as the base for the calculation;*

*(v) to four or more dependent children where there is no surviving spouse, an amount as calculated in paragraph (iii) but using two-thirds the deceased claimant's lost wages or lost profits as the base for the calculation; and*

*(vi) to any one else who can show dependence on the deceased claimant, an amount equal to the amount of actual average monthly contribution made by the claimant to the dependents prior to his or her inability to contribute or one-fourth of the deceased claimant's lost wages or lost profits, calculated on a monthly basis not to exceed \$2,000 per month, whichever is less, multiplied by 36 months. No one who cannot show actual dependence on the deceased claimant may recover death benefits. For the purposes of all the provisions in clause (d), lost wages includes the value of lost household labor; and*

*(5) the value of household labor lost due to the claimant's injury or disease."*

A roll call was requested and properly seconded.

The question was taken on the Knuth amendment and the roll was called.

Levi moved that those not voting be excused from voting. The motion prevailed.

There were 65 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Metzen	Pappas	Segal
Battaglia	Jacobs	Minne	Peterson	Simoneau
Beard	Jaros	Munger	Piper	Skoglund
Begich	Jennings, L.	Nelson, D.	Price	Solberg
Bishop	Kahn	Nelson, K.	Quinn	Sparby
Brandl	Kalis	Neuenschwander	Rest	Staten
Brinkman	Kelly	Norton	Rice	Tomlinson
Brown	Knuth	O'Connor	Riveness	Tunheim
Carlson, L.	Krueger	Ogren	Rodosovich	Vanasek
Clark	Lieder	Olson, E.	Rose	Vellenga
Cohen	Long	Osthoff	Sarna	Voss
Elioff	McEachern	Otis	Scheid	Welle
Ellingson	McLaughlin	Ozment	Schoenfeld	Wynia

Those who voted in the negative were:

Anderson, R.	Dyke	Himle	Piepho	Thorson
Backlund	Erickson	Johnson	Poppenhagen	Tjornhom
Becklin	Fjoslien	Kiffmeyer	Quist	Tompkins
Bennett	Forsythe	Knickerbocker	Redalen	Uphus
Blatz	Frederick	Kvam	Rees	Valan
Boorboom	Frederickson	Levi	Richter	Valento
Boo	Frerichs	Marsh	Schafer	Waltman
Burger	Gruenes	McDonald	Schreiber	Wenzel
Carlson, D.	Gutknacht	McPherson	Seaberg	Zaffke
Carlson, J.	Halberg	Miller	Shaver	Spk. Jennings, D.
Clausnitzer	Hartinger	Olsen, S.	Sherman	
Dempsey	Hartle	Omann	Stanius	
DenOuden	Haukoos	Onnen	Stiggum	
Dimler	Heap	Pauly	Thiede	

The motion did not prevail and the amendment was not adopted.

Kahn moved to amend H. F. No. 876, the third engrossment, as amended, as follows:

Page 10, line 26, before "\$1,000,000" insert "Subdivision 1. [GENERAL.]"

Page 10, after line 28, insert:

*"Subd. 2. [ADMINISTRATIVE EXPENSES.] \$290,000, is appropriated from the general fund to the commissioner of health to pay administrative costs of the hazardous substances injury compensation board, to be available until June 30, 1987. The complement of the department of health is increased by 2.5 positions which may be in the unclassified service."*

A roll call was requested and properly seconded.

The question was taken on the Kahn amendment and the roll was called. There were 61 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Minne	Price	Sparby
Battaglia	Jacobs	Munger	Quinn	Staten
Beard	Jaros	Nelson, D.	Rest	Tomlinson
Begich	Kahn	Nelson, K.	Rice	Tunheim
Bishop	Kalis	Norton	Rivness	Vanasek
Brandl	Kelly	O'Connor	Rodosovich	Vellenga
Brinkman	Knuth	Ogren	Sarna	Voss
Brown	Krueger	Olson, E.	Scheid	Welle
Carlson, L.	Lieder	Osthoff	Schoenfeld	Wynia
Clark	Long	Otis	Segal	
Cohen	McEachern	Pappas	Simoneau	
Elioff	McLaughlin	Peterson	Skoglund	
Ellingson	Meizen	Piper	Solberg	



Those who voted in the negative were:

Anderson, R.	Erickson	Johnson	Pauly	Thiede
Backlund	Fjoslien	Kiffmeyer	Piepho	Thorson
Becklin	Forsythe	Knickerbocker	Poppenhagen	Tjornhom
Bennett	Frederick	Kvam	Quist	Tompkins
Blatz	Frederickson	Levi	Redalen	Uphus
Boerboom	Frerichs	Marsh	Rees	Valan
Boo	Gruenes	McDonald	Richter	Valento
Burger	Gutknecht	McKasy	Rose	Waltman
Carlson, D.	Halberg	McPherson	Schafer	Wenzel
Carlson, J.	Hartinger	Miller	Schreiber	Zaffke
Clausnitzer	Hartle	Neuenschwander	Seaberg	Spk. Jennings, D.
Dempsey	Haukoos	Olsen, S.	Shaver	
DenOuden	Heap	Omann	Sherman	
Dimler	Himle	Onnen	Stanius	
Dyke	Jennings, L.	Ozment	Swiggum	

The motion did not prevail and the amendment was not adopted.

Long moved to amend H. F. No. 876, the third engrossment, as amended, as follows:

Page 9, delete lines 13 to 15.

A roll call was requested and properly seconded.

The question was taken on the Long amendment and the roll was called. There were 63 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Metzen	Peterson	Skoglund
Anderson, R.	Jacobs	Minne	Piper	Solberg
Battaglia	Jaros	Munger	Price	Sparby
Bear	Jennings, L.	Nelson, D.	Quinn	Staten
Begich	Kahn	Nelson, K.	Rest	Tomlinson
Brandl	Kalis	Neuenschwander	Rice	Tunheim
Brinkman	Kelly	Norton	Riveness	Vanasek
Brown	Knuth	O'Connor	Rodosovich	Vellenga
Carlson, L.	Krueger	Ogren	Sarna	Voss
Clark	Lieder	Olson, E.	Scheid	Welle
Cohen	Long	Osthoff	Schoenfeld	Wynia
Elioff	McEachern	Otis	Segal	
Ellingson	McLaughlin	Pappas	Simoneau	

Those who voted in the negative were:

Backlund	Dempsey	Gutknecht	Levi	Piepho
Becklin	DenOuden	Halberg	Marsh	Poppenhagen
Bennett	Dimler	Hartinger	McDonald	Quist
Bishop	Dyke	Hartle	McKasy	Redalen
Blatz	Erickson	Haukoos	McPherson	Rees
Boerboom	Fjoslien	Heap	Miller	Richter
Boo	Forsythe	Himle	Olsen, S.	Rose
Burger	Frederick	Johnson	Omann	Schafer
Carlson, D.	Frederickson	Kiffmeyer	Onnen	Schreiber
Carlson, J.	Frerichs	Knickerbocker	Ozment	Seaberg
Clausnitzer	Gruenes	Kvam	Pauly	Shaver

Sherman	Thiede	Tompkins	Valento	Zaffke
Stanius	Thorson	Uphus	Waltman	Spk. Jennings, D.
Svigum	Tjornhom	Valan	Wenzel	

The motion did not prevail and the amendment was not adopted.

H. F. No. 876, A bill for an act relating to hazardous waste; establishing a hazardous substance compensation trust account; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115B.

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 130 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, C.	Ellingson	Kvam	Ozment	Sherman
Anderson, R.	Erickson	Levi	Pappas	Simoneau
Backlund	Fjoslien	Lieder	Pauly	Skoglund
Battaglia	Forsythe	Long	Peterson	Solberg
Beard	Frederick	Marsh	Piepho	Sparby
Becklin	Frederickson	McDonald	Piper	Stanius
Begich	Frerichs	McEachern	Poppenhagen	Staten
Bennett	Greenfield	McKasy	Price	Svigum
Bishop	Cruenes	McLaughlin	Quinn	Thiede
Blatz	Gutknecht	McPherson	Quist	Thorson
Boerboom	Halberg	Metzen	Redalen	Tjornhom
Boo	Hartinger	Miller	Rees	Tomlinson
Brandl	Hartie	Minne	Rest	Tompkins
Brinkman	Haukoos	Munger	Rice	Tunheim
Brown	Heap	Nelson, D.	Richter	Uphus
Burger	Himle	Nelson, K.	Riveness	Valan
Carlson, D.	Jacobs	Neuenschwander	Rodosovich	Valento
Carlson, L.	Jaros	Norton	Rose	Vanasak
Clark	Jennings, L.	O'Connor	Sarna	Vellenga
Clausnitzer	Johnson	Ogren	Schafer	Voss
Cohen	Kalis	Olsen, S.	Scheid	Waltman
Dempsey	Kelly	Olson, E.	Schoenfeld	Welle
DenOuden	Kiffmeyer	Gmann	Schreiber	Wenzel
Dimler	Knickerbocker	Onnen	Seaberg	Wynia
Dyke	Knuth	Osthoff	Segal	Zaffke
Elioff	Krueger	Otis	Shaver	Spk. Jennings, D.

Those who voted in the negative were:

Kahn

The bill was passed, as amended, and its title agreed to.

### GENERAL ORDERS

Levi moved that the bills on General Orders for today be continued one day. The motion prevailed.

There being no objection the order of business reverted to Reports of Standing Committees.

## REPORTS OF STANDING COMMITTEES

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 849, A bill for an act relating to water pollution control; establishing a state financial assistance program for the abatement of combined sewer overflow; reauthorizing the state independent grants program; appropriating money; amending Minnesota Statutes 1984, sections 116.16, subdivisions 1, 2, and 5; 116.18, subdivisions 1, 3, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 116; repealing Minnesota Statutes 1984, section 116.18, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 116.16, subdivision 1, is amended to read:

Subdivision 1. [PURPOSE.] A Minnesota state water pollution control fund is created as a separate bookkeeping account in the general books of account of the state, to record receipts of the proceeds of state bonds and other money appropriated to the fund and disbursements of money appropriated or loaned from the fund to agencies and subdivisions of the state for the acquisition and betterment of public land, buildings, and improvements of a capital nature needed for the prevention, control, and abatement of water pollution in accordance with the long range state policy, plan, and program established in sections 115.41 to 115.63, and in accordance with standards adopted pursuant to law by the Minnesota pollution control agency. It is determined that state financial assistance for the construction of water pollution prevention and abatement facilities for municipal disposal systems *and combined sewer overflow* is a public purpose and a proper function of state government, in that the state is trustee of the waters of the state and such financial assistance is necessary to protect the purity of state waters, and to protect the public health of the citizens of the state, which is endangered whenever pollution enters state waters at one point and flows to other points in the state.

Sec. 2. Minnesota Statutes 1984, section 116.16, is amended by adding a subdivision to read:

*Subd. 3a. [RECEIPTS.] The revenues required to be deposited in the fund by section 7 must be apportioned as provided in this subdivision.*

(a) *The amount required for loans for combined sewer overflow abatement under section 3, subdivision 5, must be credited annually to a separate account. These amounts are appropriated annually to the agency for expenditure under section 3.*

(b) *The remaining amount must be spent by the agency, upon appropriation by the legislature, for water pollution control under sections 116.16 to 116.18.*

**Sec. 3. [116.162] [FINANCIAL ASSISTANCE FOR COMBINED SEWER OVERFLOW.]**

*Subdivision 1. [DEFINITIONS.] (a) Except as otherwise provided in this section, the terms used in this section have the meanings given in section 116.16, subdivision 2.*

(b) *"Combined sewer" means a sewer that is designed and intended to serve as a sanitary sewer and a storm sewer, or as an industrial sewer and a storm sewer.*

(c) *"Combined sewer overflow" means a discharge of a combination of storm and sanitary wastewater or storm and industrial wastewater directly or indirectly into the waters of the state, occurring when the volume of wastewater flow exceeds the conveyance or storage capacity of a combined sewer system.*

(d) *"Combined sewer overflow abatement plan" means the plan approved by the agency which constitutes the basis for a combined sewer overflow construction schedule contained in a permit, stipulation agreement, consent decree, or order issued by the agency subsequent to the effective date of this section.*

(e) *"Rainleader" means any structure or device, excluding catch basins on public property, constructed to direct or convey storm water, snow melt, or surface water from private or public property into a public sanitary or combined sewer.*

**Subd. 2. [LOAN PROGRAM; PURPOSE.]** *The pollution control agency shall administer a state loan program to assist eligible recipients to abate combined sewer overflow to the Mississippi River.*

**Subd. 3. [ELIGIBLE RECIPIENTS.]** *Any statutory or home rule charter city of the first class that has separated less than 75 percent of its combined sewers on the effective date of this section is eligible for assistance under the program, if the city has a permit, stipulation agreement, consent decree, or order issued by the agency requiring construction to abate combined sewer overflow and if the city adopts an approved plan to abate combined sewer overflow within a specified period, not exceeding 15 years.*

*Subd. 4. [ELIGIBLE COSTS.] The eligible cost of a loan applicant under this section includes the costs listed in section 116.16, subdivision 2, paragraph (6), as determined by the agency, using as guidelines the regulations promulgated by the United States environmental protection agency under the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1314, et seq., except that the eligible cost includes easements necessary for implementing the combined sewer overflow abatement plan and does not include:*

- (a) the preparation of combined sewer overflow abatement plans,*
- (b) acquisition of interests in real property other than easements,*
- (c) storm water treatment facilities,*
- (d) costs for a rainleader disconnection program,*
- (e) costs incurred before the effective date of this section, and*
- (f) costs incurred after the effective date of this section but without prior written approval of the agency.*

*Subd. 5. [LOANS.] During the period commencing January 1, 1986, and ending 15 years after the date of the first loan to an eligible recipient, the agency shall award annually to an eligible recipient a loan for the eligible costs in that year that are not paid by federal grants and that are not required by this subdivision to be paid by the recipient. The recipient is required to pay 50 percent of the difference between the eligible costs in that year and the amount of federal grant money received by the recipient in that year for combined sewer overflow projects, or \$3,500,000, whichever is more.*

*Subd. 6. [LOAN CONDITIONS; ADMINISTRATION.] A recipient of loans under this section shall construct the combined sewer overflow abatement facilities in accordance with the construction schedule contained in the permit, stipulation agreement, consent decree, or order issued by the agency. As a condition of receiving a loan, the recipient shall implement a rainleader disconnection program approved by the agency. The deadlines for submittal of facilities plans, plans and specifications, and other documents to the agency for a loan are governed by the construction schedule contained in the permit, stipulation agreement, consent decree, or order issued by the agency requiring combined sewer overflow abatement construction.*

*Subd. 7. [LOAN REPAYMENT.] A recipient of loans under this section shall repay the principal amount of each an-*

*nual loan within 16 years of the date of the loan. The amounts repaid must be deposited in the Minnesota state water pollution control fund for use under sections 116.16 to 116.18.*

*Subd. 8. [RULES.] By October 31, 1985, the agency shall promulgate emergency rules for the administration of the loan program established by this section. By October 31, 1986, the agency shall promulgate permanent rules. The emergency and permanent rules must contain as a minimum:*

- (a) procedures for application;*
- (b) criteria for eligibility of combined sewer overflow abatement projects;*
- (c) conditions for use of the loans;*
- (d) procedures for the administration of the loans; and*
- (e) other matters that the agency finds necessary for the proper administration of the program.*

Sec. 4. Minnesota Statutes 1984, section 116.18, subdivision 1, is amended to read:

Subdivision 1. [APPROPRIATION FROM THE FUND.] (THE SUM OF \$167,000,000,) \$ . . . . . or so much thereof as may be necessary, is appropriated from the Minnesota state water pollution control fund in the state treasury to the pollution control agency, for the period commencing on July 23, 1971 and ending June 30, (1985) 1987, to be granted and disbursed to municipalities and agencies of the state in aid of the construction of projects conforming to section 116.16, in accordance with the rules, priorities, and criteria therein described.

Sec. 5. Minnesota Statutes 1984, section 116.18, subdivision 3a, is amended to read:

Subd. 3a. [STATE INDEPENDENT GRANTS PROGRAM.]  
(a) The agency may award independent grants for projects for 50 percent or, if the agency requires advanced treatment, 65 percent of the eligible cost of construction. The agency may award independent grants for up to an additional 15 percent or, if the agency requires advanced treatment, up to an additional ten percent of the eligible cost of construction to municipalities for which the construction would otherwise impose significant financial hardship; the amounts of the additional grants shall be based on per connection capital cost, median household income, and per capita adjusted assessed valuation. These grants may be awarded in separate steps for planning and design in addition to actual construction. (NOT MORE THAN 20 PERCENT OF

THE TOTAL AMOUNT OF GRANTS AWARDED UNDER THIS SUBDIVISION IN ANY SINGLE FISCAL YEAR MAY BE AWARDED FOR PROJECTS FOR THE CONTROL OF COMBINED SEWER OVERFLOW AS DEFINED BY FEDERAL REGULATION.) Until December 31, 1990, not more than 20 percent of the total amount of grants awarded under this subdivision in any single fiscal year may be awarded to a single grantee.

(b) Up to ten percent of the money to be awarded as grants under this subdivision in any single fiscal year shall be set aside for municipalities having substantial economic development projects that cannot come to fruition without municipal wastewater treatment improvements. The agency shall forward its municipal needs list to the commissioner of energy and economic development at the beginning of each fiscal year, and the commissioner shall review the list and identify those municipalities having substantial economic development projects. After the first 90 percent of the total available money is allocated to municipalities in accordance with agency priorities, the set-aside shall be used by the agency to award grants to remaining municipalities that have been identified.

(c) Grants may also be awarded under this subdivision to reimburse municipalities willing to proceed with projects and (APPLY TO) be reimbursed in (THE) a subsequent year conditioned upon appropriation of sufficient money under subdivision 1 for that year. The maximum amount of the reimbursement the agency may commit in any single fiscal year is equal to the amount newly appropriated under subdivision 1 for that year.

Sec. 6. Minnesota Statutes 1984, 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. This type of 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, wherever 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 are 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, *sewer service*, 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 television services;

(h) Notwithstanding subdivision 4, and section 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. 7. Minnesota Statutes 1984, section 297A.44, is amended by adding a subdivision to read:

*Subd. 4. The commissioner of revenue shall semi-annually estimate the revenue received from the tax imposed by this chapter on the furnishing of water and sewer services by municipal corporations. On July 15 and January 15 of each year, the commissioner of finance shall transfer the revenue estimated to have been received during the preceding six calendar months, including the interest earned during that period, from the general fund to the Minnesota state water pollution control fund. The amount necessary to make these transfers is appropriated from the general fund.*

## Sec. 8. [MUNICIPAL POWERS.]

*Subdivision 1. [PURPOSE.] Notwithstanding any provision of any statute or home rule charter to the contrary, for the purpose of abating combined sewer overflow and of providing funds to pay all or any portion of the costs of the abatement, a recipient of loans under section 3 may exercise the authority provided in this section.*

*Subd. 2. [GENERAL.] A recipient may acquire any real or personal property by purchase, lease, condemnation, gift, or grant, and it may construct, enlarge, improve, replace, repair, maintain and operate a public sewer system, including storm*

*sewers, sanitary sewers and facilities for separating storm sewers from combined storm and sanitary sewers. To accomplish these purposes, a recipient may exercise all of the powers granted any municipality by Minnesota Statutes, chapters 115, 117, 412, 429, 435, 444, 471 and 475.*

*Subd. 3. [DEBT.] A recipient may incur indebtedness and may issue and sell bonds or other obligations pledging the full faith and credit of the city to its payment for storm and sanitary sewers and systems without submitting the question of the issuance of the bonds to the electors. Except as provided in this section, the bonds must be issued and sold according to the provisions of chapter 475.*

*Subd. 4. [PROPERTY TAX.] In addition and supplemental to the foregoing grant of authority, the governing body may establish a special taxing district or districts within the corporate limits of the city, and may levy and collect ad valorem taxes on some or all of the real or personal property within the city. The taxes must be collected by the county of Ramsey and paid over to the city as are other taxes. The taxes are not restricted by any other tax levy limitations imposed upon the city by any other law or charter provision.*

*Subd. 5. [ASSESSMENTS.] The governing body of the city may divide the city into drainage districts or areas, and may levy and collect assessments based on benefit to property, whether the benefit be direct or indirect, and the assessments so levied may be based upon the existing or highest and best land usage, square footage, front footage or area. The assessments may be levied in accordance with the procedures set forth in the city's home rule charter or chapter 429, as the council determines. The assessments may be levied and collected from all property whether public or private, and in the case of public property the agency of government responsible for the property shall provide the necessary funds in their budget appropriations.*

*Subd. 6. [PRIVATE FINANCE.] The governing body of the city may use private financing methods, such as private construction and ownership and city lease, or sale and leaseback financing of city sewer and water utility assets to secure revenue bond financing.*

**Sec. 9. [COMPLEMENT.]**

*The complement of the agency is increased by . . . positions.*

**Sec. 10. [REPEALER.]**

*Minnesota Statutes 1984, section 116.18, subdivision 2, is repealed."*

Delete the title and insert:

“A bill for an act relating to water pollution control; establishing a state financial assistance program for the abatement of combined sewer overflow; reauthorizing the state independent grants program; imposing a sales tax on water and sewer services; appropriating money; amending Minnesota Statutes 1984, sections 116.16, subdivision 1, and by adding a subdivision; 116.18, subdivisions 1 and 3a; 297A.01, subdivision 3; 297A.44, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 116; repealing Minnesota Statutes 1984, section 116.18, subdivision 2.”

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.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 961, A bill for an act relating to water; providing for comprehensive local water management; requiring counties to develop and implement county water and related land resources plans; authorizing the water resources board to make comprehensive water planning grants to counties; providing additional authorities to counties; providing additional duties of the water resources board; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 110B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [110B.01] [TITLE.]

*Sections 1 to 15 may be cited as the “comprehensive local water management act.”*

Sec. 2. [110B.02] [PURPOSES.]

*In order to safeguard the public health and sensitive environmental systems, to reduce the public capital expenditures necessary for wise water and related land resources management, and to foster a local-state partnership in the management of groundwater systems and watershed units, it is the purpose of sections 1 to 15 to:*

(1) *encourage communication and cooperation among local units of government and between local and state governments in managing water resources;*

(2) *provide an ongoing focus for water-related planning and management in each county; and*

(3) *identify local water-related problems and opportunities, minimize future problems, and set local directions for addressing these needs.*

Sec. 3. [110B.03] [DEFINITIONS.]

*Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 1 to 15.*

*Subd. 2. [BOARD.] "Board" means the water resources board.*

*Subd. 3. [COMPREHENSIVE WATER PLAN.] "Comprehensive water plan" means the plan required of counties by sections 4 and 5.*

*Subd. 4. [GROUNDWATER SYSTEMS.] "Groundwater systems" means the 14 principal aquifers of the state as defined by the United States Geological Survey in the Water-Resources Investigations 81-51, entitled "Designation of Principal Water Supply Aquifers in Minnesota" (August 1981), or its revisions.*

*Subd. 5. [LOCAL UNITS OF GOVERNMENT.] "Local units of government" means statutory or home rule charter cities, towns, counties, soil and water conservation districts, organizations formed for the joint exercise of powers under section 471.59, and other special purpose districts or authorities exercising authority in water and related land resources management at the local level, excluding watershed districts.*

*Subd. 6. [OFFICIAL CONTROLS.] "Official controls" means ordinances and regulations that control the physical development of the whole or part of a local government unit, or that implement the general objectives of the local government unit.*

*Subd. 7. [RELATED LAND RESOURCES.] "Related land resources" means land affected by present or projected management practices that have significant effects on the quantity and quality, or use of groundwater or surface water.*

*Subd. 8. [WATERSHED UNITS.] "Watershed units" means each of the 81 major watershed units identified in the state watershed boundaries map prepared pursuant to the requirements of Laws 1977, chapter 455, section 33, subdivision 7, paragraph (a) and the accompanying data base, or the revisions of that data base.*

*Subd. 9. [MUNICIPALITY.] "Municipality" means a statutory or home rule charter city.*

**Sec. 4. [110B.04] [COUNTY WATER PLANNING AND MANAGEMENT.]**

*Subdivision 1. [COUNTY DUTIES.] Each county shall develop and implement a comprehensive water plan. Each county has the duty and authority to:*

*(1) prepare and adopt a comprehensive water plan that meets the requirements of this section and sections 5 and 9;*

*(2) review water and related land resources plans and official controls submitted by local units of government to assure consistency with the comprehensive water plan; and*

*(3) exercise any and all powers necessary to assure implementation of comprehensive water plans.*

*Subd. 2. [WATER PLAN REQUIREMENTS.] The following requirements apply to comprehensive water plans:*

*(a) A comprehensive water plan must cover the entire area within a county. A plan must address water problems in the context of watershed units and groundwater systems, and must be based upon principles of sound hydrologic management of water, effective environmental protection, and efficient management. Comprehensive water plans prepared by counties wholly or partially within a single watershed unit or groundwater system must be consistent.*

*(b) Existing water and related land resources plans, including plans related to agricultural land preservation programs developed pursuant to chapter 40A, must be fully utilized in preparing the comprehensive water plan and no duplication of those existing plans is required.*

*(c) The comprehensive water plan must apply to every year through the year 1995 or any later year that is evenly divisible by five and shall be updated prior to the expiration of the period covered.*

*Subd. 3. [DELEGATION.] The county is responsible for preparing, adopting, and assuring implementation of the comprehensive water plan, but may delegate all or part of the preparation of the plan to a local unit of government, a regional development commission, or a resource conservation and development committee. The county may not delegate authority for the exercise of eminent domain, taxation, or assessment to a local unit of government that does not possess those powers.*

*Subd. 4. [COORDINATION.] (a) To assure the coordination of efforts of all local units of government within a county during the preparation and implementation of a comprehensive water plan, each county shall conduct meetings with other local units of government and may execute agreements with other local units of government establishing the responsibilities of each unit during the preparation and implementation of the comprehensive water plan.*

*(b) Each county shall coordinate its planning program with contiguous counties. Before meeting with local units of government, a county board shall notify the county boards of each county contiguous to it that it is about to begin preparing its comprehensive water plan and request and hold a joint meeting with those county boards in order to consider the planning process.*

*Subd. 5. [SCOPE OF PLANS.] Comprehensive water plans must include:*

*(1) a description of the existing physical environment, land use, and development in the county and expected changes thereto;*

*(2) available information about the surface water, groundwater, and related land resources in the county, including existing and potential distribution, availability, quality, and use;*

*(3) objectives for future development, use, and conservation of water and related land resources, including those objectives that concern water quality and quantity and related land use conditions, and a description of actions that will be taken in affected watersheds or groundwater systems to achieve those objectives;*

*(4) a description of potential changes in state programs, policies, and requirements considered important by the county to management of water resources in the county;*

*(5) a description of conflicts between the comprehensive water plan and existing plans of other local units of government;*

*(6) a description of possible conflicts between the comprehensive water plan and existing or proposed comprehensive water plans of other counties in the affected watershed units or groundwater systems;*

*(7) a program for implementation of the plan that is consistent with the plan's management objectives and includes schedules for amending official controls and water and related land resources plans of local units of government to conform with the comprehensive water plan, and, if a project to imple-*

ment the comprehensive water plan is proposed, its schedule, components, and expected state and local costs; and

(8) a procedure for amending the comprehensive water plan.

*Subd. 6. [COMPLETION.] The comprehensive water plan shall be prepared and submitted for review under section 5 within three years after appropriations are available for the purposes of sections 1 to 15. Existing water and related land resources plans and official controls shall remain in effect until amended or superseded by a comprehensive water plan adopted under sections 1 to 15.*

**Sec. 5. [110B.05] [COMPREHENSIVE WATER PLAN REVIEW AND ADOPTION.]**

*Subdivision 1. [LOCAL REVIEW.] Upon completion of the comprehensive water plan, but before final adoption by the county board, the county board shall submit the comprehensive water plan for review and comment to all local units of government wholly or partly within the county and to the applicable regional development commission, if any. The county shall submit the comprehensive water plan to each contiguous county and watershed management organization, as defined in section 473.376, for review and comment. In addition, the county shall submit the comprehensive water plan to other counties or watershed management organizations within the same watershed unit that may be affected by proposals in its comprehensive water plan. In comments to the county board:*

*(a) A local unit of government whose existing water and related land resources plans or official controls may need to be amended to bring them into conformance with the comprehensive water plan shall describe in a general way possible amendments to its existing plans or official controls, and the general fiscal or policy effects it expects would be associated with those amendments.*

*(b) A county or watershed management organization within the same watershed unit or groundwater system shall describe possible conflicts with its existing or proposed comprehensive water plan and suggest measures to resolve the conflicts.*

*(c) The regional development commission shall review the plan pursuant to section 462.391, subdivision 1.*

*Subd. 2. [LOCAL REVIEW PERIOD.] Comments under subdivision 1 must be submitted to the county board within 60 days after receiving a comprehensive water plan for comment, unless the county board of the county that prepared the plan determines that good cause exists for an extension of this period and grants an extension.*

*Subd. 3. [PUBLIC HEARING.] The county board shall conduct a public hearing on the comprehensive water plan pursuant to section 375.51 after the 60-day period for local review and comment is completed, but before submitting it to the state for review.*

*Subd. 4. [STATE REVIEW.] (a) After conducting the public hearing but before final adoption, the county board shall submit its comprehensive water plan, all written comments it has received, a record of the public hearing, and a summary of changes incorporated as a result of the review process to the board for review. The board shall complete the review within 90 days after receiving a comprehensive water plan and supporting documents. The board shall consult with the departments of agriculture, health, and natural resources; the pollution control agency; the state planning agency; the environmental quality board; and other appropriate state agencies during the review.*

*(b) The board may disapprove a comprehensive water plan that it determines is not consistent with state laws or rules. If a plan is disapproved, the board shall provide a written statement of its reasons for disapproval. A disapproved comprehensive water plan must be revised by the county board and resubmitted for approval by the board within 120 days after receiving notice of disapproval of the comprehensive water plan, unless the board extends the period for good cause. The decision of the board to disapprove the plan may be appealed by the county to the district court.*

*Subd. 5. [ADOPTION; IMPLEMENTATION.] A county board shall adopt and begin implementation of its comprehensive water plan within 120 days after receiving notice of approval of the plan from the board.*

*Subd. 6. [AMENDMENTS.] Amendments to a comprehensive water plan must be submitted to local units of government and to the board in the same manner as a comprehensive water plan.*

## **Sec. 6. [110B.06] [PLANNING GRANTS TO COUNTIES.]**

*Subdivision 1. [GRANTS.] The board shall make grants to counties to assist them carrying out the provisions of sections 1 to 15. Only counties or watershed management organizations are eligible to receive grants but they may contract with other local units of government to complete planning responsibilities under sections 1 to 15. Grants may be used to employ staff or to contract with other local units of government to:*

*(1) develop, evaluate, and update comprehensive water plans required by sections 4 and 5; and*



(2) *assist local units of government in revising existing local water and related land resources plans or official controls.*

*Subd. 2. [FUNDS TO LOCAL UNITS.] Counties that receive grants under this section shall make funds directly available to other local units of government that are required to make substantial amendments to local water and related land resources plans and official controls as the result of the adoption of a comprehensive water plan or an amendment to it. Counties shall identify the potential recipients of funds in the application to the board.*

*Subd. 3. [LOCAL MATCH.] Each grant to a county or watershed management organization shall be 50 percent of the total cost necessary under sections 1 to 15. A county or watershed management organization may pay for that portion of water planning costs incurred in implementing sections 1 to 15 that are not covered by a grant through in-kind services and may include the in-kind services of other local units of government in determining the local share of the costs, but only if the local units of government providing in-kind services receive direct financial assistance under sections 1 to 15.*

**Sec. 7. [110B.07] [AUTHORITY UNDER APPROVED COMPREHENSIVE WATER PLANS.]**

*Upon adoption of an approved comprehensive water plan:*

*(a) The county may regulate the use and development of water and related land resources within incorporated areas when one or more of the following conditions exists:*

*(1) the municipality does not have a local water and related land resources plan or official controls consistent with the comprehensive water plan;*

*(2) the municipality has authorized the county to require permits for the use and development of water and related land resources; and*

*(3) a state agency has delegated the administration of a state permit program to the county.*

*(b) A county may:*

*(1) acquire in the name of the county, by condemnation under chapter 117, real and personal property found by the county board to be necessary for the implementation of an approved comprehensive water plan;*

*(2) assess the costs of projects necessary to implement the comprehensive water plan undertaken under sections 1 to 15*

*upon the property benefited within the county in the manner provided by chapter 429, except that the definition of benefited properties provided in section 112.501, subdivision 2, shall apply;*

*(3) charge users for services provided by the county necessary to implement the comprehensive water plan; and*

*(4) utilize the bond and tax provisions of section 473.882 for financing capital improvements under sections 1 to 15.*

**Sec. 8. [110B.08] [CONSISTENCY OF LOCAL PLANS AND CONTROLS WITH THE COMPREHENSIVE WATER PLAN.]**

*Subdivision 1. [REQUIREMENT.] Local units of government shall amend existing water and related land resources plans and official controls as necessary to conform them to the applicable, approved comprehensive water plan following the procedures in this section.*

*Subd. 2. [PROCEDURE.] Within 90 days after local units of government are notified by the county board of the adoption of a comprehensive water plan or of adoption of an amendment to a comprehensive water plan, the local units of government exercising water and related land resources planning and regulatory responsibility for areas within the county shall submit existing water and related land resources plans and official controls to the county board for review. The county board shall identify any inconsistency between those plans and controls and the comprehensive water plan and shall recommend the amendments necessary to bring local plans and official controls into conformance with the comprehensive water plan.*

*Subd. 3. [REVISION; IMPLEMENTATION.] Local units of government shall revise existing plans and official controls to conform them to the recommendations of the county board and shall initiate implementation of the revised plans and controls within 90 days after receiving the recommendations of the county board, or 90 days after resolution of an appeal, whichever is later.*

*Subd. 4. [APPEALS.] A local unit of government may, within 60 days after receiving the recommendations of the county board, appeal any recommendation to the water resources board for a hearing as provided in section 14.*

*Subd. 5. [NEW PLANS AND CONTROLS.] New or amended water and related land resources plans and official controls proposed by local units of government for their adoption following adoption of the comprehensive water plan shall be submitted to the county board for review and recommendation as provided under subdivisions 2 to 4.*

**Sec. 9. [110B.09] [WATERSHED DISTRICT AND INTERCOUNTY JOINT POWERS BOARD PLANS AND RULES.]**

*A county must incorporate into its comprehensive water plan any existing plans and rules adopted by an intercounty joint powers board having jurisdiction wholly or partly within the county. A county may change the plans and rules it incorporates if it demonstrates in its comprehensive water plan why the changes are necessary and if the changes are agreed to by each county represented on the joint powers board.*

**Sec. 10. [110B.10] [PUBLIC DRAINAGE.]**

*Projects necessary to implement the comprehensive water plan that are intended for the purpose of improving drainage shall be established, repaired, and improved under chapter 106 and not sections 1 to 15.*

**Sec. 11. [110B.11] [EXEMPTION FROM LEVY LIMIT.]**

*The governing body of any county or municipality or the town board of a town may levy a tax in the amount required to implement sections 1 to 15. A levy to pay the cost of implementing sections 1 to 15 or to pay the cost of projects or programs identified in an adopted comprehensive water plan shall be in addition to other taxes authorized by law and shall be disregarded in the calculation of limits on taxes imposed by chapter 275.*

**Sec. 12. [110B.12] [DUTIES OF THE BOARD.]**

*Subdivision 1. [DUTIES.] The board shall:*

*(1) develop guidelines for the contents of comprehensive water plans that provide for a flexible approach to meeting the different water and related land resources needs of counties and watersheds across the state;*

*(2) coordinate assistance of all state agencies to counties and other local units of government involved in preparation of comprehensive water plans;*

*(3) identify all pertinent data and studies available from the state and federal government;*

*(4) conduct an active program of information and education concerning the requirements and purposes of sections 1 to 15 in conjunction with the association of Minnesota counties;*

*(5) develop uniform procedures for the award and disbursement of grants and administer the grants as provided for in section 6;*

(6) *determine contested cases under section 14; and*

(7) *establish a process for review of comprehensive water plans under section 5 that assures the plans are consistent with state law and rules.*

*Subd. 2. [RULEMAKING AUTHORITY; ADVISORY COMMITTEE.] The board shall adopt rules to implement sections 1 to 15 and shall utilize a committee representative of local governments and other persons interested in water planning to assist it in this process. Members shall be appointed, serve, and be paid their expenses, but shall receive no other compensation, pursuant to section 15.014.*

**Sec. 13. [110B.13] [INFORMAL CONFLICT RESOLUTION.]**

*When (1) the interpretation and implementation of a comprehensive water plan is challenged by a local unit of government aggrieved by the plan; (2) two or more counties disagree about the apportionment of the costs of a project implementing a comprehensive water plan; or (3) a county and another local unit of government disagree about a change in a local water and related land resources plan or official control recommended by the county under section 8, the county, or other local unit of government, as the case may be, may request a meeting with the chair of the water resources board to informally resolve the dispute prior to the initiation of contested case procedure under section 14.*

**Sec. 14. [110B.14] [CONTESTED CASES.]**

*Any dispute specified in clauses (1) to (3) of section 13, may be contested by the county, or other local unit of government by the filing of a petition for hearing with the board pursuant to this section. The county or other local unit of government, as the case may be, has 60 days from (a) the date of the adoption or approval of the ordinance, or other decision to which the dispute related that is required by law to be made by the governing body to implement the comprehensive water plan, or (b) the date a local unit of government receives a recommendation of the county board under section 8, to file a petition for a hearing. If the aggrieved county or other local unit of government files a petition for a hearing, a hearing shall be conducted by the state office of administrative hearings under the contested case procedure of chapter 14 within 60 days of the request. The subject of the hearing may not extend to questions concerning the need for a comprehensive water plan. In the report of the administrative law judge, the cost of the proceeding shall be equally apportioned among the parties to the proceeding. Within 60 days after receiving the report of the administrative law judge, the board shall, by resolution containing findings of fact and conclusions of law, make a final decision with respect to the issue before it. Any*

*local unit of government aggrieved by the final decision of the board may appeal the decision to the district court in the manner provided by sections 14.63 to 14.69.*

**Sec. 15. [110B.15] [APPLICATION.]**

*Sections 1 to 14 apply to all counties except as follows:*

*(a) In the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington, sections 1 to 14 apply only in the portions of the counties not subject to the requirements of sections 473.875 to 473.883.*

*(b) If a local unit of government in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington county not subject to the requirements of sections 473.875 to 473.883 has formed a joint powers watershed management organization with local units of government subject to the requirements of sections 473.875 to 473.883 before December 31, 1985, sections 1 to 14 do not apply to that local unit of government in any of those counties.*

*Sections 1 to 14 do not apply to counties or portions of counties contained within watershed districts established pursuant to chapter 112.*

**Sec. 16. [APPROPRIATION.]**

*\$ . . . . . is appropriated from the general fund to the board for the purpose of carrying out section 6, to be available until 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.

Onnen from the Committee on Health and Human Services to which was referred:

H. F. No. 1438, A bill for an act relating to health and human services; providing for maternal and child health grant distribution; requiring parent contribution; providing day care program rates; abolishing state share of Title IV-E foster care payments; creating permanency planning grants to counties; providing services for the elderly; creating a consolidated chemical dependency services fund; clarifying case management services for the mentally retarded; changing the health maintenance organization provisions; requiring a health care market report; expanding duties of the interagency board for quality assur-

ance; creating a legislative commission on quality assurance and cost containment; requiring a study of home health care, services for mentally retarded persons, and services for mentally ill persons; requiring a study of guardianship; requiring a home equity conversion study; establishing prepaid health plans; changing nursing home reimbursement provisions; expanding medical assistance for young mothers; increasing incentives for enforcing child support payments; placing certain limitations on aid to families with dependent children and general assistance; appropriating money; amending Minnesota Statutes 1984, sections 62D.03; 62D.04; 62D.05, subdivision 2, and by adding a subdivision; 62D.07, subdivision 3; 62D.08; 62D.10, by adding subdivisions; 62D.12, subdivision 1; 62D.14; 62D.16; 62D.17; 62D.20; 62D.21; 144.695; 144.70; 145.882; 145.884; 145.885; 145.886; 245.84; 246.04; 246.18; 246.23; 246.50, by adding a subdivision; 246.51, subdivision 1; 246.54; 256.045, subdivision 3, and by adding a subdivision; 256.74, subdivision 5, and by adding subdivisions; 256.79; 256.82, subdivision 2; 256.87, subdivisions 1, 1a, and 3; 256.967; 256.969, subdivisions 1, 2, and by adding a subdivision; 256.99; 256B.02, subdivisions 2, 3, 8, and by adding a subdivision; 256B.042, by adding a subdivision; 256B.06, subdivision 1; 256B.062; 256B.091, subdivision 8; 256B.092, subdivisions 5, 7, and by adding subdivisions; 256B.17, subdivision 6; 256B.19, subdivision 1; 256B.431, subdivisions 2b, 3, and 4; 256B.50; 256B.70; 256D.03, subdivisions 4 and 6; 256D.06, by adding subdivisions; 256D.37, subdivisions 1 and 2; 257.58, subdivision 1; 260.38; 393.07, by adding a subdivision; 518.551, subdivision 7; 518.611, subdivisions 2, 3, 4, 6, and by adding subdivisions; 518.645; proposing coding for new law in Minnesota Statutes, chapters 62D; 246; 254B; 256; 256B; and 256F; repealing Minnesota Statutes 1984, sections 256.045, subdivision 2; 256.966, subdivision 2; 257.62, subdivision 4; and 259.405.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

## “COMPREHENSIVE HEALTH AND WELFARE POLICY ACT

### ARTICLE 1

#### LEGISLATIVE POLICY STATEMENT

##### Section 1. [LEGISLATIVE PURPOSE.]

*The legislature finds: As evidenced by the number and variety of legislative proposals, the health and human services system is barraged with many proposed policy changes. These proposals have originated due to a crisis in funding an excessively costly system and due to concern for the quality and availability of services. The current system was created through a 15 to 20*

*year history of policy development. Policy change to revise or correct past deficiencies in the system and, in some cases, an entire revamping and reordering of the existing system should be undertaken in a prudent and deliberate manner. Recent experience with department policy and rulemaking indicates the need for more aggressive and definitive legislative involvement in setting policy. The outcome and effect on citizens who are vulnerable and at risk is the legislature's primary concern.*

## Sec. 2. [BASIC PRINCIPLES OF THE POLICY ACT.]

*Subdivision 1. State policy change should complement and maximize federal policy funding approaches; for example, block granting and transfer of responsibility for policy making to states.*

*Subd. 2. State policy change should be developed in collaboration with local government that is primarily responsible for the direct implementation of health and human services programs.*

*Subd. 3. Minimal amounts of funding should be utilized for administration so that the limited number of dollars available can benefit the maximum number of persons in need of services.*

*Subd. 4. Emphasis on cost containment should be paramount with attention given to appropriate utilization of competitive factors, the private sector, and reporting accountability to ensure assistance to those who cannot help themselves.*

*Subd. 5. Client protection and cost-effective service delivery require the development and implementation of quality assurance methods with a minimal amount of regulation.*

## Sec. 3. [CRITERIA TO BE IMMEDIATELY IMPLEMENTED.]

*Subdivision 1. The legislature should defer shifts in funding to local government whenever necessary and possible to allow adequate collaborative planning.*

*Subd. 2. The legislature should maintain current funding and staffing levels in departments pending a thorough review and analysis of policy direction and program needs.*

*Subd. 3. The legislature should specify areas needing long-term analysis and policy recommendation.*

## Sec. 4. [OUTCOME EXPECTATIONS AND RATIONALE OF THE LEGISLATURE.]

*Subdivision 1. [INITIAL ATTEMPT TO ARTICULATE A COMPREHENSIVE POLICY DIRECTION.] Health and welfare policy has been addressed in a piecemeal approach and neither the federal nor state level of government has articulated a coherent and comprehensive policy statement.*

*Subd. 2. [PRUDENT LONG-RANGE PLAN.] A comprehensive policy statement will provide direction for appropriate ongoing health and human services legislation.*

*Subd. 3. [FRAMEWORK TO ESTABLISH A COMPREHENSIVE POLICY STATEMENT IN 1986.] Additional information and planning is necessary to complete this policy statement effectively, especially since current policy proposals have not been available with adequate time to review or develop.*

## ARTICLE 2

### PROGRAMS

#### MATERNAL AND CHILD HEALTH

Section 1. Minnesota Statutes 1984, section 145.882, is amended to read:

#### 145.882 [MATERNAL AND CHILD HEALTH BLOCK GRANT DISTRIBUTION.]

*Subdivision 1. [CONTINUATION OF 1983 PROJECTS.] 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 THE PROVISIONS OF SECTIONS 145.881, AND 145.882 TO 145.888) December 31, 1986. Beginning January 1, 1987, recipients of maternal and child health special project grants awarded in state fiscal year 1983 must receive:*

*(1) for calendar year 1987, no less than 90 percent of the amount awarded in state fiscal year 1983;*

*(2) for calendar year 1988, no less than 80 percent of the amount awarded in state fiscal year 1983; and*

*(3) for calendar year 1989, no less than 70 percent of the amount awarded in state fiscal year 1983.*

*The amount of grants awarded under this subdivision to grantees receiving an excess of \$100,000 annually must be deducted from the allocation due to the community health services area within which the grantee is located. If the community health*



*services area includes more than one local board of health, the amount of the grant must be deducted only from the allocation due to the area served by the local board of health within which the grantee is located. The remaining areas served by local boards of health within that community health services area which do not include a grantee under this subdivision must be treated as a separate community health services area for purposes of the formula in subdivision 4. In order to receive money under this subdivision, grantees must continue to comply with the provisions of sections 145.881, and 145.882 to 145.888. These recipients are also eligible to apply for (STATE) grants under sections 145.883 to 145.888. Any increase or decrease in the amount of federal funding to the state for the maternal and child health block grant shall be apportioned to reflect a proportional increase or decrease for each recipient (UNTIL SEPTEMBER 30, 1985). Any increase in the amount of federal funding to the state shall be distributed (FOR SERVICES TO CHILDREN WITH HANDICAPS AND TO SPECIAL PROJECTS AS PROVIDED IN SECTIONS 145.883 TO 145.888, EXCEPT THAT AN AMOUNT NOT TO EXCEED TEN PERCENT MAY BE RETAINED BY THE COMMISSIONER OF HEALTH TO ADDRESS COST OF LIVING INCREASES AND INCREASES IN SUPPLIES AND SERVICES) according to the formula in subdivision 3 of this section.*

(AFTER SEPTEMBER 30, 1985,) The advisory task force shall review and recommend the proportion of maternal and child health block grant funds to be expended for indirect costs, direct services and special projects. (THE PROPORTION OF FUNDS EXPENDED IN DIRECT SERVICES THROUGH SPECIAL PROJECTS SHALL BE MAINTAINED AT NOT LESS THAN THE LEVEL EXPENDED IN STATE FISCAL YEAR 1984.)

*Subd. 2. [ALLOCATION TO THE DEPARTMENT OF HEALTH.] Beginning January 1, 1986, up to one-third of the total maternal and child health block grant money may be retained by the commissioner of health for administrative and technical assistance services, projects of regional or statewide significance, direct services to children with handicaps, indirect costs, and other activities of the department.*

*Subd. 3. [DISTRIBUTION FORMULA.] The maternal and child health block grant money remaining after distributions made under subdivisions 1 and 2 shall be allocated to community health services area for distribution by local boards of health to qualified programs that provide essential services within the community health services area. For purposes of this section, "community health services area" means a city, county, or multi-county area which is organized as a local board of health under section 145.913 and for which a state subsidy is received pursuant to sections 145.911 to 145.922. The amount of funds available for each community health services area shall be determined according to the following formula:*

(a) *Each community health services area shall be allocated an amount based on the following three variables:*

(1) *proportion of resident mothers within the county or counties who are under 20 years of age or over 35 years of age, as determined by averaging the data available for the three most current years;*

(2) *proportion of resident infants within the county or counties whose weight at birth is less than 2,500 grams, as determined by averaging the data available for the three most current years; and*

(3) *proportion of resident children within the county or counties under the age of 19 who are on general assistance or medicaid and the proportion of resident women within the county or counties aged 19 to 49 who are on general assistance or medicaid, as determined by using the data available for the most current year.*

(b) *Each variable must be expressed as a county score consisting of the county frequency of each variable divided by the statewide frequency of the variable.*

(c) *A total score for each county jurisdiction shall be computed by totaling the scores of the foregoing three factors and dividing the score obtained by three.*

(d) *Each community health services area must be allocated an amount equal to the score obtained above for the city, county, or counties in its area multiplied by the amount of funds determined to be available for special projects of local significance.*

*If no approvable applications are received for a community health services area, the commissioner may reallocate the funds available for that area to other community health service areas for which approvable applications have been received.*

*This formula also applies to any city or county that is not participating in the community health services subsidy in order to determine the amount of funds available for purposes of this subdivision. The commissioner shall convene a meeting of public and private nonprofit agencies in cities or counties who have expressed an intent to submit an application for funding. The meeting shall be used for purposes of attempting to develop a single coordinated grant application for each city or county. All applications, whether consolidated into a single application or as individual applications, shall be submitted according to section 145.885. If no approvable applications are received, the commissioner may reallocate the funds to community health service areas for which applications have been received.*

*Subd. 4. [USE OF BLOCK GRANT MONEY.] Maternal and child health block grant money received by a local board of health or community health services area under this section must be used for qualified programs for high risk and low income individuals. Block grant money must be used for programs that:*

*(1) specifically address the highest risk populations, particularly low income and minority groups with a high rate of infant mortality and low birth weight children, by providing services calculated to produce measurable decreases in infant mortality rates and instances of low birth weight children and medical complications associated with pregnancy and childbirth;*

*(2) specifically target pregnant women whose age, medical condition, or maternal history substantially increases the likelihood of complications associated with pregnancy and childbirth, or the birth of a child with an illness, disability, or special medical needs;*

*(3) specifically address the health needs of young children who have, or are likely to have, a chronic disease or disability or special medical needs;*

*(4) provide preventive and primary care services, including dental services, to low income and high risk children from birth through 18 years of age; or*

*(5) provide family planning and preventive medical care for specifically identified target populations, such as minority and low income teenagers, in a manner calculated to decrease the occurrence of inappropriate pregnancy and minimize the risk of complications associated with pregnancy and childbirth.*

*Maternal and child health block grant money may be used for purposes other than the purposes listed in this subdivision only if the local board of health or community health services area can demonstrate that existing programs fully address the needs of the highest risk target populations described in this subdivision.*

*Subd. 5. [REPORT.] 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) local grants. The report shall (ALSO) identify the statewide needs of low income and high risk populations and the department of health's plans and local board plans for meeting their needs. The report must also identify recommended decreases in funding of programs by the department of health and the effects of those decreases in funding on maternal and child health care programs. Decreases in funding must not be made in direct services to children with handicaps.*

*The commissioner of health, after consulting with the chairs of the house of representatives and senate health and human services committees, and the chairs of the house appropriations and senate finance committees, may allocate funds under section 1, subdivision 2. The legislature must receive the report no later than January of each year.*

Sec. 2. Minnesota Statutes 1984, section 145.883, subdivision 8, is amended to read:

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 state fiscal year 1985, and succeeding years, only sufficient funds for qualified programs approved through the federal (FISCAL YEAR) *award period*.

Sec. 3. Minnesota Statutes 1984, section 145.884, subdivision 1, is amended to read:

Subdivision 1. [RULES.] 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) *under sections 145.881 to 145.888 for qualified programs of maternal and child health care services. The commissioner shall promulgate rules for the administration of grants (AUTHORIZED BY THIS SUBDIVISION). The rules shall establish and contain as a minimum:*

- (a) procedures for grant applications;
- (b) conditions and procedures for the administration of grants;
- (c) criteria of eligibility for grants; and
- (d) other matters the commissioner finds necessary for the proper administration of the grant program.

Sec. 4. Minnesota Statutes 1984, section 145.885, is amended to read:

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 prescribes. Department of health technical staff shall be available to provide technical assistance in development of grant applications. The application must contain:

(a) A complete description of the program and the manner in which the applicant intends to conduct the program;

(b) *A description of the manner in which the program responds to needs and priorities for services identified by the maternal and child health task force pursuant to section 145.881, subdivision 2, and rules adopted by the commissioner. The rationale for any differences must be explained in detail;*

(c) A budget and justification for the amount of grant funds requested;

((C)) (d) A description of the target population served by the qualified program and estimates of the number of low income or high risk patients the program is expected to serve;

((D)) (e) 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)) (f) The reporting and accounting procedures to be followed by the qualified agency to enable the commissioner to evaluate the activities of the qualified program.

*Applications by local boards under section 145.882, subdivision 3, must also contain a summary of the process used to develop the local program, including evidence that the local board notified local public and private providers of the availability of funding through the local board for maternal and child health services, a list of all public and private agency requests for grants submitted to the local board indicating which requests were included in the grant application, and an explanation of how priorities were established for selecting the requests to be included in the grant application. The local board shall include, with grant application materials, a written statement of the criteria to be applied to public and private agency requests for funding. Written criteria of the grant selection process shall be available to public and private agencies making requests for funding. In addition, the local board shall include a written assurance which provides that:*

(1) *maternal and child health block grant funds will not be used to supplant any other funding source;*

(2) *maternal and child health programs will be conducted in accordance with applicable federal and state requirements;*

(3) *administrative costs will conform with guidelines as prescribed by the federal government and negotiated by the state department of health; and*

(4) *consideration will be given to contracting with public and private agencies which provide comparable quality and cost maternal and child health service.*

Sec. 5. Minnesota Statutes 1984, section 145.886, is amended to read:

145.886 [GRANT REVIEW PROCESS.]

Primary review of all grant applications shall be conducted by the 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 MUST BE PROFESSIONALS WITH EXPERTISE IN MATERNAL AND CHILD HEALTH CARE. NO MEMBER OF THE PANEL MAY BE AN EMPLOYEE OF A PUBLIC OR PRIVATE NONPROFIT 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 advisory task force.* The commissioner shall award grants under section 145.885 and this section only after receiving the comments and recommendation of (THE GRANTS REVIEW PANEL AND) the advisory task force on completed grant applications.

Sec. 6. [FUND DISTRIBUTION.]

*Any additional maternal and child health program state funds shall be distributed proportionately according to section 1.*

ASSISTANCE—PARENT CONTRIBUTION

Sec. 7. Minnesota Statutes 1984, section 256.87, subdivision 1, is amended to read:

Subdivision 1. [ACTIONS AGAINST PARENTS FOR ASSISTANCE FURNISHED.] (AT ANY TIME DURING THE CONTINUANCE OF ASSISTANCE TO A CHILD GRANTED UNDER SECTIONS 256.72 TO 256.87 EXCEPT AS SET FORTH BELOW,) A parent of a child is liable for the amount of assistance furnished (DURING THE TWO YEARS IMMEDIATELY PRECEDING THE COMMENCEMENT OF THE ACTION) *under sections 256.72 to 256.87 to and for the benefit of the child, including any assistance furnished for the benefit of the caretaker of the child, which the parent (IS REASONABLY ABLE) has had the ability to pay. (PROVIDED, HOWEVER,) The parent's liability is limited to the amount of assistance furnished during the two years immediately preceding*

*the commencement of the action, except that where child support has been previously ordered, the state or county agency providing the assistance, as assignee of the obligee, shall be entitled to judgments for child support payments accruing within ten years preceding the date of the commencement of the action (TO COLLECT) up to the full amount of assistance furnished.* The action may be ordered by the state agency or county agency and shall be brought in the name of the county by the county attorney of the county in which the assistance was granted, or by the state agency against the parent for the recovery of the amount of assistance granted, together with the costs and disbursements of the action.

### CHILD DAY CARE SLIDING FEE PROGRAM

Sec. 8. Minnesota Statutes 1984, section 245.84, is amended to read:

#### 245.84 [AUTHORIZATION TO MAKE GRANTS.]

Subdivision 1. [AUTHORITY.] The county board is authorized to provide child care services, to make grants from the community social service fund or other sources to any municipality, corporation or combination thereof for the cost of providing technical assistance and child care services, or to contract for services with any licensed day care facility, as the board deems necessary or proper to carry out the purposes of sections 245.83 to 245.87.

The board is further authorized to make grants to or contract with any municipality, incorporated licensed child care facility, or corporation or combination thereof for any of the following purposes:

(a) For creating new licensed day care facilities and expanding existing facilities including, but not limited to, supplies, equipment, and facility renovation and remodeling;

(b) For improving licensed day care facility programs, including, but not limited to, staff specialists, staff training, supplies, equipment, and facility renovation and remodeling;

(c) For supportive child development services including, but not limited to, inservice training, curriculum development, consulting specialist, resource centers, and program and resource materials;

(d) For carrying out programs including, but not limited to, staff, supplies, equipment, facility renovation, and training; and,

(e) For interim financing.

Subd. 2. [ALLOCATION, (ELIGIBILITY,) SLIDING FEE PROGRAM.] ((A)) Within the limit of appropriations available and subject to the allocation requirements of section 245.87 the commissioner shall establish a program to allocate available appropriations 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 more than seven percent of the allocation received by any county may be used by the county for expenses of administration.*

Subd. 3. [ALLOCATION PROCEDURES; REPORT.] No later than April 1 of each odd-numbered year, the commissioner shall notify all county boards of the allocation procedures for the sliding fee program. No later than June 1 of each odd-numbered year, each county shall inform the commissioner of the number of persons estimated to be entitled to child care services, the number of persons estimated to use the program, and the expected cost for the following two state fiscal years. No later than July 1 of that year, the commissioner shall allocate to each county its proportionate share of the appropriation for that and the next fiscal year, determined according to the county's report. If the appropriation is insufficient to meet the needs in all counties, the amount shall be prorated among the counties. 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.

((B) IN ADDITION TO PAYMENTS FROM PARENTS, CONTRIBUTIONS TO THE COST OF THE PROGRAM SHALL BE MADE BY COUNTIES AS FOLLOWS: 5 PERCENT IN THE FIRST YEAR, AND 15 PERCENT IN THE SECOND AND SUBSEQUENT YEARS, THAT THE COUNTY PROVIDES SERVICES UNDER THIS SUBDIVISION.)

((C) FAMILIES RECEIVING CHILD CARE SERVICES UNDER THIS SUBDIVISION ON JULY 1, 1983 ARE ENTITLED TO CHILD CARE SERVICES UNDER THIS PARAGRAPH.)

Subd. 4. [ELIGIBILITY.] 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, the county board shall to the extent practical 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 to obtain the training or education necessary to secure employment, or for other circumstances, established by the commissioner, re-



lated to education, training, or employment (, AND, IN). *The county shall observe the following order of priority in establishing eligibility for assisting families with payment for child care services:*

**((1)) (a)** *families who are receiving aid to families with dependent children under sections 256.72 to 256.87. Counties shall make child care services available to these families (SHALL BE MADE AVAILABLE) as in-kind services, and 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) and*

**((2)) (b)** *families 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.*

*Subd. 5. [SLIDING FEE SCHEDULE.] (a) The county board shall establish the income ranges for families eligible for services according to 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 70 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.*

*(b) The county board may limit the subsidy allowed to any family eligible under subdivision 4 by setting a maximum on the provider day care rate that the county shall subsidize. The maximum set by any county shall not be lower than the median rate for like care arrangements in that county minus the amount paid by the state according to the sliding fee schedule. Recipients shall be responsible for any additional charges.*

*(c) In addition to payments from parents, contributions to the cost of the program shall be made by counties as follows: five percent in the first year, and 15 percent in the second and subsequent years, that the county provides services under this subdivision.*

*(d) 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.*

*(e) In each case where the county 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 the median charge, the state's payment shall be limited to the difference between 125 percent of the median charge for like care arrangements in the geographic area and the parents' fee.

((F)) *Subd. 6. [ADVERTISEMENT OF SERVICES.]* The county board shall ensure that *the availability of assistance for child care services (ARE AVAILABLE TO COUNTY RESIDENTS ENTITLED TO THEM UNDER PARAGRAPH (C), THAT THE AVAILABILITY OF SERVICES)* is well-advertised, and that all recipients of and applicants for aid to families with dependent children are informed of *(ANY) that availability (OF CHILD CARE SERVICES UNDER PARAGRAPH (C))*. The county board may accept any gifts, grants, bequests, devises, or offers of inclusion of services as employees' fringe benefits for use in providing services under *(LAWS 1983, CHAPTER 312, ARTICLE 2, SECTIONS 1 TO 8) this section.*

((G)) *Subd. 7. [RULES.]* The commissioner shall promulgate emergency and permanent rules *(IN ACCORDANCE WITH SECTIONS 14.05 TO 14.36)* to implement this section. *(NO MORE THAN SEVEN PERCENT OF ANY ALLOCATION EXPENSES)* *Within 180 days of the effective date of this section, the commissioner may adopt emergency rules to implement this section.*

*Subd. (3) 8. [DONATIONS.]* For the purposes of this section, donated professional and volunteer services, program materials, equipment, supplies, and facilities may be approved as part of a matching share of the cost, provided that total costs shall be reduced by the costs charged to parents if a sliding fee scale has been used.

*Subd. (4) 9. [ADVISORY TASK FORCE.]* The commissioner may appoint an advisory 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.

*Subd. (5) 10. [BIENNIAL PLAN.]* The county board shall biennially develop a plan for the distribution of money for child care services as part of the community social services plan prescribed in section 256E.09. All licensed child care programs

shall be given written notice concerning the availability of money and the application process.

## PERMANENCY PLANNING

### STATE SHARE OF TITLE IV-E

Sec. 9. Minnesota Statutes 1984, section 256.82, subdivision 2, is amended to read:

Subd. 2. [FOSTER CARE MAINTENANCE PAYMENTS.] Notwithstanding subdivision 1, for the purposes of foster care maintenance payments under Title IV-E of the federal Social Security Act, 42 U.S.C. Sections 670 to 676, during the (BIENNIUM ENDING JUNE 30, 1983) *period beginning July 1, 1985, and ending December 31, 1985*, the county paying the maintenance costs shall be reimbursed for the costs from those federal funds available for that purpose together with an amount of state funds equal to a percentage of the difference between the total cost and the federal funds made available for payment. This percentage shall not exceed the percentage specified in subdivision 1 for the aid to families with dependent children program. In the event that the state appropriation for this purpose is less than the state percentage set in subdivision 1, the reimbursement shall be rateably reduced to the county. *Beginning January 1, 1986, for the purpose of foster care maintenance payments under Title IV-E of the Social Security Act, United States Code, title 42, sections 670 to 676, the county paying the maintenance costs shall be reimbursed for the costs from the federal funds available for the purpose.*

Sec. 10. Minnesota Statutes 1984, 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 human services 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 human services, may receive a reimbursement not exceeding one-half of such costs from funds made available for this purpose by the legislature *during the period beginning July 1, 1985, and ending December 31, 1985. Beginning January 1, 1986, the necessary cost incurred by the commissioner of human services in providing care for the child shall be paid by the county committing the child.* 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, *or a foster care maintenance payment under Title IV-E of the Social Security Act, United States Code, title 42, sections 670 to 676*, his needs shall be met through these programs.

## Sec. 11. [256F.01] [PUBLIC POLICY.]

*It is the public policy of this state that all children, regardless of minority racial or ethnic heritage, are entitled to live in families that offer a safe, permanent relationship with nurturing parents or caretakers and have the opportunity to establish lifetime relationships. To help assure this opportunity, public social services shall be directed toward accomplishment of the following purposes:*

(1) *preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible;*

(2) *restoring to their families children who have been removed, by the continued provision of services to the reunited child and the families;*

(3) *placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate; and*

(4) *assuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption.*

## Sec. 12. [256F.02] [CITATION.]

*Sections 12 to 17 of this article may be cited as the "permanency planning grants to counties act."*

## Sec. 13. [256F.03] [DEFINITIONS.]

*Subdivision 1. [SCOPE.] For purposes of sections 12 to 17 of this article, the terms defined in this section have the meanings given them, unless the context clearly indicates otherwise.*

*Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of human services.*

*Subd. 3. [COUNTY PLAN.] "County plan" means the community social services plan required by section 256E.09.*

*Subd. 4. [COUNTY BOARD.] "County board" means the board of county commissioners in each county.*

*Subd. 5. [FAMILY-BASED SERVICES.] "Family-based services" means the provision of intensive family-centered services to families primarily in their own home for a time-limited period.*

*Subd. 6. [HUMAN SERVICES BOARD.] "Human services board" means a board established under section 402.02, Laws 1974, chapter 293, or Laws 1976, chapter 340.*

*Subd. 7. [PERMANENCY PLANNING.] "Permanency planning" means the systematic process of carrying out, within a brief, time-limited period, a set of goal-oriented activities designed to help children live in families that offer continuity of relationships with nurturing parents or caretakers, and the opportunity to establish lifetime relationships.*

*Subd. 8. [PLACEMENT PREVENTION AND FAMILY REUNIFICATION SERVICES.] "Placement prevention and family reunification services" means a continuum of services designed to help children remain with their families or to facilitate reunification of children with their parents.*

*Subd. 9. [RESIDENTIAL FACILITY.] "Residential facility" means a residential facility as defined in section 257.071, subdivision 1.*

**Sec. 14. [256F.04] [DUTIES OF COMMISSIONER OF HUMAN SERVICES.]**

*Subdivision 1. [GRANT PROGRAM.] The commissioner shall establish a statewide permanency planning grant program to assist counties in providing placement prevention and family reunification services beginning January 1, 1986.*

*Subd. 2. [FORMS AND INSTRUCTIONS.] The commissioner shall provide necessary forms and instructions to the counties for their community social services plan, as required in section 256E.09, that incorporate the permanency plan format and information necessary to apply for a permanency planning grant.*

*For purposes of calendar year 1986, the local social services agency shall submit an amendment to their approved biennial community social services plan according to the forms and instructions provided by the commissioner. Beginning January 1, 1986, the biennial community social services plan shall include the permanency plan.*

*Subd. 3. [MONITORING.] The commissioner shall design and implement methods for monitoring the delivery and evaluating the effectiveness of placement prevention and family reunification services including family-based services within the state according to section 256E.05, subdivision 3, paragraph (e). An evaluation report describing program implementation, client outcomes, cost, and the effectiveness of those services in relation to measurable objectives and performance criteria to keep families unified and minimize the use of out-of-home placements for*

*children shall be prepared by the commissioner covering the period January 1, 1986 through June 30, 1988.*

**Sec. 15. [256F.05] [DISTRIBUTION OF GRANTS.]**

*Subdivision 1. [FUNDS AVAILABLE DUE TO TRANSFER; MINIMUM FUNDING LEVEL.] No county shall receive less in state aids for its permanency planning grant in calendar years 1986 and 1987 than the sum of their reimbursement received under title IV-E foster care and children under state guardianship accounts in state fiscal year 1984. Beginning calendar year 1988, the reimbursement received under title IV-E foster care and children under state guardianship accounts shall be distributed according to formula in this section.*

*Subd. 2. [ADDITIONAL FUNDS.] Additional funds appropriated for family-based services, together with a sum as determined by the commissioner of title IV-B funds distributed to Minnesota according to the Social Security Act, United States Code, title 42, section 621, shall be distributed to counties according to formula.*

*Subd. 3. [FORMULA.] The amount of funds in subdivision 2 which a county board may receive shall be based upon the population of the county under age 19 years as compared to the state as a whole as determined by the most recent data from the state demographer's office.*

*Subd. 4. [PAYMENTS.] The commissioner shall make grant payments to each county whose biennial community social services plan includes a permanency plan under subdivision 2 of this article. The payment must be made in four installments per year. The commissioner may certify the payments for the first three months of a calendar year. The following three payments must be made on April 1, July 1, and October 1 of each calendar year.*

*Subd. 5. [INAPPROPRIATE EXPENDITURES.] Permanency planning grant funds shall not be used for the following expenditures:*

- (1) child day care necessary solely because of the employment, or training to prepare for employment, of a parent or other relative with whom the child is living;*
- (2) residential facility payments;*
- (3) adoption assistance payments;*
- (4) public assistance payments known as aid to families with dependent children; Minnesota supplemental aid; medical as-*

*sistance; general assistance; general assistance medical care; community health services authorized by sections 145.911 to 145.922; and*

*(5) administrative costs for local social services agency public assistance staff.*

*Subd. 6. [TERMINATION OF GRANT.] A grant may be reduced or terminated by the commissioner when the county agency has failed to comply with the terms of the grant or the provisions of sections 12 to 17 of this article.*

*Subd. 7. [TRANSFER OF FUNDS.] Notwithstanding subdivision 1, the commissioner may transfer funds from the permanency planning grants to counties' appropriation into the subsidized adoption account when a deficit in the subsidized adoption program occurs. The amount of the transfer shall not exceed five percent of the permanency planning grants to counties' appropriation.*

#### **Sec. 16. [256F.06] [DUTIES OF COUNTY BOARDS.]**

*Subdivision 1. [RESPONSIBILITIES.] The county board of each county may singly, or in combination with other county boards, apply for a permanency planning grant as provided in section 15, subdivision 2, of this article. Upon approval of the permanency planning grant, the county board may contract for or directly provide placement prevention and family reunification services.*

*Subd. 2. [USES OF GRANTS.] This grant must be used exclusively for placement prevention, family reunification services and training for family-based service and permanency planning. This grant may not be used as a match for other federal funds or to meet the requirements of section 256E.06, subdivision 5.*

*Subd. 3. [DESCRIPTION OF FAMILY-BASED SERVICE.] When a county board elects to provide family-based service as a part of its permanency plan, its written description of family-based service shall include: the number of families to be served in each caseload; the providers of the service; the planned frequency of contacts with the families; and the maximum length of time family-based service shall be provided to families.*

*Subd. 4. [FINANCIAL STATEMENT BY COUNTIES.] Beginning in calendar year 1986, each county receiving a permanency planning grant shall submit to the commissioner a financial accounting of the county's expenditures attributable to this grant. A quarterly statement must be submitted no later than 15 days after the end of the calendar quarter and must include:*

(1) a detailed statement of expenses attributable to the grant during the preceding quarter; and

(2) a statement of the expenditure of all money used for placement prevention and family reunification services by the county during the preceding quarter, including the number of clients served and the expenditures for each service provided by client.

**Sec. 17. [256F.07] [PLACEMENT PREVENTION AND FAMILY REUNIFICATION SERVICES.]**

*Subdivision 1. [PREPLACEMENT REVIEW.] Each county board shall establish a preplacement review procedure to review each request for substitute care placement and to determine if appropriate community resources have been utilized before making a substitute care placement.*

*Subd. 2. [PROCEDURE FOR PLACEMENT.] When the preplacement review has determined that a substitute care placement is required because the child is in imminent risk of abuse or neglect, or requires treatment of an emotional disorder, chemical dependency, or mental retardation, the agency shall:*

(1) determine the level of care most appropriate to meet the child's needs in the least restrictive setting and in closest proximity to the child's family; and

(2) estimate the length of time of the placement, project a placement goal, and provide a statement of the anticipated outcome of the placement.

*Subd. 3. [TYPES OF SERVICES.] Placement prevention and family reunification services include:*

(1) family-based service;

(2) individual and family counseling;

(3) crisis intervention and crisis counseling;

(4) day care;

(5) 24-hour emergency caretaker and homemaker services;

(6) emergency shelter care, not to exceed 30 calendar days within any 12-month period;

(7) access to emergency financial assistance;



(8) *arrangements for the provision of temporary respite care to the family for a brief period not to exceed 72 hours consecutively or 30 calendar days within any 12-month period; and*

(9) *transportation services to the child and parents in order to prevent placement or accomplish reunification of the family.*

*Subd. 4. [RIGHTS OF THE CHILD AND FAMILY.] The child and the family may refuse placement prevention and family reunification services or to appeal the denial of the services.*

## AGING STRATEGY

Sec. 18. Minnesota Statutes 1984, 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 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 SUBDIVI-

SION TO PERSONS WHO ARE ELIGIBLE FOR THE SERVICES BUT WHO ARE NOT YET ELIGIBLE FOR MEDICAL ASSISTANCE. THE SLIDING FEE SCHEDULE IS NOT SUBJECT TO CHAPTER 14 BUT THE COMMISSIONER SHALL PUBLISH THE SCHEDULE AND ANY LATER CHANGES IN THE STATE REGISTER AND ALLOW A PERIOD OF 20 WORKING DAYS FROM THE PUBLICATION DATE FOR INTERESTED PERSONS TO COMMENT BEFORE ADOPTING THE SLIDING FEE SCHEDULE IN FINAL FORMS.)

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 nonfederal share, unless the commissioner obtains a federal waiver for medical assistance payments, of medical assistance appropriations. 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 nonfederal 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 ten percent of the costs.

The commissioner shall promulgate emergency rules in accordance with sections 14.29 to 14.36, to establish required documentation and reporting of care delivered.

Sec. 19. [256D.44] [CITATION.]

*Sections 19 to 45 may be cited as the "Minnesota Supplemental Aid Act."*

Sec. 20. [256D.45] [POLICY.]

*The purpose of sections 19 to 46 is to provide a sound administrative structure for public assistance programs; to maximize the use of federal funds for public assistance purposes; and to provide an integrated public assistance program for all Minnesota state residents who are recipients of supplemental security income or to persons who, except for excess income or resources, would be receiving supplemental security income, who are found to have maintenance needs as determined by application of state standards of assistance, or who have need of a clothing and per-*

*sonal needs allowance while residing in a state hospital, nursing home, or facility with a negotiated rate.*

Sec. 21. [256D.46] [DEFINITIONS.]

*Subdivision 1. [SCOPE.] The terms defined in sections 19 to 46 have the meanings given them unless otherwise provided or indicated within the contents of these sections.*

*Subd. 2. [AGED.] "Aged" means a person who has reached age 65 or one who shall reach the age of 65 during the month of application.*

*Subd. 3. [APPLICANT.] "Applicant" means a person who has filed a Minnesota supplemental aid application or for whom an application has been filed and whose application has neither been acted upon nor voluntarily withdrawn.*

*Subd. 4. [BLIND.] "Blind" means the condition of a person who has no vision or who, even with the help of glasses or other device, does not have sufficient ocular power for ordinary affairs of life. A person without sufficient ocular vision is a person whose vision is 20/200 or less in the better eye with the Standard Snellen Chart and whose vision cannot be remedied or improved. If the vision in the better eye is more than 20/200 but is accompanied by a contraction of the peripheral field to such an extent that the widest diameter of the visual field subtends an angular distance no greater than 20 degrees, it is considered as coming within the definition. The definition shall also include persons with an aphacic eye with a vision of 20/70 in the better eye.*

*Subd. 5. [COMMISSIONER.] "Commissioner" means the commissioner of human services or the commissioner's designee.*

*Subd. 6. [COUNTABLE INCOME.] "Countable income" means net earned and unearned income that is not exempt or disregarded under section 30 and which is actually available to the recipient.*

*Subd. 7. [DEPARTMENT.] "Department" means the department of human services.*

*Subd. 8. [DISABILITY.] "Disability" means the inability to engage in a self-supporting occupation by reason of a permanent and total physical or mental impairment.*

*Subd. 9. [EARNED INCOME.] "Earned income" means wages, salary, commission, or benefits received by a person as monetary compensation from employment or self-employment.*

*Subd. 10. [EMERGENCY.] "Emergency" means a set of circumstances which involve a lack or loss of a maintenance*

*need, which demands immediate action, and which, if unresolved, will threaten the health or safety of the individual.*

*Subd. 11. [EXCLUDED TIME FACILITY.] "Excluded time facility" means any facility listed in section 256B.02, subdivision 2.*

*Subd. 12. [GROSS INCOME.] "Gross income" means all earned and unearned income before any deduction, disregard, or exclusion.*

*Subd. 13. [HOMESTEAD.] "Homestead" means a house owned and occupied by the applicant or recipient as his or her dwelling place together with the land upon which it is situated. This area may be no greater than two contiguous lots in a platted or laid out city or town or 80 contiguous acres in areas which are rural in nature. Real estate not used as a home shall have its value counted under section 29, subdivision 2 unless it produces countable income applicable to the family's needs; the family is making a continuing effort to sell the property at a fair and reasonable price; sale of the real estate would not result in countable income equal to or exceeding the family's monthly needs; or sale of the real estate would cause undue hardship.*

*Subd. 14. [INCOME.] "Income" means generally any benefit with a cash value received by and available to an applicant or recipient as earnings or otherwise.*

*Subd. 15. [LOCAL AGENCY.] "Local agency" means the agency designated by the county board of commissioners, human services boards, county welfare boards in the several counties of the state or multi-county welfare boards or departments where those have been established in accordance with law to administer public assistance programs.*

*Subd. 16. [NEGOTIATED RATE FACILITY.] "Negotiated rate facility" means a nonmedical facility for which the local or state agency determines per diem or monthly standards of payments.*

*Subd. 17. [OTHER MAINTENANCE BENEFITS.] "Other maintenance benefits" means maintenance benefits provided under law or rule pertaining to workers' compensation, unemployment compensation, railroad retirement, veteran's disability benefits, supplemental security income, social security disability insurance, or other maintenance benefits identified by the local agency for which the applicant or recipient is potentially eligible.*

*Subd. 18. [PERMANENT.] "Permanent" means the impairment will persist throughout a person's life.*

*Subd. 19. [REAL PROPERTY.] "Real property" means land, and all buildings, structures, and improvements or other*

*fixtures on it, all rights and privileges belonging or appertaining to it, all manufactured homes attached to it on permanent foundations and all mines, minerals, quarries, fossils, and trees on or under it.*

*Subd. 20. [RECIPIENT.] "Recipient" means a person who is receiving assistance under the Minnesota supplemental aid program, except that a person who returns an uncashed monthly payment and withdraws from the program shall not be considered a recipient. A person who receives and cashes the monthly payment and is subsequently determined ineligible for assistance for that period of time shall remain a recipient, whether or not the assistance is repaid.*

*Subd. 21. [SUPPLEMENTAL SECURITY INCOME.] "Supplemental security income" means benefits paid under the federal program of supplemental security income for the aged, blind, and disabled under Title XVI of the Social Security Act, as enacted by section 301 of the Social Security Amendments of 1972.*

*Subd. 22. [TOTAL.] "Total" relates to the degree of the disability. Totality involves consideration of age, training, skills, and work experience.*

*Subd. 23. [UNDUE HARDSHIP.] "Undue hardship" means a situation when Minnesota supplemental aid eligibility is prevented because the applicant or recipient owns more property than the limit in section 29 and the property is for sale at a reasonable price but has not been sold; or the property is essential to the applicant or recipient for other reasons as determined by the local agency.*

*Subd. 24. [UNEARNED INCOME.] "Unearned income" means any benefit received by the applicant or recipient which does not directly result from that person's labor.*

**Sec. 22. [256D.47] [CLIENT RIGHTS AND RESPONSIBILITIES.]**

*Subdivision 1. [INFORMATION.] The local agency shall provide, to each person inquiring about Minnesota supplemental aid, any information germane to a determination of eligibility.*

*Subd. 2. [ELIGIBILITY AND PROGRAM REQUIREMENTS.] Upon receiving a request for assistance, the local agency shall promptly advise the inquirer, applicant, or recipient of the eligibility criteria or other program information that bears upon eligibility or monthly payment amounts. The local agency shall offer informational brochures to prospective applicants, and shall inform them that eligibility cannot be officially determined and that the right to appeal the agency's decision does not exist without making a formal application.*

**Subd. 3. [INFORMATION ABOUT OTHER PROGRAMS.]** *The local agency shall inform applicants and recipients of the availability of other programs which, from its knowledge of the person's situation, could be of interest to the applicant or recipient.*

**Subd. 4. [RIGHT TO APPLY.]** *All persons making inquiry regarding the program shall be informed by the local agency of the right to apply and the manner in which formal application can be made.*

**Subd. 5. [RIGHT TO NOTICE.]** *No grant of Minnesota supplemental aid, except one made pursuant to section 19, shall be reduced, terminated or suspended unless the recipient receives notice and is afforded an opportunity to be heard prior to action by the local agency. Nothing herein shall deprive a recipient of the right to full administrative and judicial review of an order or determination of a local agency as provided for in section 256.045 subsequent to any action taken by a local agency after a prior hearing.*

**Subd. 6. [RIGHT TO REPRESENTATION.]** *Applicants and recipients have the right to have someone act in their behalf to ensure that their legal, civil, and human rights are upheld, and to have someone assist or represent them in the application, eligibility review, or fair hearing process, and in any other contacts with the local or state agency. An applicant who wishes to be represented by an individual of his or her own choosing may do so only by specifying this intent, in writing, to the local agency.*

**Subd. 7. [RIGHT TO REVIEW RECORDS.]** *An applicant or recipient shall be allowed to review records held by the local agency which are related to his or her eligibility for or the amount of benefits he or she receives from Minnesota supplemental aid, except for those records classified under the Minnesota data practices act as "confidential."*

**Subd. 8. [CLIENT RESPONSIBILITIES.]** *Any applicant or recipient who is otherwise eligible for Minnesota supplemental aid and possibly eligible for maintenance benefits from any other source shall:*

(1) *make application for those benefits within 30 days of the local agency's determination of potential eligibility for those benefits; and*

(2) *execute an interim assistance authorization agreement on a form prescribed by the commissioner.*

*If found eligible for benefits from other sources, and a payment received from another source relates to the period during*

*which Minnesota supplemental aid was also being received, the recipient shall be liable to reimburse the local agency for the interim assistance paid, including amounts issued as emergency assistance. Reimbursement shall not exceed the amount of Minnesota supplemental aid paid during the time period to which the other maintenance benefits apply. The commissioner shall adopt rules authorizing local agencies to retain from the amount recovered under an interim assistance agreement 25 percent plus actual reasonable fees, costs, and disbursements of appeals and litigation, of providing advocacy assistance to the recipient in processing the recipient's claim for maintenance benefits from another source. The money retained under this section shall be from the state share of the recovery. The local agency may contract with qualified persons to provide the advocacy 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 federal programs for the disabled.*

**Sec. 23. [256D.48] [RESIDENCE.]**

*To be eligible for Minnesota supplemental aid a person must be a resident of Minnesota. Minnesota residence is not lost unless the individual so intends and residence is established elsewhere. If a Minnesota supplemental aid recipient moves out of Minnesota with the intent to establish a home elsewhere, Minnesota supplemental aid must be terminated immediately, subject to the timely notice provisions of section 38. If the recipient returns to Minnesota after having established residence in another state and if monthly payments have been discontinued, the county of financial responsibility must be determined on county residence after returning. United States citizenship or permanent residence status is not a requirement for eligibility.*

**Sec. 24. [256D.49] [RESPONSIBILITY TO PROVIDE MINNESOTA SUPPLEMENTAL AID.]**

*Each local agency shall provide Minnesota supplemental aid to persons residing within its jurisdiction who meet the eligibility requirements of sections 29 and 30. Minnesota supplemental aid shall be administered by the local agency according to law and rules promulgated by the commissioner pursuant to the Minnesota administrative procedures act.*

**Sec. 25. [256D.50] [APPLICATION FOR ASSISTANCE.]**

*Subdivision 1. [FILING OF APPLICATION.] Any person requesting Minnesota supplemental aid shall be permitted by the local agency to make an application for assistance on the date that assistance is first requested. The application shall be in writing and upon the form prescribed by the commissioner and shall contain the following declaration which shall be signed by the applicant or his or her authorized representative: "I declare*

*that this application has been examined by me and is a true and correct statement of every material point." On the date that Minnesota supplemental aid is first requested, the local agency shall inquire and determine whether the person requesting assistance is in immediate need of food, shelter, clothing, assistance for necessary transportation, or other emergency assistance pursuant to section 34. A person in need of emergency assistance shall be granted this assistance immediately upon determination of need, and necessary assistance shall continue until either the person is determined to be ineligible for Minnesota supplemental aid or the first grant of Minnesota supplemental aid is paid to the person. A determination of an applicant's eligibility for Minnesota supplemental aid shall be made by the local agency as soon as the required verifications are received by the local agency and in no event later than that time period provided under section 12. Any verifications required of the applicant shall be reasonable. Minnesota supplemental aid shall be granted to an eligible applicant without the necessity of first securing action by the board of the local agency. The amount of the first grant of Minnesota supplemental aid awarded to an applicant shall be computed to cover the time period starting with the first day of the month in which the application was filed, or the first day of the month in which all eligibility factors were met, whichever is later.*

**Sec. 26. [256D.51] [VERIFICATION.]**

*The local agency must verify information provided by the applicant or recipient regarding his or her identity; social security number; categorical basis for eligibility; the applicant's or recipient's income and the income of persons for whom the applicant or recipient has relative responsibility or who have relative responsibility for the applicant or recipient; and other relevant factors, provided the local agency has reason to question the accuracy of information provided by the applicant or recipient. If the applicant or recipient refuses to cooperate with the local agency in its attempt to verify the information, the local agency shall deny or terminate assistance.*

**Sec. 27. [256D.52] [DISPOSAL OF APPLICATION BY THE AGENCY.]**

*Upon receiving an application, the local agency must promptly determine if the applicant is eligible for assistance, must formally act to approve or deny the application, must inform the applicant of its decision, and must issue assistance if the applicant is found eligible. If the local agency is unable to determine the applicant's eligibility or ineligibility within 30 days or within 60 days if the basis of eligibility is disability, it shall inform the applicant, in writing, of the reason.*

**Sec. 28. [256D.53] [RESIDENCE; COUNTY OF FINANCIAL RESPONSIBILITY.]**



*The applicant shall make application for Minnesota supplemental aid in the county within which he or she is living at the time of application. Financial responsibility shall be the same as that prescribed in section 256B.02, subdivision 3. When the applicant resides in an excluded time facility, the county of financial responsibility shall be the county in which the applicant resided immediately prior to beginning uninterrupted excluded time residence. If upon investigation the local agency decides that the application was not filed in the county of financial responsibility as provided herein and that the applicant is otherwise eligible for assistance, it shall, while providing assistance to the applicant, transmit a copy of the application together with the record of any investigation made by it and a copy of its decision to the state agency and to the county which it has decided is the county of financial responsibility. The state agency shall promptly determine financial responsibility and make an order referring the application to the responsible county for further action. Such action shall include reimbursement by the county of financial responsibility for any assistance which another county has provided to the applicant in accordance with this section. The order of the state agency shall be binding upon the county of financial responsibility and the applicant or recipient unless reversed on appeal as provided in section 256.045 and shall be complied with pending any such appeal.*

Sec. 29. [256D.54] [ELIGIBILITY CRITERIA.]

*Subdivision 1. [ENTITLED TO RECEIVE AID.] Each person who is a resident of Minnesota, and who is aged, blind, or disabled, and whose income and resources are less than the standard of assistance and limits applicable to that person, shall be eligible for and entitled to Minnesota supplemental aid. Persons who are found eligible by the social security administration on the basis of age, blindness, or disability shall be deemed to have met the requirements.*

*Subd. 2. [RESOURCES.] To be eligible for Minnesota supplemental aid, the applicant or recipient must not own or have an interest in personal property which exceeds the following limits:*

*(1) For an aged person, (a) life insurance having a cash surrender value no greater than \$1,000, (b) a prepaid burial contract with a maximum value of \$750 plus \$200 in accumulated interest and (c) additional personal property having a maximum value of \$300 for a recipient who does not live with a spouse who also receives Minnesota supplemental aid and \$450 for a married couple receiving Minnesota supplemental aid;*

*(2) For a blind person, a maximum in personal property, including life insurance and any prepaid burial contract, of \$2,000 if the recipient does not live with a blind person who also receives Minnesota supplemental aid and \$4,000 for a blind couple receiving Minnesota supplemental aid;*

(3) *For a disabled person the limits of part (1) apply except that the life insurance shall have a maximum cash surrender value of \$500.*

*Subd. 3. [EXCLUDED RESOURCES.] A local agency shall exclude from the determination of the resources of an applicant or recipient the following items and goods:*

- (1) one motor vehicle;*
- (2) proceeds from reverse mortgages;*
- (3) a homestead or mobile home used as a home; and*
- (4) other property, goods, items, and materials necessary for day-to-day living.*

*Subd. 4. [JOINTLY HELD PROPERTY.] When real or personal property is held jointly among two or more persons, the local agency shall assume that each person owns an equal share unless the local agency or any of the persons can demonstrate that the share is greater or lesser. If so, the local agency shall use the greater or lesser share to determine the value held by an applicant or recipient. An owner of property as a tenant in common owns a pro rata share of the property's value. All other types of ownership must be evaluated according to law. Jointly owned property shall be considered available unless the person does not have the legal capacity to liquidate the property without the signature of the other owners. The applicant must provide information to the local agency to assist it in making a determination regarding the property's availability. If the property is unavailable, the applicant must, as a condition of continued eligibility, take reasonable actions requested by the local agency to make the property available.*

*Subd. 5. [TRANSFERS OF PROPERTY.] In determining the resources of an individual and an eligible spouse there shall be included any resource or interest which exceeds the limits set out in subdivisions 2 and 3 and which was given away or sold for less than fair market value within the 12 months preceding application for Minnesota supplemental aid or during the period of eligibility.*

*Any transaction described in this subdivision shall be presumed to have been for the purpose of establishing eligibility for benefits or assistance under this chapter unless the individual or eligible spouse furnishes convincing evidence to establish that the transaction was exclusively for another purpose.*

*For purposes of this subdivision, the value of a resource or interest shall be the fair market value at the time it was sold or given away, less the amount of compensation received. In any*

case where the transferred property exceeds the monthly standard of assistance applicable to the applicant or recipient, the recipient shall be determined ineligible for Minnesota supplemental aid. The number of months of ineligibility shall be determined by dividing the uncompensated value of the transferred property by the monthly standard of assistance applicable to the applicant or recipient.

Subd. 6. [BUILD-UP OF ASSETS.] A recipient who does not have allowable cash assets at the time of application may create such assets or may build those funds up to the maximum by legal means, provided that all of the recipient's income has been reported and fully accounted for in determining the recipient's need or the amount of assistance.

Subd. 7. [RIGHT TO REDUCE EXCESS PROPERTY OR RESOURCES.] The local agency shall allow a recipient who has property or resources in excess of the standards stated herein to reduce the value of property by transferring the excess to a type of property not exceeding limits, using the excess to meet all needs up to three months, or in any other way except one which results in a reduction of available resources without adequate compensation.

If a recipient possesses property which exceeds the standards in all areas stated herein, eligibility shall continue if the recipient observes his or her responsibility for reporting and takes the steps to reduce such property within 15 days of notice by the agency. If a recipient fails to utilize the excess property or resource in a manner described herein, his or her eligibility shall be terminated.

Subd. 8. [CONVERSION OF PROPERTY.] When a client's real or personal property, regardless of whether it had been excluded, has been sold and converted to cash, the cash is considered as a resource except that proceeds from the sale of a homestead may be held up to 90 days in an escrow account when the proceeds are to be used for the purchase of another home.

Subd. 9. [WAIVER OF EXCESS PROPERTY.] The local agency shall waive excess real and nonliquid personal property more than the limits of subdivisions 2 and 3, when the local agency determines that: the property produces a reasonable market return and it is being used for the support of the applicant or recipient; when a grant of emergency assistance under the Minnesota supplemental aid program is required and the property cannot be liquidated in time to meet the need; or when an undue hardship would be imposed upon the applicant or recipient by the forced disposal of the property.

## Sec. 30. [256D.55] [INCOME.]

Subdivision 1. [SUBTRACTION.] All of an applicant's or recipient's countable earned and unearned income which is actual-

*ly available must be subtracted from the applicable standard of assistance when determining eligibility for and monthly payment amounts under Minnesota supplemental aid. Income must be considered income in the month of receipt and a resource thereafter.*

*Subd. 2. [INCOME EXCLUSIONS.] Countable income must not include: food stamps; home-produced food used by the household; Indian claim payments made by the United States Congress to compensate members of Indian tribes for the taking of tribal lands by the federal government; cash payments to displaced persons who face relocation as a result of the Housing Act of 1965, the Housing and Urban Development Act of 1965, or the Uniform Relocation Act of 1970; displaced homemaker payments; reimbursement received for maintenance costs of providing foster care to adults or children; benefits under Title III and Title VII of the Older Americans Act of 1965; Minnesota renter homeowner property tax refunds; infrequent, inconsequential gifts of money which do not total more than \$30 in a month; reimbursement payments received from the VISTA program; all reverse mortgage loan proceeds received including interest or earnings; in-kind income; payments received for providing volunteer services under Title I, Title II, and Title III of the Domestic Service Act of 1973; loans which have to be repaid; federal low income heating assistance program payments; and any other type of funds excluded as income by state law.*

*Subd. 3. [SELF SUPPORT PLANS.] The county agency shall, for a period not in excess of 36 months, disregard the additional amounts of other income and resources in the case of an individual who has a plan for achieving self-support approved by the state agency as may be necessary for the fulfillment of the plan, but only with respect to the part or parts of the period during substantially all of which he or she is actually undergoing vocational rehabilitation.*

*Subd. 4. [APPLICATION FOR FEDERALLY FUNDED BENEFITS.] Persons for whom the applicant or recipient has financial responsibility and who have unmet needs must apply for and if eligible accept AFDC and other federally funded benefits prior to allocation of earned and unearned income from the applicant or recipient to meet the needs of these persons. If the persons are determined eligible for these benefits, the applicant or recipient may not allocate earned or unearned income to those persons.*

*Subd. 5. [ALLOCATION OF INCOME.] In determining the eligibility of and the monthly payment for an applicant or recipient, countable earned and unearned income may first be allocated except as conditioned in subdivision 4 to cover the unmet needs of persons for whom the applicant or recipient has financial responsibility and who share a residence with the applicant or recipient, at the rate for each of one-half the individual supplemental security income standard of assistance. If the ap-*

*plicant or recipient shares a residence with another person who has financial responsibility for the applicant or recipient, the income of the responsible relative shall be considered available to the applicant or recipient after allowing the disregards and deductions in subdivisions 6, 7, 8, and 9 of this section; the amount of actual payments made to individuals who reside outside of the home who are or could be claimed as dependents for purposes of income tax filing; and an amount equal to one-half of the individual supplemental security income standard of assistance for each additional person who resides in the home and for whom he or she is financially responsible.*

*Subd. 6. [EARNED INCOME DISREGARDS.] From the applicant's or recipient's gross earned income, the local agency shall disregard the first \$85 plus one-half of the remaining income.*

*Subd. 7. [EARNED INCOME DEDUCTIONS.] From the applicant's or recipient's gross earned income, the local agency shall subtract the following work expenses: transportation costs at the rate of 22 cents per mile or actual cost; meal allowances at the rate of \$3 per work day; amounts paid for uniforms required for work, tools, and equipment; health and other employer required insurance payments; union and professional association dues when paid; mandatory retirement fund contributions; FICA and supplementary medical insurance costs; state and federal income taxes; child care; and other reasonable expenses which are necessary for work.*

*Subd. 8. [SELF-EMPLOYMENT EARNINGS.] The amount of gross earned income from self-employment enterprises must be the amount remaining when reasonable, necessary business costs are subtracted from gross receipts. Capital expenditures and depreciation may not be allowed as business costs. Material stocks and goods used in producing income, inventory if it is a part of the operating stock, and loans received for business purposes may not be counted in determining gross earned income of the applicant or recipient.*

*(a) Income from rental property must be considered self-employment earnings for each month labor is expended by the owner of the property. Actual, reasonable costs of upkeep and repairs shall be allowed as a business expense. Additional deductions shall be allowed for real estate taxes, insurance, utilities, and the interest on principal payments. If the applicant or recipient lives on the property, these expenses must be apportioned according to the number of rooms rented against the number occupied by the assistance unit. When no labor is expended, income from rental property shall be considered as unearned income except that an additional deduction shall be allowed for actual, reasonable, and necessary labor costs for upkeep and repair.*

(b) *To arrive at net income available for support from farm operations, the local agency must deduct operating expenses from gross receipts. Farm income includes all proceeds from sales of livestock, livestock products or crops sold or held for later disposition and income from land rented on a share or cash basis; and soil conservation payments. Operating expenses include costs of raising crops and animals, machinery repairs, hired labor, rent, and property costs. Capital expenditures and depreciation are not allowable as business costs. In no case may a loss from farming operations be deducted from other income such as wages or other self-employment enterprises.*

(c) *To arrive at net income from roomers and boarders, monthly expenses of \$84 shall be deducted from gross income for boarders, \$69 for roomers, and \$153 for roomers or boarders.*

**Subd. 9. [UNEARNED INCOME DISREGARD.]** *From the applicant's or recipient's income from the retirement, survivors and disability insurance program, the local agency shall disregard \$20. All other unearned income is considered as available to meet the needs of the applicants and recipients and as such are deducted from the established Minnesota supplemental aid standard of need. Unearned income includes but is not limited to benefits and retirement pension, income from trusts, and military service person's contributions. The \$20 disregard must not be allowed to persons referred to in section 33, subdivision 4.*

**Subd. 10. [LUMP SUMS.]** *Lump sum payments and wind-falls must be considered income in the month received and a resource thereafter.*

### **Sec. 31. [256D.56] [STANDARDS OF ASSISTANCE.]**

**Subdivision 1. [USE OF STANDARDS; INCREASES.]** *The state standards of assistance for shelter, basic needs, and special need items establish the total amount of maintenance need for an applicant for or recipient of Minnesota supplemental aid, must be used to determine the applicant's or recipient's eligibility for Minnesota supplemental aid and the minimum monthly payment amount, and must be used to establish the amount of state aid for such payments. The state standards of assistance shall increase by an amount equal to the dollar value of any cost of living increases in the supplemental security income program, except that the commissioner may take other actions as necessary, from an examination of current expenditures under Minnesota supplemental aid, to prevent loss of federal funds as provided in Public Law Number 94-585; if this authority is invoked, the commissioner shall provide a report to the Minnesota legislature regarding the circumstances and the need for the action.*

**Subd. 2. [STANDARD OF ASSISTANCE FOR SHELTER.]** *The state standard of assistance for shelter provides for the recipient's shelter, heating, cooking, electrical, water, sewer,*

and garbage removal needs. Except as provided in section 32, the monthly state standard of assistance for shelter is the actual cost of shelter or the standard in effect on December 31, 1985, whichever is less.

*Subd. 3. [STANDARD OF ASSISTANCE FOR BASIC NEEDS.]* The state standard of assistance for basic needs provides for the recipient's food, clothing and personal needs, reading material, laundry, household supply items, transportation, and other personal needs. Except as provided in section 32, the following establishes the monthly state standard of assistance for basic needs:

(a) For an individual who does not share a residence with another person, the state standard of assistance is \$234.

(b) For an individual who shares a residence with another person or persons the state assistance standard is \$184.

*Subd. 4. [STANDARD OF ASSISTANCE FOR A RECIPIENT RESIDING IN A STATE HOSPITAL OR DWELLING WITH A NEGOTIATED RATE.]* When a recipient is a resident of a state hospital or a dwelling with a negotiated rate, the recipient shall not be eligible for a shelter standard, a basic needs standard, or for special needs pursuant to subdivisions 2, 3, and 6. The recipient's needs for those items are included in the negotiated rate paid for the person pursuant to subdivision 5. Except as provided in section 32, the state standard of assistance for those persons shall be the clothing and personal needs allowance that has been established for medical assistance recipients under section 256B.35.

*Subd. 5. [NEGOTIATED RATES.]* Minnesota supplemental aid may be paid for rates negotiated by the local agency for necessary, reasonable, and nonmedical costs for maintenance needs provided to recipients who are eligible for Minnesota supplemental aid. The rates may be paid for persons who are placed by the local agency or who elect to reside in a room and board facility or a licensed facility for the purpose of receiving physical, mental health, or rehabilitative care, provided the local agency agrees that this care is needed by the person. When Minnesota supplemental aid is used to pay a negotiated rate, the rate payable to the facility must not exceed the rate paid by an individual not receiving Minnesota supplemental aid. Except as provided in section 32, the maximum rate permissible for room and board or a licensed facility must not exceed \$800. To receive payment for a negotiated rate, the dwelling must comply with applicable laws and rules establishing standards necessary for health, safety, and licensure. The negotiated rate shall be adjusted by the annual percentage change in the urban consumer price index (CPI-U) for Minneapolis-St. Paul as published by the Bureau of Labor Statistics between the previous two Octobers, new series index (1967-100).

*Subd. 6. [SPECIAL NEEDS.] Notwithstanding subdivisions 1, 2, 3, and 4, payments shall be allowed for the following special needs of recipients of Minnesota supplemental aid:*

*(a) Medically prescribed diets. The local agency shall pay an allowance monthly for certain medically prescribed diets when they are prescribed by a physician and if the cost of those additional dietary needs is not being met through some other program. Following the initial determination of need for the diet, the propriety of continuing payments shall be reviewed no less frequently than at the time of each redetermination of eligibility. No requirement shall be made to provide verification of actual expenditures for additional dietary need items. The amount of this supplementary payment is determined in relation to the thrifty food plan for one person established by the Food and Nutrition Service of the United States Department of Agriculture. Except as provided in section 32, payment shall be determined for the following special diets at the levels described below, except that the commissioner may provide for additional dietary need upon nutritional documentation:*

- |  |   |
|--|---|
| <i>(1) High protein diet</i>   | <i>25 percent of thrifty food plan</i>  |
| <i>(at least 80 grams daily)</i>   |   |
| <i>(2) Controlled protein diet</i>   | <i>100 percent of thrifty food plan</i> |
| <i>(40-60 grams and requires special products such as Controlyte, Paygel, Aprotin, Cal-Power, and Citrotein)</i> |   |
| <i>(3) Controlled protein diet</i>   | <i>125 percent of thrifty food plan</i> |
| <i>(less than 40 grams and requires special products described in clause (2) above)</i>                          |   |
| <i>(4) Low cholesterol diet</i>  | <i>25 percent of thrifty food plan</i>  |
| <i>(5) High residue diet</i>   | <i>20 percent of thrifty food plan</i>  |
| <i>(6) Pregnancy and lactation diet</i>  | <i>35 percent of thrifty food plan</i>  |
| <i>(7) Gluten free diet</i>  | <i>25 percent of thrifty food plan</i>  |
| <i>(8) Lactose free diet</i>   | <i>25 percent of thrifty food plan</i>  |
| <i>(9) Anti-dumping diet</i>   | <i>15 percent of thrifty food plan</i>  |
| <i>(10) Hypoglycemic diet</i>  | <i>15 percent of thrifty food plan</i>  |
| <i>(11) Ketogenic diet</i>   | <i>25 percent of thrifty food plan</i>  |



(b) *Payment for nonrecurring special needs must be allowed for necessary repairs or replacement of household furniture and appliances.*

(c) *Except in an emergency, the recipient shall obtain prior authorization for special need items if payment is to be made by the local agency. The local welfare board shall designate a person or persons who shall be authorized to approve repairs and replacements prior to formal board action.*

**Sec. 32. [256D.57] [LOCAL AGENCY STANDARDS OF ASSISTANCE.]**

*The local agency may establish standards of assistance for shelter, basic needs, special needs, clothing and personal needs, and negotiated rates in excess of the corresponding state standards of assistance. State aid shall not be available for the excess costs of higher standards.*

**Sec. 33. [256D.58] [MONTHLY PAYMENT AMOUNTS.]**

*Subdivision 1. [PAYMENT PERIOD.] A calendar month shall constitute the payment period for Minnesota supplemental aid. The monthly payment to a recipient must be determined pursuant to this section.*

*Subd. 2. [PROSPECTIVE BUDGETING.] During the first two months of applicant eligibility and during a month and the following month, in which a change of at least \$50 has occurred, the local agency shall subtract the amount of countable income anticipated for the payment period from the state standards of assistance applicable to the applicant or recipient during that payment period:*

- (a) *shelter and basic needs; or*
- (b) *clothing and personal needs; or*
- (c) *higher local agency standards established under section 32.*

*In the event that the amount of anticipated income is less than the amount of income actually received during the payment period, the local agency shall issue a supplemental payment for the difference.*

*Subd. 3. [RETROSPECTIVE BUDGETING.] Following the first two months of payment eligibility determined by provisions of subdivision 2, the local agency shall subtract the amount of countable income actually received during the payment period*

*two months earlier from the following state standards of assistance applicable to the recipient during the current payment period:*

- (a) shelter and basic needs; or*
- (b) clothing and personal needs; or*
- (c) higher local agency standards established under section 32.*

*In the event that the amount of income actually received for the current payment period is less than the amount of income received during the payment period two months earlier, the local agency shall issue a supplemental payment for the difference. If the amount of income actually received for the current payment period exceeds the amount of income received for the payment period two months earlier, the recipient shall be considered overpaid. When the local agency is informed that income will no longer be received from a particular source, the local agency shall initiate a two-month prospective budgeting period pursuant to subdivision 2.*

*Subd. 4. [MONTHLY PAYMENT AMOUNT; PERSON RESIDING INDEPENDENTLY.] The monthly payment for a recipient who resides independently must be the difference between the countable income and the applicable standards of assistance as determined in subdivisions 2 and 3.*

*Subd. 5. [MONTHLY PAYMENT AMOUNT; PERSON RESIDING IN STATE HOSPITAL OR DWELLING WITH NEGOTIATED RATE.] The monthly payment for a recipient who resides in a state hospital or a dwelling with a negotiated rate must be the difference between the countable income and sum of the standard of assistance as determined in subdivision 2 or 3 and the negotiated rate, if any.*

**Sec. 34. [256D.59] [EMERGENCY ASSISTANCE.]**

*Subdivision 1. [ELIGIBILITY FOR EMERGENCY ASSISTANCE.] Emergency assistance must be granted if the applicant or recipient has income and resources less than the limits of sections 29 and 30 and a situation exists which, if not resolved, will threaten the health or safety of an applicant or recipient. To be eligible for emergency assistance, the applicant or recipient must be without resources adequate to resolve the situation.*

*Subd. 2. [INCOME AND RESOURCE TEST.] All income and resources available to the applicant or recipient during the month that the need for emergency assistance arose must be considered in determining the applicant's or recipient's ability to*

*meet the emergency need. Liquid personal property and income which is normally disregarded or excluded under the Minnesota supplemental assistance program must be considered available to meet the emergency need.*

*Subd. 3. [EMERGENCY ASSISTANCE USAGES.] Emergency assistance may be used to replace lost or stolen Minnesota supplemental aid grant money, or when an applicant or recipient lacks food or shelter, has received a notice of eviction, has received a residential utility shut-off notice, requires damage deposits, utility connection, initial rent or moving expenses, has other expenses related to establishing a new residence, or requires assistance for necessary home repairs.*

*Subd. 4. [PAYMENT AMOUNT.] The amount of assistance granted under Minnesota supplemental aid emergency assistance shall be based on the current Minnesota supplemental aid need standards. If the standards are insufficient to meet the emergency need, the Minnesota supplemental aid emergency assistance payment must be based on the amount necessary to resolve the emergency.*

*Subd. 5. [RELATIONSHIP TO REGULAR MONTHLY PAYMENTS.] When a portion of the Minnesota supplemental aid emergency assistance grant is issued to a Minnesota supplemental aid recipient for his or her current needs, the amount of the Minnesota supplemental aid emergency assistance intended to cover current needs must be subtracted from the amount of the regular Minnesota supplemental aid grant issued for the same time period. However, if a regular grant has already been issued for the same period in which the emergency arises, the local agency shall not deduct the amount issued from a grant for a subsequent month.*

*Subd. 6. [LOST OR STOLEN MONEY.] Minnesota supplemental aid emergency assistance must be a resource when a significant portion of the money a recipient had after cashing his or her assistance check is lost or stolen. The recipient must be without funds to pay for food, shelter, or utilities for the remainder of the month. The conditions for replacing lost or stolen money are:*

*(1) Only lost money from the Minnesota supplemental aid assistance check may be replaced.*

*(2) Loss by theft must have been reported to law enforcement officials.*

*(3) A written report of the event must be submitted to the local agency by the recipient in the form of an affidavit.*

(4) *The contents of the law enforcement report and the recipient's affidavit must be reasonably consistent as to the amount lost and the circumstances surrounding the loss.*

*Subd. 7. [PROTECTIVE PAYMENTS TO AVOID RECURRING NEED.] When payment is issued for emergency assistance on more than one occasion in a 12-month period, this shall constitute cause for establishing protective payments of regular Minnesota supplemental aid benefits. If the person receives benefits from the Social Security Administration, the local agency shall also petition that agency to establish a representative payee for those benefits.*

**Sec. 35. [256D.60] [PAYMENT METHODS.]**

*Minnesota supplemental aid grants must be issued by the local agency to the recipient, a protective payee or a conservator or guardian of his or her estate in the form of county warrants immediately redeemable in cash. Minnesota supplemental aid warrants must be issued regularly on the first day of the month and the payment must be made only to the address at which the recipient resides, unless another address has been approved in advance by the local agency, except that at the request of the recipient and if the local welfare agency has arranged for direct depositing, the agency may forward Minnesota supplemental aid warrants or allowance amounts directly to banks, savings and loan associations, or credit unions with which the recipient has made arrangements for direct deposit. Vendor payments must not be made by the local agency except for nonrecurring emergency need payments, replacement or repair of household appliances, and home repairs.*

**Sec. 36. [256D.61] [PROTECTIVE PAYMENTS.]**

*Subdivision 1. [NEED FOR PROTECTIVE PAYEE.] The local agency shall determine whether a recipient has need of a protective payee by reason of a physical or mental condition and an inability to manage funds so that making payment to him or her would be contrary to his or her welfare. The determination must include medical or psychological evaluations or other reports of physical or mental conditions including observation of conditions such as extensive paralysis, serious mental retardation, continued disorientation, or severe memory loss. The determination of representative payment by the Social Security Administration for the recipient is deemed sufficient reason for protective payment of Minnesota supplemental aid payments. Protective payments must be issued where there is evidence of continued inability to plan the use of income to meet necessary expenditures; continued observation that dependents are not properly fed or clothed; continued failure to meet obligations for rent, utilities, food, and other essentials; evictions or a repeated incurrence of debts; or lost or stolen checks. If an assis-*

*tance check is lost, stolen, or destroyed, a duplicate check shall be issued if the recipient files an affidavit with the county agency attesting to the loss, theft, or destruction of the original. The duplicate check must correspond in number, date, and amount with the original check and shall have endorsed on its face the term "duplicate."*

**Subd. 2. [ESTABLISHING PROTECTIVE PAYMENT.]**  
*When the local agency determines that the recipient has need of a protective payee, the local agency shall appoint a payee as follows:*

*(1) when the Social Security Administration has established a representative payee for the recipient, the local agency shall appoint that representative payee as the protective payee for Minnesota supplemental aid payments, when possible; or*

*(2) when a representative payee has not already been established, the local agency shall consider the recipient's preference of protective payee. The protective payee shall have an interest in or concern for the welfare of the recipient and must be capable of and willing to provide the required assistance. The local agency director, members of the county welfare board, and vendors of goods or services, including the recipient's landlord, may not serve as protective payee.*

*(3) the local agency shall make appropriate termination of protective payments when an individual is considered able to manage funds in his or her best interest. When a judicial appointment of a guardian or other legal representative appears to serve the best interest of the individual, such appointment shall be sought by the local agency.*

**Subd. 3. [FAIR HEARING.]** *Opportunity for a fair hearing must be given to any individual claiming assistance in relation to the determination that a protective payment must be made or continued, and in relation to the payee selected.*

**Sec. 37. [256D.62] [PAYMENT CORRECTION.]**

**Subdivision 1. [WHEN.]** *When the local agency finds that the recipient has received less than or more than the correct payment of Minnesota supplemental aid benefits, the local agency shall issue a corrective payment or seek recoupment, respectively.*

**Subd. 2. [UNDERPAYMENT OF MONTHLY GRANTS.]**  
*When the local agency determines that an underpayment of the recipient's monthly payment has occurred, it shall, during that same month, issue a corrective payment. The payment must be one payment for the total number of months for which underpayment was made, except that if the underpayment would result in a corrective payment of less than \$10, no corrective pay-*

ment must be made. Corrective payments may be made only for the 12-month period immediately preceding the month in which the underpayment is discovered and must be excluded when determining the applicant's or recipient's income and resources.

*Subd. 3. [OVERPAYMENT OF MONTHLY GRANTS.]* When the local agency determines that an overpayment of the recipient's monthly payment has occurred, it shall issue a notice of overpayment to the recipient within 12 months of the identification of the overpayment. If the person's case is no longer open, the local agency may request voluntary repayment or pursue civil recovery. If the recipient's case is open, the local agency shall recover the overpayment by withholding an amount up to one-half of the monthly disregarded income.

Sec. 38. [256D.63] [NOTICE.]

*Subdivision 1. [TEN-DAY NOTICE.]* The local agency shall give the recipient ten days' advance written notice when the agency intends to terminate, suspend, or reduce a grant. The ten-day notice must be in writing on a form prescribed by the commissioner; mailed or given to the recipient not later than ten days before the effective date of the action; and clearly state what action the local agency intends to take, the reasons for the action, the right to appeal the action, and the conditions under which assistance can be continued pending an appeal.

*Subd. 2. [FIVE-DAY NOTICE.]* Five days are sufficient for advance notice when the agency has verified and documented that the case facts require termination, suspension, or reduction of the grant and the action is required because of probable fraud by the recipient.

*Subd. 3. [ADEQUATE NOTICE.]* Notice given no later than the effective date of the action is sufficient when: (1) the agency has factual information confirming the death of a person in the grant; (2) the agency receives a clear written statement, signed by the recipient, that he or she no longer wishes assistance; (3) the agency receives a clear statement, signed by the recipient, reporting information which the recipient understands will require termination or a reduction in the grant; (4) the recipient has been placed in a skilled nursing home, intermediate care, or long-term hospitalization facility; (5) the recipient has been admitted to or committed to an institution; (6) the recipient has been accepted for assistance in a new county; or (7) the recipient's whereabouts are unknown and the agency mail directed to her or him has been returned by the post office indicating no forwarding address.

Sec. 39. [256D.64] [APPEALS.]

*Subdivision 1. [RIGHT TO APPEAL.]* Applicants and recipients have a right to a fair hearing if they are aggrieved

*by an action or by inaction of the local agency. Appealable issues include the following: (1) denial of the right to apply for assistance; (2) failure on the part of the local agency to act upon the application promptly or timely; (3) denial of an application for assistance; (4) suspension, reduction, or termination of assistance; (5) grant calculations, including the calculated amounts of overpayments and calculated levels of recoupments due to those overpayments; (6) the determination of periods of ineligibility and the applicability of those periods to various members of the family resulting from receipt of a lump sum; (7) the availability and calculation of corrective payments; (8) use of protective or vendor payments; (9) recoupment of overpayments limited to those issues which led to the alleged overpayment; and (10) other issues related to eligibility for an amount of Minnesota supplemental aid, as required by state law and rule as they currently exist, or as subsequently amended.*

**Subd. 2. [COSTS RELATED TO APPEALS.]** *Reasonable and necessary expenses, as determined by the local agency, which are related to the applicant's or recipient's attendance at the hearing, must be reimbursed by the local agency. Reasonable and necessary costs of attendance by witnesses must be reimbursed only if the appellant prevails in the appeal.*

**Subd. 3. [RIGHT TO APPEAL.]** *No grant of Minnesota supplemental aid, except one made pursuant to section 34, shall be reduced, terminated, or suspended unless the recipient receives notice and is afforded an opportunity to be heard prior to any action by the local agency. Nothing in this section shall deprive a recipient of his or her right to full administrative and judicial review of an order or determination of a local agency as provided for in section 256.045 subsequent to any action taken by a local agency after a prior hearing.*

**Subd. 4. [CONTINUATION OF PAYMENT PENDING APPEAL DECISION.]** *When assistance is reduced, suspended, or terminated, the grant must be continued pending an appeal decision if the appellant files the appeal within ten days of the notice or prior to the effective date of the proposed action, whichever is later.*

**Sec. 40. [256D.65] [REPORTING REQUIREMENTS.]**

*All recipients of Minnesota supplemental aid shall have their eligibility redetermined at least once every 12 months. Applicants and recipients shall provide, report, and verify all information necessary to determine initial and ongoing eligibility. This requirement must include information requested at the time of application and at the time a redetermination or report form is due. This responsibility also includes a report within eight days of any change in income and household circumstances which affect eligibility. The report form must be completed monthly*

*when the recipient has earned income and quarterly when the recipient does not. Failure without good cause to complete and return the household report prior to the last ten days of a month shall result in the withholding of the subsequent month's grant until the report is provided.*

**Sec. 41. [256D.66] [FRAUD.]**

*Whoever obtains or attempts to obtain, or aids or abets any person to obtain by means of a willfully false statement or representation, or by the intentional withholding or concealment of a material fact, or by impersonation, or other fraudulent device assistance to which he or she is not entitled or assistance greater than that to which he or she is reasonably entitled shall be considered to have violated section 256.98, and shall be subject to both the criminal and civil penalties provided in that section.*

**Sec. 42. [256D.67] [RELATIVE'S RESPONSIBILITY.]**

*The financial responsibility of a relative for an applicant for or recipient of Minnesota supplemental aid shall not extend beyond the relationship of a spouse or a parent of a minor child.*

**Sec. 43. [256D.68] [DUTIES OF THE COMMISSIONER.]**

*In addition to any other duties imposed by law, the commissioner shall supervise the administration of Minnesota supplemental aid by local agencies as provided in sections 19 to 48; adopt uniform rules consistent with law for carrying out and enforcing the provisions of sections 19 to 46, to the end that Minnesota supplemental aid may be administered as uniformly as possible throughout the state; immediately upon adoption furnish rules to all local agencies and other interested persons; comply with the provisions of the Minnesota administrative procedure act when adopting rules; allocate money appropriated for Minnesota supplemental aid to local agencies as provided in section 48; accept and supervise the disbursement of any funds that may be provided by the federal government or from other sources for use in this state for Minnesota supplemental aid; cooperate with other agencies including any agency of the United States or another state in all matters concerning the powers and duties of the commissioner provided hereunder; and cooperate to the fullest extent with other public agencies empowered by law to provide vocational training, rehabilitation, or similar services.*

**Sec. 44. [256D.69] [MINNESOTA SUPPLEMENTAL AID TO BE ALLOWED AS CLAIM IN PROBATE COURT.]**

*On the death of any person who received Minnesota supplemental aid under sections 19 to 46, or on the death of the survivor*



*of a married couple, either or both of whom received Minnesota supplemental aid, the total amount paid as Minnesota supplemental aid to either or both, without interest, shall be allowed as a claim against the estate of the person or persons by the court having jurisdiction to probate the estate.*

**Sec. 45. [256D.70] [DATA PROCESSING PROCEDURES.]**

*The local agency shall, to the extent permitted by federal law or regulation, in addition to any other necessary records and procedures, provide for the inclusion of all Minnesota supplemental aid records in any data processing system established for the medical assistance program, according to procedures established by the commissioner.*

**Sec. 46. [256D.71] [STATE AID.]**

*After December 31, 1985, state aid shall be paid to local agencies for 85 percent of all Minnesota supplemental aid grants up to the payment levels specified in section 33 and according to procedures established by the commissioner.*

**Sec. 47. Minnesota Statutes 1984, section 393.07, is amended by adding a subdivision to read:**

**Subd. 2a. [LEAD AGENCY FOR SERVICES TO THE ELDERLY.]** *The county board of commissioners shall designate the lead agency responsible for planning and coordinating services to the elderly including housing, income support, health, and social services. The commissioner of human services shall provide technical assistance to the board in its exercise of the lead agency function. The board shall submit to the commissioner an annual plan for services to the elderly and an annual report concerning services provided and progress toward accomplishing objectives. The board shall develop the annual plan in consultation with a task force composed of five professionals, five providers and five consumers of services for the elderly. The commissioner, in conjunction with the commissioner of health, shall adopt rules which establish standards for the annual plan and the annual report.*

**Sec. 48. [APPROPRIATION.]**

*\$2,862,000 is appropriated from the general fund to the commissioner of human services for grants under Minnesota Statutes, section 245.73. This appropriation is available for the biennium ending June 30, 1987. This appropriation is in addition to the appropriation to continue services currently funded under section 245.73. The commissioner of human services shall use this supplement to assure continuation of appropriate care and services for mentally ill residents of facilities affected by the limits in section 31, subdivision 5.*

## CHEMICAL DEPENDENCY

## TREATMENT SERVICES FUND

**Sec. 49. [254B.01] [CHEMICAL DEPENDENCY TREATMENT FUND.]**

*Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 49 to 61 of this article.*

*Subd. 2. [AMERICAN INDIAN.] For purposes of services provided under section 254B.09, subdivision 7, "American Indian" means a person who is a member of an Indian tribe, and the commissioner shall use the definitions of "Indian" and "Indian tribe" and "Indian organization" provided in Public Law Number 93-688. For purposes of services provided under section 254B.09, subdivision 6, "American Indian" means a resident of federally recognized tribal lands who is recognized as an Indian person by the federally recognized tribal governing body.*

*Subd. 3. [CHEMICAL DEPENDENCY SERVICES.] "Chemical dependency services" means a planned program of care for the treatment of chemical dependency or chemical abuse to minimize or prevent further chemical abuse by the person. Diagnostic, evaluation, prevention, referral, detoxification, and aftercare services which are not part of a program of care licensable as a residential or nonresidential chemical dependency treatment program are not chemical dependency services for purposes of this section.*

*Subd. 4. [COMMISSIONER.] Unless otherwise indicated, "commissioner" means the commissioner of human services.*

*Subd. 5. [LOCAL AGENCY.] "Local agency" means the agency designated by a board of county commissioners or a human services board to make placements and submit state invoices according to chapter 254B. A local agency shall not provide chemical dependency services as defined in subdivision 3.*

*Subd. 6. [LOCAL FUNDS.] "Local funds" means all funds which are county levy, community social services block grant funds, federal social services funds, or other funds which may be spent at county discretion for provision of chemical dependency services eligible for payment according to chapter 254B.*

**Sec. 50. [254B.02] [CHEMICAL DEPENDENCY ALLOCATION PROCESS.]**

*Subdivision 1. [CHEMICAL DEPENDENCY TREATMENT ALLOCATION.] The commissioner shall formulate a chemical dependency treatment special revenue fund for payments to eligible vendors. The commissioner shall annually divide all funds*

available in the special revenue fund which are not held in reserve by counties from a previous allocation according to this section. Fifteen percent of this fund shall be set aside as a reserve fund for county payment under subdivision 3. Twelve percent of the fund shall be reserved for allocation for treatment of American Indians by eligible vendors according to section 253B.-09. The remainder of the fund shall be allocated among the counties according to the following formula, using the most recent data available from the state demographer.

(a) The average of the median income of the state for the last three years for which data is available shall be divided by the average median income of each county for the last three years for which data is available, to determine the income factor for that county.

(b) The income factor shall be multiplied by the population of the county less the population of American Indians in the county, to determine the adjusted population.

(c) The adjusted population of the county shall be divided by the sum of all county adjusted populations to determine the allocation rate.

(d) The allocation rate shall be multiplied by the remainder of the fund after set-asides to determine the county allocation to each county.

Subd. 2. [COUNTY ADJUSTMENT; MAXIMUM ALLOCATION.] The commissioner shall determine the state funds used by each county in fiscal year 1985, using all state data sources. Where records available do not provide specific chemical dependency expenditures on a per county basis, the commissioner shall determine the state fund amount using estimates based on available data. In state fiscal year 1987, no county shall be allocated more than 150 percent of the state funds spent by or on behalf of the county for chemical dependency treatment services eligible for payment according to section 254B.05. For fiscal years 1988 and 1989, the allocation maximums shall be 200 and 250 percent of fiscal year 1985 state funds used, respectively.

The commissioner shall reallocate the excess over the maximum to counties allocated less than the fiscal year 1985 state funds, using the following process:

(a) The allocation is divided by 1985 state expenditures to determine percentage of prior expenditure, and counties are ranked by percentage of prior expenditure.

(b) The allocation of the lowest ranked county is raised to the same percentage of prior expenditure as the second lowest

ranked county. The allocation of these two counties is then raised to the percentage of prior expenditures of the third lowest ranked county.

(c) The operations under paragraph (b) are repeated with each county by ranking until all funds in excess of the allocation maximum have been allocated.

**Subd. 3. [RESERVE FUND.]** The commissioner shall allocate funds from the reserve fund to counties which, during the current fiscal year expended their allocation under subdivision 1, and have met or exceeded the base level of expenditures for eligible chemical dependency services from local funds. The commissioner shall establish the base level for fiscal year 1987 as the amount of local funds used for eligible services in calendar year 1985. In subsequent years, the base level shall be increased in the same proportion as state appropriations for the purpose of implementing chapter 254B are increased. The base level shall not be decreased if appropriations are decreased in subsequent years. The local match rate for the reserve fund shall be the same rate as applied to the initial allocation. Funds shall be allocated as invoices are received. Reserve fund payments shall not be included when calculating the county adjustments made according to subdivision 2. No county may receive more than 30 percent of the total reserve fund that is available at the beginning of the fiscal year.

**Subd. 4. [ALLOCATION SPENDING LIMITS.]** Funds allocated according to sections 254B.02, subdivision 1 and 254B.09, subdivision 3 shall be available for payments for a maximum of two years. The commissioner shall deduct payments from the most recent year allocation in which funds are available. Allocations under section 254B.02 which are not used within two years shall be reallocated to the reserve fund for payments according to section 254B.02, subdivision 3. Allocations under section 254B.09, subdivision 3 which are not used within two years shall be reallocated for payments under section 254B.09, subdivision 5.

**Subd. 5. [ADMINISTRATIVE ADJUSTMENT.]** The commissioner may make payments to local agencies from funds allocated under section 254B.02 to support administrative activities under sections 254B.03 and 254B.04. The administrative payment may not exceed three percent of the county allocation. The payment shall be made under this section at the end of each quarter from any unspent allocation for that fiscal year.

**Sec. 51. [254B.03] [RESPONSIBILITY TO PROVIDE CHEMICAL DEPENDENCY TREATMENT.]**

**Subdivision 1. [LOCAL AGENCY DUTIES.]** Every local agency shall provide for chemical dependency services to persons

*residing within its jurisdiction who meet criteria established by the commissioner for placement in a chemical dependency residential or nonresidential treatment service. Chemical dependency funds shall be administered by the local agencies according to law and rules promulgated by the commissioner pursuant to sections 14.01 to 14.69.*

*In order to contain costs, the commissioner may approve proposals from county boards to provide services in an economical manner or to control utilization, with safeguards to ensure that necessary services are provided. If chemical dependency services are part of a prepaid health plan that has a contract with the commissioner to provide comprehensive health maintenance services as defined in section 62D.02, subdivision 7, these chemical dependency services are not eligible under the chemical dependency services fund.*

*Subd. 2. [CHEMICAL DEPENDENCY SERVICES.] (a) Reimbursement under the chemical dependency services fund shall be limited to payments for services other than detoxification which, if located outside of a licensed hospital and federally recognized tribal lands, are required to be licensed by the commissioner as a residential or nonresidential chemical dependency treatment program according to sections 245.781 to 245.812. Vendors receiving payments from the chemical dependency services fund may not require copayment from any recipient of benefits for any services provided under this subdivision.*

*(b) Any county may, from its own resources, provide chemical dependency treatment payments for which state payments are not made.*

*Subd. 3. [LOCAL AGENCIES TO PAY STATE FOR COUNTY SHARE.] Local agencies shall submit invoices to the state on forms supplied by the commissioner and according to procedures established by the commissioner. Local agencies shall make payment to the state for the county share of the invoiced services.*

*Subd. 4. [DIVISION OF COSTS.] The county shall pay to the state 15 percent of the cost of chemical dependency treatment costs paid by the state pursuant to this section. Fifteen percent of any state collections from private or third-party pay shall be distributed to the county which paid for the treatment according to this section.*

*Subd. 5. [DUTIES OF THE COMMISSIONER.] The commissioner shall promulgate rules as necessary to implement Minnesota Statutes, chapter 254B.*

**Sec. 52. [254B.04] [ELIGIBILITY FOR CHEMICAL DEPENDENCY FUND SERVICES.]**

*Persons eligible for benefits under sections 256D.01 to 256D.21 and persons eligible for federal health care benefits according to section 256B.06 shall be eligible for and entitled to chemical dependency fund care.*

*The commissioner shall adopt a sliding fee scale to determine the amount of contribution to be required from persons whose income and nonexempt property are greater than the standard of assistance under sections 256B.06 and 256D.01 to 256D.21. The commissioner may adopt an existing fee scale from another assistance program or from the state facilities by publication in the state register. The fee scale shall not provide assistance to persons whose income is in excess of 115 percent of the state median income. Payments of liabilities according to this section shall be considered medical expenses for purposes of determining spend-down under sections 256B.06 and 256D.01 to 256D.21.*

**Sec. 53. [254B.05] [VENDOR ELIGIBILITY.]**

*All programs licensed by the commissioner and all hospital and American Indian programs which, if located outside of a licensed hospital and outside of federally recognized tribal lands, are required to be licensed for provision of chemical dependency primary treatment, extended care, transitional residence, or outpatient treatment services are eligible vendors. Detoxification programs and all programs which, if located outside of a hospital and outside federally recognized tribal lands, would not be licensed as a chemical dependency residential or nonresidential treatment program under sections 245.781 to 245.812 are not eligible vendors.*

**Sec. 54. [254B.06] [REIMBURSEMENT; PAYMENT; DENIAL.]**

*Subdivision 1. [STATE COLLECTIONS.] The commissioner is responsible for all collections from persons determined partially responsible for the cost of care of an eligible person receiving services according to this chapter. The commissioner is authorized to collect all third-party payments for chemical dependency services provided according to this chapter, including private insurance and federal medicaid and medicare financial participation. The commissioner shall deposit in the general fund a percentage of collections to pay for the cost of billing and collections. All remaining funds collected are appropriated to the chemical dependency treatment fund.*

*Subd. 2. [ALLOCATION OF COLLECTIONS.] The commissioner shall allocate all federal financial participation collections to counties according to section 254B.02, subdivision 1 and the provisions of section 254B.02, subdivision 2 shall not be applied to the quarterly allocation of federal funds. The commissioner shall retain 85 percent of patient payments and third-*

*party payments and allocate the collections to the reserve fund established by section 254B.02, subdivision 3. Fifteen percent of patient and third-party payments shall be paid to the county financially responsible for the patient.*

*Subd. 3. [PAYMENT; DENIAL.] The commissioner shall, to the extent properly allocated funds are available, make payments to eligible vendors for placements made by local agencies under section 254B.03, subdivision 1 and placements by tribal designated agencies according to section 254B.09. The commissioner may reduce or deny payment of the state share when services are not provided according to the placement criteria established by the commissioner. The commissioner may make payments for all or a portion of improper county chemical dependency placements and bill the county for the entire payment made when the placement was not in compliance with criteria established by the commissioner.*

**Sec. 55. [254B.07] [THIRD-PARTY LIABILITY.]**

*The state agency provision and payment of, or liability for, chemical dependency medical care shall be the same as provided in section 256B.042.*

**Sec. 56. [254B.08] [FEDERAL WAIVERS.]**

*The commissioner shall apply for any federal waivers necessary to secure, to the extent allowed by law, federal financial participation for the provision of services to persons who are in need of chemical dependency services. The commissioner may seek amendments to the waivers or apply for additional waivers to contain costs. The commissioner shall ensure that payment for the cost of providing chemical dependency services under the federal waiver plan shall not exceed the cost of chemical dependency services that would have been provided without the waived services.*

**Sec. 57. [254B.09] [AMERICAN INDIAN RESERVATION ALLOCATION OF CHEMICAL DEPENDENCY FUND.]**

*Subdivision 1. [DIVISION OF COSTS.] The commissioner shall provide for payments to eligible vendors for chemical dependency services to American Indians on the same basis as other payments, except that no local match amount shall be required when an invoice is submitted by the governing authority of a federally recognized American Indian tribal body on behalf of a current resident of the reservation according to section 254B.09.*

*Subd. 2. [AMERICAN INDIAN AGREEMENTS.] The commissioner is authorized to enter into agreements with fed-*

erally recognized tribal units for payments for chemical dependency treatment services provided according to chapter 254B. The agreements shall provide that the governing body of the tribal unit will fulfill all county responsibilities regarding the form and manner of invoicing, and that only invoices for eligible vendors according to section 254B.05 will be included in invoices sent to the commissioner for payment, insofar as funds allocated according to subdivisions 3, 4, and 5 are used.

**Subd. 3. [TRIBAL NONPARTICIPATION.]** *If a federally recognized tribal governing body has not entered into an agreement according to subdivision 2 or cancels such agreement, funds shall be reallocated to the fund established by subdivision 5.*

**Subd. 4. [TRIBAL ALLOCATION.]** *42.5 percent of the American Indian chemical dependency fund shall be allocated to the federally recognized American Indian tribal governing bodies which have entered into an agreement under subdivision 2 as follows:*

(a) *\$10,000 shall be allocated to each governing body; and*

(b) *the remainder shall be allocated in direct proportion to the population of the reservation according to the most recently available estimates from the federal Bureau of Indian Affairs.*

**Subd. 5. [TRIBAL RESERVE FUND.]** *The commissioner shall reserve 7.5 percent of the American Indian chemical dependency fund. The reserve shall be allocated to those tribal units which have used all funds allocated under subdivision 4 according to agreements made according to subdivision 2. No American Indian tribal governing body may receive more than 30 percent of the reserve fund in any year. Funds shall be allocated as invoices are received.*

**Subd. 6. [AMERICAN INDIAN TRIBAL PLACEMENTS.]** *After entering into an agreement according to subdivision 2, the governing authority of each reservation is authorized to submit invoices to the state for the cost of provision of chemical dependency services to residents of the reservation according to the placement regulations governing county placements, except that local match requirements shall be waived. The governing body may designate an agency to act on its behalf for provision of placement services and management of the invoice process by written notice to the commissioner and evidence of agreement by the agency designated.*

**Subd. 7. [NONRESERVATION INDIAN FUND.]** *Fifty percent of the American Indian chemical dependency allocation shall be held in reserve by the commissioner in an account for treatment of Indians not residing on lands of a reservation receiving funds under subdivision 4. These funds shall be used to*



*make payments for services certified by county invoice to have been provided to an American Indian eligible recipient.*

*Funds allocated under this subdivision may be used for payments on behalf of American Indian county residents only if, in addition to other placement standards, the county certifies that the placement was appropriate to the cultural orientation of the client.*

Sec. 58. Minnesota Statutes 1984, section 256B.02, subdivision 8, is amended to read:

Subd. 8. [MEDICAL ASSISTANCE; MEDICAL CARE.] "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 this cost:

(1) Inpatient hospital services. A second medical opinion is required prior to reimbursement for elective surgeries. The commissioner shall publish in the State Register a proposed list of elective surgeries that require a second medical opinion prior to reimbursement. The list is not subject to the requirements of sections 14.01 to 14.70. The commissioner's decision whether a second medical opinion is required, made in accordance with rules governing that decision, is not subject to administrative appeal;

(2) Skilled nursing home services and services of intermediate care facilities, including training and habilitation services, as defined in section 256B.50, subdivision 1, for mentally retarded individuals residing in intermediate care facilities for the mentally retarded;

(3) Physicians' services;

(4) Outpatient hospital or nonprofit community health clinic services 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. Hospital outpatient departments are subject to the same limitations and reimbursements as other enrolled vendors for all services, except initial triage, emergency services, and services not provided or immediately available in clinics, physicians' offices, or by other enrolled providers. "Emergency services" means those medical services required for the immediate diagnosis and treatment of medical conditions that, if not immediately diagnosed and treated, could lead to serious physical or mental disability or death or are necessary to alleviate severe pain. Neither the hospital, its employees, nor any physician or dentist, shall be liable in any action arising out of a determination not to render emergency services or care if reasonable care is exercised in determining the condition of the person, or

in determining the appropriateness of the facilities, or the qualifications and availability of personnel to render these services consistent with this section;

(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;

(6) Home health care services;

(7) Private duty nursing services;

(8) Physical therapy and related services;

(9) Dental services, excluding cast metal restorations;

(10) Laboratory and x-ray services;

(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 human services, 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 human services, 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. Prior authorization may be required by the commissioner, with the consent of the drug formulary committee, before certain formulary drugs are eligible for payment. The formulary shall not include: drugs or products 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; or any other 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 for the treatment of certain specified chronic diseases, conditions or disorders, and this determination shall not be subject to the requirements of chapter 14, the Administrative Procedure Act; nutritional products, except for those products needed for treatment of phenylketonuria, hyperlysinemia, maple syrup urine disease, a combined allergy to human milk, cow milk, and soy formula, or any other childhood or adult diseases, conditions, or disorders identified by the commissioner as requiring a similarly necessary nutritional product; anorectics; and drugs for which medical value has not been established. Separate payment shall not be made for nutritional products for residents of long-term care facilities; payment for dietary requirements is a component of the per diem rate paid to these facilities. Payment to drug vendors shall not be modified before the formulary is established except that the commissioner shall not permit payment for any drugs which may not by law be included in the formulary, and his determination shall not be subject to chapter 14, the Administrative Procedure Act. The commissioner shall publish 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;

(12) Diagnostic, screening, and preventive services;

(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;

(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;

(15) Transportation costs incurred solely for obtaining emergency medical care or transportation costs incurred by non-ambulatory persons in obtaining emergency or nonemergency 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;

(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 nonemergency medical care;

(17) Personal care attendant services provided by an individual, not a relative, who is qualified to provide the services, where the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a registered nurse. Payments to personal care attendants shall be adjusted annually to reflect changes in the cost of living or of providing services by the average annual adjustment granted to vendors such as nursing homes and home health agencies; (AND)

(18) Any other medical or remedial care licensed and recognized under state law unless otherwise prohibited by law, *except licensed chemical dependency treatment programs or primary treatment or extended care treatment units in hospitals which are covered under sections 49 to 61 of this article. The commissioner shall include chemical dependency treatment services in the state medical assistance plan for federal reporting purposes, but payment shall be made according to chapter 254B.*

Sec. 59. Minnesota Statutes 1984, section 256B.70, is amended to read:

256B.70 [DEMONSTRATION PROJECT WAIVER.]

Each hospital that participates as a provider in a demonstration project, established by the commissioner of human services to deliver medical assistance, or *chemical dependency* services on a prepaid, capitation basis, is exempt from the prospective payment system for inpatient hospital service during the period of its participation in that project.

Sec. 60. Minnesota Statutes 1984, section 256D.03, subdivision 4, is amended to read:

Subd. 4. [GENERAL ASSISTANCE MEDICAL CARE; SERVICES.] (a) Reimbursement under the general assistance medical care program shall be limited to the following categories of service: inpatient hospital care, outpatient hospital care, services provided by medicare certified rehabilitation agencies, prescription drugs, equipment necessary to administer insulin and diagnostic supplies and equipment for diabetics to monitor blood sugar level, eyeglasses and eye examinations provided by a physician or optometrist, hearing aids, prosthetic devices, laboratory and x-ray services, physician's services, medical transportation, and dental care. In addition, payments of state aid shall be made for day treatment services provided by a mental health center established under sections 245.61 to 245.69, subdivision 1, and funded through chapter 256E and for prescribed medications for persons who have been diagnosed as mentally ill as necessary to prevent more restrictive institutionalization.

(b) In order to contain costs, the county board shall, with the approval of the commissioner of human services, select vendors of medical care who can provide the most economical care consistent with high medical standards and may contract with organizations on a prepaid capitation basis to provide these services. The commissioner shall encourage county boards to submit proposals for demonstration projects designed to provide services in an economical manner or to control utilization, with safeguards to ensure that necessary services are provided. Payment for services provided pursuant to this subdivision shall be as provided to medical assistance vendors of these services under section 256B.02, subdivision 8, except that where counties enter into prepaid capitation agreements, payments shall be as provided in section 256.966, subdivision 2.

(c) The commissioner of human services may reduce payments provided under sections 256D.01 to 256D.21 and 261.23 in order to remain within the amount appropriated for general assistance medical care, within the following restrictions. For the period July 1, 1983 to June 30, 1984, reductions below the cost per service unit allowable under section 256.966, are permitted only as follows: payments for inpatient and outpatient hospital care provided in response to a primary diagnosis of chemical dependency or mental illness may be reduced no more than 45 percent; payments for all other inpatient hospital care

may be reduced no more than 35 percent. Reductions below the payments allowable under section 256.967 for the remaining general assistance medical care services allowable under this subdivision may be reduced no more than 25 percent. For the period July 1, 1984 to June 30, 1985, reductions below the cost per service unit allowable under section 256.966 are permitted only as follows: payments for inpatient and outpatient hospital care provided in response to a primary diagnosis of chemical dependency or mental illness may be reduced no more than 30 percent; payments for all other inpatient hospital care may be reduced no more than 20 percent. Reductions below the payments allowable under section 256.967 for the remaining general assistance medical care services allowable under this subdivision may be reduced no more than ten percent. There shall be no copayment required of any recipient of benefits for any services provided under this subdivision. A hospital receiving a reduced payment as a result of this section may apply the unpaid balance toward satisfaction of the hospital's bad debts.

(d) Any county may, from its own resources, provide medical payments for which state payments are not made.

(e) *Chemical dependency services which are eligible for reimbursement under chapter 256B shall not be reimbursed under general assistance medical care.*

Sec. 61. [APPROPRIATIONS; REDUCTIONS; AND TRANSFERS.]

*Subdivision 1. The general fund appropriation for the general assistance program is reduced by \$ . . . . . and reappropriated to the commissioner of human services for transfer to the chemical dependency services fund.*

*Subd. 2. The general fund appropriation for the general assistance medical care program is reduced by \$ . . . . . and reappropriated to the commissioner of human services for transfer to the chemical dependency services fund.*

*Subd. 3. The general fund appropriation for the medical assistance program is reduced by \$ . . . . . and reappropriated to the commissioner of human services for transfer to the chemical dependency services fund.*

*Subd. 4. The general fund appropriation for the state hospital account is reduced by \$ . . . . . and reappropriated to the commissioner of human services for transfer to the chemical dependency services fund.*

*Subd. 5. Notwithstanding any other law to the contrary, \$ . . . . . of the federal alcohol and drug block grant is appro-*

*priated to the commissioner of human services for the purposes of sections 49 to 61 of this article.*

*Subd. 6. The general fund appropriation for chemical dependency services grants for American Indians is reduced by \$..... and reappropriated to the commissioner of human services for transfer to the chemical dependency services fund.*

## STATE HOSPITAL REVOLVING FUND FOR CHEMICAL DEPENDENCY SERVICES

Sec. 62. Minnesota Statutes 1984, section 246.04, is amended to read:

### 246.04 [BOOKS AND ACCOUNTS.]

The commissioner of human services shall keep at his office a proper and complete system of books and accounts with each institution, showing every expenditure authorized and made therefor. Such books shall contain a separate account of each extraordinary or special appropriation made by the legislature, with every item of expenditure therefrom. *The commissioner shall maintain a separate account for all chemical dependency appropriations, which must provide for an ascertainable review of receipts and expenditures, according to section 246.18, subdivision 2.*

Sec. 63. Minnesota Statutes 1984, section 246.50 is amended by adding a subdivision to read:

*Subd. 9. "Chemical dependency programs" means all planned services for chemically dependent persons provided by the commissioner in a specific state hospital, the chemical dependency unit operated by the Ah-Gwah-Ching nursing home, and diagnostic evaluation, prevention, referral, outpatient, and aftercare services developed as part of licensed residential or nonresidential chemical dependency treatment programs.*

Sec. 64. Minnesota Statutes 1984, section 246.18, is amended to read:

### 246.18 [DISPOSAL OF FUNDS.]

*Subdivision 1. [GENERALLY.] Except as provided in subdivision 2, every officer and employee of the several institutions under the jurisdiction of the commissioner of human services shall pay to the accounting officer thereof any funds in his hands belonging to the institution. Every accounting officer, at the close of each month or oftener, shall forward to the commissioner of human services a statement of the amount and sources*

of all moneys received. On receipt of such statement, the commissioner shall transmit the same to the commissioner of finance, who shall deliver to the state treasurer a draft upon the accounting officer for the same specifying the funds to which it is to be credited. Upon payment of such draft, the amount shall be so credited.

*Subd. 2. [CHEMICAL DEPENDENCY FUND.] Each chemical dependency treatment facility operated by a hospital or nursing home under the jurisdiction of the commissioner of human services shall pay all receipts into a chemical dependency fund. The chemical dependency fund is annually appropriated to the commissioner for operation of chemical dependency programs subject to budgetary control by the commissioner of finance. Notwithstanding section 16A.28, funds appropriated by this subdivision shall remain available until expended.*

*Subd. 3. [CHEMICAL DEPENDENCY SPECIAL REVENUE FUND.] The commissioner of finance and the treasurer shall provide accounting procedures for separate interest bearing chemical dependency accounts for each state facility providing chemical dependency services within the special revenue fund that shall keep funds readily available for funding of chemical dependency programs. After June 30, 1989, the commissioner shall not allocate funds for chemical dependency programs to any state facility in excess of chemical dependency services' deposits from that facility to the state facility chemical dependency special revenue fund without the approval of the governor, after consultation with the legislative advisory commission.*

Sec. 65. Minnesota Statutes 1984, section 246.23, is amended to read:

246.23 [PERSONS ADMISSIBLE TO INSTITUTIONS.]

No person who has not a settlement in a county, as defined in section 256D.18, shall be admitted to a hospital for the mentally ill, the school for the deaf, the Minnesota braille and sightsaving school, the schools and hospitals for the mentally retarded and persons having epilepsy, or the Owatonna state school, except that the commissioner of human services may authorize admission thereto when the residence cannot be ascertained, or when the circumstances in his judgment make it advisable. *Except for emergency admissions under sections 253B.05 and 253B.11, admissions which will be funded only by private or third-party payments or when authorized by the commissioner, a chemical dependency program shall not admit a chemically dependent person who has not been placed by a county which is responsible for payment, or until the hospital obtains the approval of the admittance by the county financially responsible for that person.* When application is made to a judge of probate for admission to any of the institutions above named for admission thereto, if he finds that the person for whom application is made has not such resi-



dence, or that his residence cannot be ascertained, he shall so report to the commissioner; and he may recommend that such person be admitted notwithstanding, giving his reasons therefor. The commissioner of human services shall thereupon investigate the question of residence and, if he finds that such person has not such residence and has a legal residence in another state or country, he may cause him to be returned thereto at the expense of this state. When the overseer of a county poorhouse believes an inmate thereof not to have a residence in the state, but to have a residence elsewhere, he shall so notify the commissioner of human services who shall thereupon proceed in the manner above provided; except that, if deemed impracticable to return such person to the state of his residence, he may so certify and such person shall thereafter be a charge upon the county, town or city in which he has longest resided within the preceding year.

Sec. 66. Minnesota Statutes 1984, section 246.51, subdivision 1, is amended to read:

Subdivision 1. [PROCEDURES.] The commissioner shall make investigation as necessary to determine, and as circumstances require redetermine, what part of the cost of care, if any, the patient is able to pay. If the patient is unable to pay the full cost of care the commissioner shall make a determination as to the ability of the relatives to pay. The patient or relatives or both shall provide the commissioner documents and proofs necessary to determine their ability to pay. Failure to provide the commissioner with sufficient information to determine ability to pay may make the patient or relatives, both, liable for the full (PER CAPITA) cost of care until the time when sufficient information is provided. No parent shall be liable for the cost of care given a patient at a state hospital after the patient has reached the age of 18 years. The commissioner's determination shall be conclusive in any action to enforce payment of the cost of care unless appealed from as provided in section 246.55. All money received, *except for chemical dependency receipts*, shall be paid to the state treasurer and placed in the general fund of the state and a separate account kept of it. Responsibility under this section shall not apply to those relatives having gross earnings of less than \$11,000 per year.

Sec. 67. Minnesota Statutes 1984, section 246.54, is amended to read:

246.54 [LIABILITY OF COUNTY; REIMBURSEMENT.]

*Except for chemical dependency services provided under chapter 254B*, the patient's county shall pay to the state of Minnesota a portion of the cost of care provided in a state hospital to a patient legally settled in that county. A county's payment shall be made from the county's own sources of revenue and payments shall be paid as follows: payments to the state from the county

shall equal ten percent of the per capita rate, as determined by the commissioner, for each day, or the portion thereof, that the patient spends at a state hospital. If payments received by the state under sections 246.50 to 246.53 exceed 90 percent of the per capita rate, the county shall be responsible for paying the state only the remaining amount. The county shall not be entitled to reimbursement from the patient, the patient's estate, or from the patient's relatives, except as provided in section 246.53. No such payments shall be made for any patient who was last committed prior to July 1, 1947.

**Sec. 68. [246.64] [CHEMICAL DEPENDENCY SERVICE AGREEMENTS.]**

*Subdivision 1. [CHEMICAL DEPENDENCY RATES.] Notwithstanding the provisions of sections 246.50, subdivision 5, 246.511, and 251.011, the commissioner shall establish separate rates for each chemical dependency service operated by the commissioner, and may establish separate rates for each service component within the program by either establishing fees for services or establishing different per diem rates for each separate chemical dependency unit within the program based on actual costs attributable to the service or unit. The rate shall be an allocation of the cost of all anticipated maintenance, treatment, and expense including depreciation of buildings and equipment, interest paid on bonds issued for capital improvements for chemical dependency programs, reimbursement and other indirect costs related to the operation of chemical dependency programs other than that paid from the Minnesota building fund, and losses due to bad debt.*

*Subd. 2. [DEPRECIATION COLLECTIONS.] That portion which is building depreciation collected under subdivision 1, shall be paid into the general fund. That portion which is payments and interest on the bonded debt collected under subdivision 1 shall be paid into the debt services fund.*

*Subd. 3. [RESPONSIBILITIES OF COMMISSIONER.] The commissioner is authorized under section 246.04 to place all receipts, except those deposited according to subdivision 2, from billings for rates set in subdivision 1 into a special revenue account, and to use funds from the account for the operation of chemical dependency services. These funds may not be used for any hospital activity that is not a chemical dependency service or an allocation of expenditures that are included in the base for computation of the rates under subdivision 1. The commissioner may expand, reduce, or eliminate chemical dependency services so long as expenditures are recovered by patient fees. The commissioner shall reduce or eliminate chemical dependency services or programs when necessary to assure that each state facility's chemical dependency expenditures are equal to or less than chemical dependency receipts and necessary fund balances are maintained.*

*The commissioner may expand or reduce chemical dependency staff complement so long as expenditures are recovered by patient fees.*

**CASE MANAGEMENT SERVICES  
FOR THE MENTALLY RETARDED**

**Sec. 69. [256B.0911] [LEGISLATIVE PURPOSE.]**

*The purpose of sections 256B.0911 and 256B.092 is to ensure that persons with mental retardation receive services that are designed and arranged to meet their assessed individual service needs in the least restrictive environment and to ensure that services are developed and provided in a cost-effective manner.*

*County boards must determine the adequacy and quality of services provided in meeting the person's needs based on the cost and effectiveness of the services. Only services identified as needed in the individual service plan shall be provided or paid for.*

**Sec. 70. Minnesota Statutes 1984, section 256B.092, is amended by adding a subdivision to read:**

**Subd. 1a. [COUNTY BOARD RESPONSIBILITIES.]** *The county board shall provide case management services to all persons with or who might have mental retardation who reside in the county at the time they request or are referred for services. Case management services may be provided directly by the county board or under a contract between the county board and another county board or a provider of case management services. Based on the data in subdivision 1, the county board shall identify the need for new services, or modification or expansion of existing services, for any service licensed by the commissioner, except foster care.*

**Sec. 71. Minnesota Statutes 1984, section 256B.092, is amended by adding a subdivision to read:**

**Subd. 1b. [CASE MANAGEMENT RESPONSIBILITIES.]** *The county board shall designate a case manager who shall immediately begin to provide case management services to the person who requested services or for whom the legal representative requested services, and shall continue to provide case management services until case management services are terminated. The county board shall not provide or arrange for services to be provided to a person with or who might have mental retardation until a case manager has been designated, and services must not continue after case management services have been terminated.*

*The case manager shall ensure that a diagnosis is completed and reviewed under subdivision 1c. The diagnosis must be completed within 45 working days following the date that the person or the person's legal representative requested the services. If the person is determined to be a person with mental retardation, the case manager shall:*

*(a) provide or obtain an assessment of individual service needs under subdivision 1d and conduct the reassessment of service needs under subdivision 1d;*

*(b) develop an individual service plan under subdivision 8a based on the results of the assessment required in item A and the screening team findings, if any;*

*(c) ensure that the services described in the individual service plan are provided or developed in the type, quantity, and frequency specified in the individual service plan;*

*(d) monitor services provided to the person with mental retardation at least annually to ensure that the services are provided in accordance with the person's individual service plan. Monitoring shall include:*

*(1) visiting the person;*

*(2) visiting the service site of the day training and habilitation service and the residential service when the services are being provided;*

*(3) reviewing the provider's records and reports;*

*(4) observing the implementation of the person's individual service plan and individual habilitation plan;*

*(5) compiling annual evaluations of the results of the services provided; and*

*(6) reporting to the county board if a provider is not providing services as specified in the individual service plan and the individual habilitation plan.*

Sec. 72. Minnesota Statutes 1984, section 256B.092, is amended by adding a subdivision to read:

*Subd. 1c. [DIAGNOSIS.] The documentation necessary to make an initial diagnosis of mental retardation must be dated no more than 12 months before the plan is written. If a person with mental retardation has been receiving services specified in the person's individual service plan, and has an initial diagnosis of mental retardation which has been confirmed once after the person's 18th birthday, the review of the diagnosis required in this part must be conducted at least once every six years.*

Sec. 73. Minnesota Statutes 1984, section 256B.092, is amended by adding a subdivision to read:

*Subd. 1d. [ASSESSMENT AND REASSESSMENT OF INDIVIDUAL SERVICE NEEDS.] Each person determined to be a person with mental retardation based on the diagnosis required in subdivision 1c shall receive an assessment to determine the person's need for services. The assessment must be conducted under the supervision of a qualified mental retardation professional.*

*The case manager, in consultation with the person with mental retardation, and the person's legal representative and advocate, if any, shall annually determine if the person's need for services should be reassessed. The medical evaluation must be conducted no more than 12 months before the date of the annual individual service plan review conducted under subdivision 8b.*

Sec. 74. Minnesota Statutes 1984, section 256B.092, subdivision 7, is amended to read:

*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 and 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) require the level of care provided by an intermediate care facility within one year. The screening team shall make an evaluation of need within 15 working days of the request for service and within five working days of an emergency admission of an individual to an intermediate care facility for mentally retarded persons. 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, as amended through December 31, 1982, 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 service provider interest in the case.*

*The person with mental retardation who is eligible for home and community-based services under this section and the person's legal representative must be allowed to choose between the intermediate care facility for the mentally retarded services and the home and community-based services recommended by the screening team and among the home and community-based services recommended by the screening team.*

Sec. 75. Minnesota Statutes 1984, section 256B.092, is amended by adding a subdivision to read:

*Subd. 8a. [INDIVIDUAL SERVICE PLAN.] An individual service plan must be developed and implemented for each person with mental retardation who requests services or for whom the legal representative requests services. The individual service plan must identify services needed by the person based on an assessment of the individual's need for services. The individual service plan must:*

- (a) specify how food and shelter will be provided;*
- (b) specify how the ongoing health care needs of the person will be met;*
- (c) provide for delivery of services in the least restrictive environment;*
- (d) be designed to result in day training and habilitation services appropriate to the person's chronological age and, to the extent possible, employment and increased financial independence;*
- (e) be designed to result in increased access to the community and interactions with the general public through use of community services; and*
- (f) be designed to involve family, neighbors, and friends in providing services to the extent possible.*

Sec. 76. Minnesota Statutes 1984, section 256B.092, is amended by adding a subdivision to read:

*Subd. 8b. [ANNUAL REVIEW OF INDIVIDUAL SERVICE PLAN.] At least annually, the case manager shall convene a meeting to review the individual service plan to determine whether the results called for in the individual service plan have been achieved and to determine if the plan requires modifications. The case manager shall make every effort to convene the meeting at a time and place which allows for participation by the person with mental retardation, the person's parent or guardian, the advocate, if any, and others who participated in the development of the individual service plan. Any modifications to the individual service plan must be based on the results of a review of quarterly evaluations of the individual habilitation plans, reassessment information, and any other information compiled by the case manager for the annual individual service plan review. The information must be completed and compiled no more than 90 days before the date of the annual individual service plan review.*

Sec. 77. Minnesota Statutes 1984, section 256B.092, is amended by adding a subdivision to read:

*Subd. 8c. [PROVISION OF SERVICES.] A provider shall have a contract with the host county or the county of financial responsibility before the provider can receive payment for services.*

*If services are to be provided in a county other than the county of financial responsibility, the case manager shall consult with the host county and receive a letter of concurrence from the host county regarding provision of services.*

Sec. 78. Minnesota Statutes 1984, section 256B.092, is amended by adding a subdivision to read:

*Subd. 8d. [INDIVIDUAL HABILITATION PLANS.] Within 30 days after the case manager authorizes services, the case manager shall convene the interdisciplinary team to design an individual habilitation plan. With the consent of the person with mental retardation or the person's legal representative, the case manager may invite other persons to attend the interdisciplinary team meeting but these persons shall not be voting members of the interdisciplinary team.*

*The interdisciplinary team shall develop a single individual habilitation plan that integrates the services provided by all providers and subcontractors to the person with mental retardation and ensures that the services provided and the methods used by each provider and subcontractor are coordinated and compatible with those of every other provider and subcontractor to achieve the overall results of the individual service plan.*

*No less than once every 365 days the case manager shall conduct an annual evaluation which must include consulting with each provider; visiting the person with mental retardation; observing both the day training and habilitation services and residential services; and reviewing quarterly evaluations, records, and reports gathered by each provider. At least annually, the interdisciplinary team must be convened by the case manager to review the data under subdivisions 1b, 1c, and 1d, determine if the results set forth in the individual habilitation plan have been achieved, and to make any amendments or modifications of the plan based on the interdisciplinary team's review of the information.*

Sec. 79. Minnesota Statutes 1984, section 256B.092, is amended by adding a subdivision to read:

*Subd. 9. [ENFORCEMENT.] A county board must fully comply with sections 70 to 79 of this article unless the county board submits a written variance request to the commissioner under this section by February 1, 1986, and the variance is subsequently approved in writing by the commissioner. If the commissioner has reasonable grounds to believe that a county board*

*has not complied with or is failing to comply with this section, except as provided in the county's approved variance request, the commissioner may issue a written order requiring the county board to comply. The county board shall comply with the order. If the county board disagrees with the commissioner's order, the county board may appeal the decision to the commissioner and request reconsideration. To be reconsidered, the appeal must be filed in writing with the commissioner within 30 calendar days of the date that the commissioner issued the order. The appeal must state the reasons why the county board is appealing the commissioner's order and present evidence explaining why the county board disagrees with the commissioner's order. The commissioner shall review the evidence presented in the county board's appeal and send written notification to the county board of the decision on the appeal. The commissioner's decision on the appeal is final.*

**Sec. 80. [MENTAL HEALTH AND CHEMICAL DEPENDENCY DEMONSTRATION PROJECTS.]**

*Subdivision 1. [PURPOSE.] The purpose of this section is to establish projects to demonstrate the feasibility and value of using preadmission screening and case management services for persons who have mental illness or chemical dependency; to facilitate the development of continuums of mental health and chemical dependency services; to integrate community-based and state-operated treatment services in order to provide services in the least restrictive setting possible; to create incentives for the development and use of less restrictive treatment alternatives; and to obtain information on effective methods of promoting long-term health care cost containment and state budget predictability.*

*Subd. 2. [ESTABLISHMENT OF PROJECTS.] The commissioner of human services shall establish at least three, but no more than five, demonstration projects to demonstrate the use of local screening and case management for services to persons who have mental illness or chemical dependency. The total of all eligible individuals under all projects established under this section must not exceed . . . . persons who have mental illness and . . . . persons who have chemical dependency. At least two projects must include nonmetropolitan counties and at least one must include a metropolitan area county. In addition, the commissioner shall establish a demonstration project to test the feasibility and value of a consolidated fund for community-based treatment services for persons who have mental illness or chemical dependency. The commissioner shall make maximum use of available federal and state money and establish the broadest program possible with the available money. Demonstration projects may encompass all, or a portion of, a project area's total caseload of persons with mental illness or chemical dependency.*

*Subd. 3. [PRIMARY PROVIDERS.] The commissioner of human services shall designate the primary provider of services*



for a county or multi-county area included in a project. Upon the recommendation of the counties participating in a project, the commissioner of human services shall designate a single agency as the primary provider of services for that project. In at least one project, the primary provider must be a mental health center and in at least one project the primary provider must be a county agency. The commissioner shall contract with each primary provider concerning the obligations relating to the demonstration project including services to eligible individuals, accounting for money received, reporting and evaluation, and maintenance of services and expenditures. A primary provider may contract with other providers to provide any of the required services. Each primary provider is responsible for (1) screening all eligible individuals as required under subdivision 5; (2) ensuring that services are delivered, directly or under contract with other providers, to eligible individuals; (3) monitoring and evaluating delivery of services; (4) accounting for all money received for the project; and (5) compliance with the provisions of this section and standards established for the project by the commissioner.

Subd. 4. [ELIGIBILITY.] Individuals eligible for services provided through the demonstration projects are mentally ill or chemically dependent individuals, 18 years of age and older, for whom a county participating in a project is the county of financial responsibility, who are currently eligible for treatment under existing funding or who meet general assistance eligibility criteria; and those mentally ill or chemically dependent individuals who are currently residents or patients of state hospitals or are proposed for admission to state hospitals according to standards in effect on the effective date of this section. Individuals residing in or admitted to, the Minnesota security hospital are not eligible for services under this section. In addition, the commissioner and a county or counties participating in a project may agree to include, as eligible individuals, children under the age of 18 who have mental illness and who are:

(1) residents of a facility licensed under Minnesota Rules, parts 9545.0900 to 9545.1090, and 9545.1400 to 9545.1500;

(2) receiving day treatment services;

(3) being considered for placement in another county or state; and

(4) referred for screening from court services.

Subd. 5. [SCREENING OF ELIGIBLE PERSONS.] All persons eligible under subdivision 4 must be screened to determine the need for treatment and case management services. Eligible persons must be screened by a local multi-disciplinary screening team. Each screening team must assess the mental and

*physical health and social functioning of eligible individuals, using a scaling criteria developed jointly by the commissioner and participating counties. Each screening team must develop an individual treatment plan for each eligible individual which will include specific planned outcomes to meet the needs of the individual. The plan must also identify (1) case management services the individual will receive; (2) available noninstitutional services to be provided in order to meet the needs of the individual while maintaining the individual in the community; (3) the level and type of inpatient or residential care needed, including admission and discharge plans to be provided as part of case management; and (4) the lead agency for case management services.*

*Subd. 6. [SERVICES.] Case management services must be provided, as part of each demonstration project, to ensure coordination of the service plan by on-going contact with the individual and with formal and informal service providers. Case management must include at least a quarterly reevaluation of each individual service plan. In addition to case management services, the primary provider must ensure that at least the following mental health and chemical dependency services are available and provided as necessary through providers that satisfy current licensure, approval, or certification requirements: outpatient treatment, emergency care services, day treatment, screening and assessment, consultation and education, inpatient treatment, and residential and transitional living programs.*

*Subd. 7. [STATE HOSPITAL ADMISSIONS.] Persons who are found to be appropriate for admission to state hospitals using the scaling criteria outlined in subdivision 5, must be admitted. Counties participating in a demonstration project shall continue to provide case management services to these patients and are responsible for ten percent of the cost of the state hospital care. The commissioner and state hospital staff shall cooperate with providers in developing and implementing a system for screening admissions and notifying the provider of admissions and discharges of eligible individuals for whom the provider is financially responsible. The primary provider is not responsible for the costs of care of patients admitted to a state hospital without the prior preadmission screening and authorization of the primary provider. The primary provider is responsible for the full cost of care for persons admitted to a state hospital who have been screened and who are not appropriate for admission to the hospital using the scaling criteria developed under subdivision 3.*

*Subd. 8. [COMMITMENTS.] When committing a resident of a participating county under chapter 253B, the committing court is encouraged to commit the person to the primary provider, or to the facility designated by the primary provider, absent good cause to the contrary. For any individual committed to the primary provider under chapter 253B, the primary provider shall assess the individual's need for services, develop an*

*individual treatment plan as provided in this section, and ensure that necessary services are provided in accordance with this section and chapter 253B.*

*Subd. 9. [ALTERNATE CARE GRANTS.] The commissioner shall provide grants to counties participating in the program to pay the costs of providing alternative care to individuals screened under subdivision 5. Payment is available under this subdivision only for services that would not otherwise be available at that time in the county through other public programs. Project money must not be used to supplant services available through other public assistance or service programs and must not be used to establish new programs for which public money is available through sources other than grants provided under this subdivision. Project funds cannot be used to provide care to an individual if the anticipated costs of providing this care would exceed the average payment, as determined by the commissioner, for the level of care that the recipient would receive if placed in a state hospital. Each county participating in the project will pay a share of the costs equal to the county share of the costs for state hospital care.*

*Subd. 10. [FEDERAL WAIVERS.] The commissioner of human services shall seek federal medical assistance waivers in order to obtain federal participation in the costs of screening and case management for persons with mental illness.*

*Subd. 11. [REPORTING AND EVALUATION.] The director of the state planning agency shall evaluate the demonstration projects established under this section and report to the commissioner of human services and the legislature by January 30, 1987. Before implementing the project, the director of the state planning agency shall consult with the commissioner of human services and participating projects to develop a reporting and evaluation method including:*

*(1) the reliability of the scaling instruments and criteria for determining the level of care needed and for projecting future utilization of state hospitals;*

*(2) a comparison of the costs and effects of providing services through the demonstration projects and through the existing system in nonproject areas;*

*(3) the effect on the individual's access to care;*

*(4) data necessary for the state to develop capitated rates in the future;*

*(5) methods to improve the overall case management program; and*

(6) *the usefulness of this model to enhance the development of community-based care and reduce inappropriate institutionalization.*

*Subd. 12. [RULES.] The commissioner of human services shall promulgate emergency rules in order to implement this section. Rules shall be in effect until the pilot program is terminated.*

Sec. 81. [APPROPRIATION.]

*§ . . . . . is appropriated from the general fund to the department of human services for the purposes of sections 70 to 80 for the biennium ending June 30, 1987.*

Sec. 82. [REPEALER.]

*Subdivision 1. Minnesota Statutes 1984, section 145.884, subdivision 2, is repealed.*

*Subd. 2. Minnesota Statutes 1984, section 259.405, is repealed effective December 31, 1985.*

*Subd. 3. Minnesota Statutes 1984, section 256.968, is repealed.*

Sec. 83. [EFFECTIVE DATE.]

*Section 64 of this article is effective January 1, 1986. Sections 1 and 5 of this article are effective the day following final enactment.*

ARTICLE 3

QUALITY ASSURANCE AND  
LONG-RANGE PLANNING  
HEALTH MAINTENANCE ORGANIZATIONS  
DEVELOPMENT

Section 1. Minnesota Statutes 1984, section 256.045, subdivision 3, is amended to read:

**Subd. 3. [STATE AGENCY HEARINGS.] (IN COUNTIES IN WHICH THE COMMISSIONER OF HUMAN SERVICES HAS NOT APPOINTED A LOCAL WELFARE REFEREE,) Except as otherwise provided in subdivision 3a, any person applying for, receiving or having received (ANY OF THE FORMS OF) public assistance (DESCRIBED IN SUB-**

DIVISION 2) granted by a local agency pursuant to Minnesota Statutes, sections 256.72 to 256.87; chapters 256B, 256D, and 261; the Federal Food Stamp Act; or a program of social services whose application for assistance is denied, not acted upon with reasonable promptness, or whose assistance is suspended, reduced, terminated, or claimed to have been incorrectly paid, or any patient or relative aggrieved by an order of the commissioner under section 252.27, 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, recipient, patient or relative shows good cause why the request was not submitted within the 30 day time limit. (A LOCAL AGENCY OR PARTY 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 human services. (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. 2. Minnesota Statutes 1984, section 256.045, is amended by adding a subdivision to read:

*Subd. 3a. [DENIALS OF MEDICAL BENEFITS; RECIPIENTS' RIGHTS TO HEARINGS.] Any person who is receiving or has received public assistance under the medical assistance or general assistance medical care program and who has been aggrieved by a decision of the department of human services which denies, limits, or restricts the provision or the nature, scope, or duration of the medical services covered by the program, may contest that decision pursuant to subdivision 3. Except as otherwise provided by law, any person who is receiving or has received public assistance under the medical assistance or the general assistance medical care program who is enrolled in a prepaid health plan and who has been aggrieved by a decision of the prepaid health plan which denies, limits, or restricts the provision or the nature, scope, or duration of the medical services covered by the plan, may contest that decision. If the commissioner's contract with the prepaid health plan (a) provides for the plan to bear all of the costs of the grievance procedure and impartial arbitration, (b) establishes procedures to assure that a written resolution of the grievance will be issued within 60 days of its filing with the plan, and (c) provides for submission of copies of all grievances and written resolutions to the commissioner, then the person shall contest the decision in accordance with the procedures in section 62D.11, and shall not have standing to file an appeal pursuant to subdivision 3.*

## Sec. 3. [256.9671] [FAIR PRICING STANDARD.]

*In no case shall the payments to vendors under the medical assistance program or the general assistance medical care program exceed the charges paid during the same period by any third party payor or insurer for similar services, medical supplies, drugs, or laboratory services.*

Sec. 4. Minnesota Statutes 1984, section 256.969, subdivision 1, is amended to read:

Subdivision 1. [ANNUAL COST INDEX.] The commissioner of human services shall develop a prospective payment system for inpatient hospital service under the medical assistance and general assistance medical care programs. Rates (PAID TO) established for licensed hospitals for rate years beginning during the fiscal biennium ending June 30, (1985) 1987, shall not exceed an annual hospital cost index for the final rate allowed to the hospital for the preceding year not to exceed five percent in any event. The annual hospital cost index shall be obtained from an independent source representing a statewide average of inflation estimates determined for expense categories to include salaries, employee benefits, medical fees, raw food, medical supplies, pharmaceuticals, utilities, repairs and maintenance, insurance other than malpractice insurance, and other applicable expenses as determined by the commissioner. (THE INDEX SHALL REFLECT THE REGIONAL DIFFERENCES WITHIN THE STATE AND INCLUDE A ONE PERCENT INCREASE TO REFLECT CHANGES IN TECHNOLOGY.) The annual hospital cost index shall be published 30 days before the start of each calendar quarter and shall be applicable to all hospitals whose fiscal years start on or during the calendar quarter.

Sec. 5. Minnesota Statutes 1984, section 256.969, subdivision 2, is amended to read:

Subd. 2. [RATES FOR INPATIENT HOSPITALS.] Rates paid to inpatient hospitals shall be based on a rate per admission until the commissioner can begin to reimburse hospitals for services under the medical assistance and general assistance medical care programs based upon a diagnostic classification system appropriate to the service populations. On July 1, 1984, the commissioner shall begin to utilize to the extent possible existing classification systems, including medicare. The commissioner (SHALL) may incorporate the grouping of hospitals with similar characteristics for uniform rates upon the development and implementation of the diagnostic classification system. Prior to implementation of the diagnostic classification system, the commissioner shall report the proposed grouping of hospitals to the senate health and human services committee and the house health and welfare committee. Medical assistance and general assistance medical care reimbursement for treatment of mental illness shall be reimbursed based upon diagnosis classifications. *The commis-*

*sioner may selectively contract with hospitals for services within the diagnostic classifications relating to mental illness and chemical dependency under competitive bidding when reasonable geographic access by recipients can be assured.*

Sec. 6. Minnesota Statutes 1984, section 256.969, is amended by adding a subdivision to read:

*Subd. 2a. [AUDIT ADJUSTMENTS TO INPATIENT HOSPITAL RATES.] Inpatient hospital rates established under subdivision 2 using 1981 historical Medicare cost-report data may be adjusted based on the findings of audits of hospital billings and patient records performed by the commissioner. The audit findings may be based on a statistically valid sample of billings of the hospital. On the completion of the audits, the commissioner shall adjust rates paid in subsequent years to reflect the audit findings and shall recover any payments in excess of the adjusted rates or reimburse hospitals when audit findings indicate underpayments were made to the hospital.*

Sec. 7. Minnesota Statutes 1984, section 256B.02, is amended by adding a subdivision to read:

*Subd. 11. [PREPAID HEALTH PLAN.] "Prepaid health plan" means a vendor who receives a capitation payment in advance and assumes risk for the provision of medical assistance services.*

Sec. 8. [256B.031] [PREPAID HEALTH PLAN.]

*Subdivision 1. [SERVICES AND INFORMATION.] The commissioner may contract with health insurers licensed and operating pursuant to chapter 62A and 62C provided that those insurers meet the requirements of Minnesota Statutes, section 62D.04, subdivision 1, except for clauses (e) and (g) and health maintenance organizations licensed and operating pursuant to chapter 62D to provide medical services to medical assistance recipients. These health insurers shall be authorized to enter into contracts with the commissioner under this section. State contracts for these services shall assure recipients of at least the comprehensive health services defined in section 256B.02, subdivision 8, and the rules which implement this section, including specifically chiropractic and podiatric services, except services by skilled nursing facilities, intermediate care facilities including ICF I, ICF II, and ICF-MR services, and services provided by waived service providers shall not be included. Prior to approval of any contract with a prepaid health plan, the plan must demonstrate to the commissioner the ability and commitment to serve a high-risk population, including non-English-speaking populations, with both health and social services needs. Health and social services needs include but are not limited to long-term home health care maintenance visits*

for purposes of (a) teaching parenting skills, (b) evaluating and teaching nutrition and hygiene skills, (c) evaluation and health promotion in child abuse and neglect situations and (d) providing long-term home health care maintenance services for the elderly, the disabled and high-risk families. The prepaid health plan must provide the services directly or through contractual arrangements. The commissioner may limit the number of contracts under this section through competitive bidding negotiation and renegotiation; provided, however, that the commissioner shall not award contracts to fewer than two prepaid health plans within the designated service area. All prepaid health plans under contract shall provide information to the commissioner according to the contract specifications which shall include, but not be limited to, the number of people receiving services, the number of encounters, the types of services received, evidence of an operational quality assurance program, and information about utilization and actual third-party recoveries. All information received by the commissioner under this section shall be treated as trade secrets, as defined in section 13.37.

**Subd. 2. [PREPAID HEALTH PLAN RATES.]** For payments made during calendar years 1985 and 1986, the monthly maximum allowable rate established by the commissioner of human services for payment to prepaid health plans shall not exceed 90 percent of the projected average monthly per capita fee for service payments by county made on behalf of eligible recipients during state fiscal year 1984. The commissioner shall exclude recipients who are voluntarily enrolled in prepaid health plans from the calculation. Maximum allowable rates may be calculated separately for each county and may be adjusted to reflect differences among eligible classes of recipients. For payments made during calendar year 1987, the maximum allowable rates payable shall not exceed 105 percent of the previous year's rate. For payments made during calendar year 1988 and subsequent years, contracts shall be awarded on a competitive basis. Rates established for prepaid health plans shall be based on the services which the prepaid health plan is at risk to provide under contract with the commissioner.

**Subd. 3. [FREE CHOICE LIMITED.]** In designated service areas of the state where the commissioner has signed contracts with prepaid health plans, free choice of provider shall be limited to choosing from among the prepaid health plans for recipients of aid to families with dependent children and for those persons who are over age 65, are eligible for medicare parts A and B, are eligible for medical assistance, and are not residents of a long-term care facility. The commissioner shall implement the mandatory enrollment during the period July 1, 1985 to December 30, 1985. Enrollment in a prepaid health plan will be mandatory for recipients who become eligible after July 1, 1985, or whose eligibility is redetermined for aid to families with dependent children, or for those persons over age 65 and eligible for medicare parts A and B and not residents of a long-term care



*facility who become eligible, or whose eligibility is redetermined for medical assistance after July 1, 1985. Enrollment in a prepaid health plan shall be required only when recipients have a choice of at least two prepaid health plans. If third-party coverage is available to a recipient through enrollment in a prepaid health plan by the former spouse or if a duty of support has been imposed by law, order, decree, or judgment of a court under section 518.551, the obligee or recipient shall participate in the prepaid health plan in which the obligee has enrolled provided that the commissioner has contracted with the plan.*

*Subd. 4. [GRIEVANCES; MONITORING.] The commissioner shall monitor the complaints and grievances filed by enrollees in prepaid health plans to assure the cost-effectiveness and quality of care provided. The commissioner shall publish an annual report with information on the number and nature of grievances, the resolution of the grievances, and any pattern of denials of medical benefits among prepaid health plans generally, or individual health plans specifically.*

*Subd. 5. [OMBUDSMAN.] The commissioner shall designate an ombudsman to be an advocate for persons required to enroll in prepaid health plans under this section. The primary duties of the ombudsman shall be (a) to advocate for enrollees through prepaid health plan grievance procedures and (b) to ensure that necessary services are provided, whether directly by the prepaid health plan or through referral to appropriate social services. All enrollees shall be informed about the ombudsman and the duties of the ombudsman when they choose their prepaid plan. At this time they shall also be informed of their right to file a grievance with the prepaid health plan when experiencing a problem with the plan or its providers. The ombudsman may consult with the appropriate regulatory agency, either the commissioner of health or the commissioner of commerce, to assure quality care for enrollees.*

**Sec. 9. Minnesota Statutes 1984, section 256B.04, subdivision 14, is amended to read:**

**Subd. 14. [COMPETITIVE BIDDING.] The commissioner shall utilize volume purchase, only if substantial dollar savings can be demonstrated, through competitive bidding under the provisions of chapter 16, to provide the following items:**

- (1) Eyeglasses;**
- (2) Oxygen. The commissioner shall provide for oxygen needed in an emergency situation on a short-term basis, until the vendor can obtain the necessary supply from the contract dealer;**
- (3) Hearing aids and supplies; and**

(4) Durable medical equipment *and nondurable medical equipment and supplies*, 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;
- (i) *incontinence supplies*;
- (j) *ostomy supplies*;
- (5) *laboratory services excluding emergency laboratory services and laboratory services for which volume purchasing is not cost effective; and*
- (7) *nonemergency medical transportation.*

*Nothing in this section shall prohibit a provider from performing laboratory services in the physician's office or hospital and receiving payment for these services.*

Sec. 10. Minnesota Statutes 1984, section 256B.042, is amended by adding a subdivision to read:

*Subd. 4. The commissioner may undertake special projects including the use of electronic benefit transfer and identification mechanisms to increase recoveries or reduce expenditures under this section.*

Sec. 11. Minnesota Statutes 1984, section 256B.19, subdivision 1, is amended to read:

Subdivision 1. [DIVISION OF COST.] The cost of medical assistance paid by each county of financial responsibility shall be borne as follows: Payments shall be made by the state to the county for that portion of medical assistance paid by the federal government and the state on or before the 20th day of each

month for the succeeding month upon requisition from the county showing the amount required for the succeeding month. Ninety percent of the expense of assistance not paid by federal funds available for that purpose shall be paid by the state and ten percent shall be paid by the county of financial responsibility.

For counties (WHERE HEALTH MAINTENANCE ORGANIZATIONS ARE UNDER CONTRACT TO THE STATE TO PROVIDE SERVICES TO MEDICAL ASSISTANCE RECIPIENTS) which participate in a medicaid demonstration project as defined in sections 256B.69 and 256B.71, the division of the nonfederal share of medical assistance expenses (FOR PAYMENTS MADE TO HEALTH MAINTENANCE ORGANIZATIONS IN THE FORM OF PREPAID CAPITATION PAYMENTS, THIS DIVISION OF MEDICAL ASSISTANCE EXPENSES) shall be 95 percent by the state and five percent by the county of financial responsibility.

(STATE CONTRACTS WITH HEALTH MAINTENANCE ORGANIZATIONS SHALL ASSURE MEDICAL ASSISTANCE RECIPIENTS OF AT LEAST THE COMPREHENSIVE HEALTH MAINTENANCE SERVICES DEFINED IN SECTION 62D.02, SUBDIVISION 7. THE CONTRACTS SHALL REQUIRE HEALTH MAINTENANCE ORGANIZATIONS TO PROVIDE INFORMATION TO THE COMMISSIONER CONCERNING THE NUMBER OF PEOPLE RECEIVING SERVICES, THE NUMBER OF ENCOUNTERS, THE TYPE OF SERVICES RECEIVED, EVIDENCE OF AN OPERATIONAL QUALITY ASSURANCE PROGRAM PURSUANT TO SECTION 62D.04 AND INFORMATION ABOUT UTILIZATION.)

(PERSONS WHO BECOME ELIGIBLE FOR MEDICAL ASSISTANCE AFTER JULY 1, 1984, WHO ARE NOT PARTICIPATING IN ANY MEDICAID DEMONSTRATION PROJECT AS DEFINED UNDER SECTIONS 256B.70 AND 256B.71, AND WHO CHOOSE AT THE TIME OF APPLICATION FOR ASSISTANCE TO RECEIVE SERVICES FROM A HEALTH MAINTENANCE ORGANIZATION, SHALL BE GUARANTEED SIX MONTHS OF COVERAGE BY A STATE CONTRACTED HEALTH MAINTENANCE ORGANIZATION IF THE RECIPIENT REMAINS IN THE HEALTH MAINTENANCE ORGANIZATION FROM THE TIME OF INITIAL ENROLLMENT. THE CONTINUED ELIGIBILITY GUARANTEE SHALL NOT BE GRANTED WHEN INELIGIBILITY FOR MEDICAL ASSISTANCE IS DUE TO DEATH, LOSS OF STATE OR COUNTY RESIDENCY, FAILURE TO RESPOND TO THE COUNTY'S EFFORTS TO CONTACT THE RECIPIENT, FAILURE TO LOCATE THE RECIPIENT, OR WHEN THE RECIPIENT IS ELIGIBLE FOR CONTINUED ELIGIBILITY AS DEFINED IN SECTION 256B.062) *For counties where prepaid health plans are under*

*contract to the commissioner to provide services to medical assistance recipients, the cost of court ordered treatment that does not include diagnostic evaluation, recommendation, or referral for treatment by the prepaid health plan shall be the responsibility of the county of financial responsibility.*

Sec. 12. Minnesota Statutes 1984, section 256D.03, subdivision 4, is amended to read:

Subd. 4. [GENERAL ASSISTANCE MEDICAL CARE; SERVICES.] (a) Reimbursement under the general assistance medical care program shall be limited to the following categories of service: inpatient hospital care, outpatient hospital care, services provided by medicare certified rehabilitation agencies, prescription drugs, equipment necessary to administer insulin and diagnostic supplies and equipment for diabetics to monitor blood sugar level, eyeglasses and eye examinations provided by a physician or optometrist, hearing aids, prosthetic devices, laboratory and x-ray services, physician's services, *chiropractic and podiatric services*, medical transportation, and dental care. In addition, payments of state aid shall be made for day treatment services provided by a mental health center established under sections 245.61 to 245.69, subdivision 1, and funded through chapter 256E and for prescribed medications for persons who have been diagnosed as mentally ill as necessary to prevent more restrictive institutionalization.

(b) In order to contain costs, (THE COUNTY BOARD SHALL, WITH THE APPROVAL OF) the commissioner of human services (,) *shall* select vendors of medical care who can provide the most economical care consistent with high medical standards and (MAY) *shall where possible* contract with organizations on a prepaid capitation basis to provide these services. The commissioner shall (ENCOURAGE COUNTY BOARDS TO SUBMIT) *consider proposals by counties and vendors for (DEMONSTRATION PROJECTS) prepaid health plans, competitive bidding programs, block grants, or other vendor payment mechanisms* designed to provide services in an economical manner or to control utilization, with safeguards to ensure that necessary services are provided. Payment for services provided pursuant to this subdivision shall be as provided to medical assistance vendors of these services under section 256B.02, subdivision 8 (, EXCEPT THAT WHERE COUNTIES ENTER INTO PREPAID CAPITATION AGREEMENTS, PAYMENTS SHALL BE AS PROVIDED IN SECTION 256.966, SUBDIVISION 2). *The maximum allowable rates payable under this section shall be calculated in accordance with the provisions of section 7, subdivision 2.*

(c) The commissioner of human services may reduce payments provided under sections 256D.01 to 256D.21 and 261.23 in order to remain within the amount appropriated for general assistance medical care, within the following restrictions. For

the period July 1, (1983) 1985 to June 30, (1984) 1986, reductions below the cost per service unit allowable under section 256.966, are permitted only as follows: payments for inpatient and outpatient hospital care provided in response to a primary diagnosis of chemical dependency or mental illness may be reduced no more than (45) 20 percent; payments for all other inpatient hospital care may be reduced no more than (35) 15 percent. Reductions below the payments allowable under section 256.967 for the remaining general assistance medical care services allowable under this subdivision may be reduced no more than (25) five percent. For the period July 1, (1984) 1986 to June 30, (1985) 1987, reductions below the cost per service unit allowable under section 256.966 are permitted only as follows: payments for inpatient and outpatient hospital care provided in response to a primary diagnosis of chemical dependency or mental illness may be reduced no more than (30) 15 percent; payments for all other inpatient hospital care may be reduced no more than (20) ten percent. Reductions below the payments allowable under section 256.967 for the remaining general assistance medical care services allowable under this subdivision may be reduced no more than (TEN) five percent. There shall be no copayment required of any recipient of benefits for any services provided under this subdivision. A hospital receiving a reduced payment as a result of this section may apply the unpaid balance toward satisfaction of the hospital's bad debts.

*(d) On or after July 1, 1986, the commissioner shall either partially or totally phase out rateable reductions in the general assistance medical care program to the extent that savings are identified within the appropriations for medical assistance or general assistance medical care to fund the phase out.*

**((D)) (e)** Any county may, from its own resources, provide medical 5 payments for which state payments are not made.

Sec. 13. Minnesota Statutes 1984, section 256D.03, subdivision 6, is amended to read:

Subd. 6. [DIVISION OF COSTS.] The state shall pay 90 percent of the cost of general assistance medical care paid by the local agency or county pursuant to this section. (HOWEVER, FOR COUNTIES WHO CONTRACT WITH HEALTH MAINTENANCE ORGANIZATIONS OR OTHER PROVIDERS TO DELIVER SERVICES UNDER A PREPAID CAPITATION AGREEMENT, THE STATE SHALL PAY 95 PERCENT OF THE COST PER PERSON ENROLLED) *For counties where prepaid health plans are under contract to the commissioner to provide services to general assistance medical care recipients, the cost of court ordered treatment that does not include diagnostic evaluation, recommendation, or referral for treatment by the prepaid health plan shall be the responsibility of the county of financial responsibility.*

Sec. 14. Minnesota Statutes 1984, section 256D.04, is amended to read:

256D.04 [DUTIES OF THE COMMISSIONER.]

In addition to any other duties imposed by law, the commissioner shall:

(1) Supervise the administration of general assistance and general assistance medical care by local agencies as provided in sections 256D.01 to 256D.21;

(2) Promulgate uniform rules consistent with law for carrying out and enforcing the provisions of sections 256D.01 to 256D.21 to the end that general assistance may be administered as uniformly as possible throughout the state; rules shall be furnished immediately to all local agencies and other interested persons; in promulgating rules, the provisions of sections 14.01 to 14.70, shall apply;

(3) Allocate moneys appropriated for general assistance and general assistance medical care to local agencies as provided in section 256D.03, subdivisions 2 and 3;

(4) Accept and supervise the disbursement of any funds that may be provided by the federal government or from other sources for use in this state for general assistance and general assistance medical care;

(5) Cooperate with other agencies including any agency of the United States or of another state in all matters concerning the powers and duties of the commissioner under sections 256D.01 to 256D.21;

(6) Cooperate to the fullest extent with other public agencies empowered by law to provide vocational training, rehabilitation, or similar services; (AND)

(7) Gather and study current information and report at least annually to the governor and legislature on the nature and need for general assistance and general assistance medical care, the amounts expended under the supervision of each local agency, and the activities of each local agency and publish such reports for the information of the public; *and*

(8) *Utilize volume purchase through competitive bidding under the provisions of chapter 16B to provide the following items:*

(i) *eyeglasses;*

(ii) *hearing aids;*

(iii) *laboratory services excluding emergency laboratory services and laboratory services for which volume purchasing is not cost effective; and*

(iv) *nonemergency medical transportation.*

*Nothing in this section shall prohibit a provider from performing laboratory services in the physician's office or hospital and receiving payment for these services.*

**Sec. 15. [SPECIAL PERFORMANCE BASED CONTRACTING STUDY.]**

*The commissioner of human services shall study mechanisms for reimbursement of providers of services in intermediate care facilities for the mentally retarded, developmental achievement centers, or waived services under section 256B.501 based on the developmental progress of persons receiving those services. The commissioner shall report to the legislative long-term care commission no later than July 1, 1986, with recommendations on the implementation of a performance based contracting system.*

**Sec. 16. [PROGRAM SUPERVISION AND ADMINISTRATION STUDY.]**

*The commissioner of human services shall study the feasibility of electronic eligibility determination, electronic benefit transfer, and other methods to improve the productivity of the supervision by the department of human services and county administration of medical assistance, general assistance, general assistance medical care, aid to families with dependent children, and food stamp programs. The commissioner shall submit a report to the legislature no later than January 15, 1987.*

**Sec. 17. Minnesota Statutes 1984, section 245.73, is amended by adding a subdivision to read:**

*Subd. 2a. [SPECIAL PROGRAMS.] Grants received pursuant to this section may be used to fund innovative programs in residential facilities, including structured physical fitness programs designed as part of a mental health treatment plan.*

**Sec. 18. Minnesota Statutes 1984, section 256E.12, subdivision 1, 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 shall make grants to counties to establish, operate, or contract with

private providers to provide services designed to help chronically mentally ill persons remain and function in their own communities. *Grants received pursuant to this section may be used to fund innovative community programs, including physical fitness programs designed as part of a mental health treatment plan.*

Sec. 19. [PURPOSE.]

*The legislature finds that Minnesota has, in the past, relied primarily upon government regulation to control health care costs, including certificate of need review and hospital rate review, but that in recent years state policy has shifted to favor control through competitive forces. Conditions in Minnesota, by contrast with those in many other states, may be especially favorable to the development of competitive forces. Minnesota has the potential to be a national model for control of health care costs through competitive forces. The legislature intends that competitive forces in the health care market should be fostered, and that this potential should be realized.*

*The legislature further finds, however, (1) that certain characteristics of health services and health plans inhibit price competition, (2) that competitive forces do not necessarily promote efficiency in the health care market in the same way as in the markets for other goods and services, and (3) that competitive forces may alter certain historical incentives concerning the accessibility and quality of health care. The legislature intends, therefore, that the development of competitive forces should be monitored closely. The purpose of this monitoring is to evaluate competitive forces' effects on the control of health care costs and on accessibility and quality of health care, and to determine whether state initiatives could strengthen competitive forces or improve the accessibility and quality of health care.*

Sec. 20. Minnesota Statutes 1984, section 144.695, is amended to read:

144.695 [CITATION.]

Sections 144.695 to 144.703 may be cited as the Minnesota health care (COST INFORMATION) markets act of (1984) 1985.

Sec. 21. Minnesota Statutes 1984, section 144.70, is amended to read:

144.70 [(ANNUAL) BIENNIAL REPORT.]

*Subdivision 1. The commissioner of health shall prepare (AND PRIOR TO EACH LEGISLATIVE SESSION) a report every two years concerning the status and operations of the health care markets in Minnesota. The commissioner of health*



shall transmit the reports to the governor and to the members of the legislature (AN ANNUAL). The first report (OF) must be submitted on January 15, 1987, and succeeding reports on January 15 every two years thereafter. Each report must contain information, analysis, and appropriate recommendations concerning the following issues associated with Minnesota health care markets:

(1) the overall status of the health care cost problem, including the costs faced by employers and individuals, and prospects for the problem's improving or getting worse;

(2) the status of competitive forces in the market for health services and the market for health plans, and the effect of the forces on the health care cost problem;

(3) the feasibility and cost-effectiveness of facilitating development of strengthened competitive forces through state initiatives;

(4) the feasibility of limiting health care costs by means other than competitive forces, including direct forms of government intervention such as price regulation. The commissioner of health may exclude this issue from the report if the report concludes that the overall status of the health care cost problem is improving, or that competitive forces are contributing significantly to health care cost containment;

(5) the overall status of access to adequate health services by citizens of Minnesota, the scope of financial and geographic barriers to access, the effect of competitive forces on access, and prospects for access improving or getting worse;

(6) the feasibility and cost-effectiveness of enhancing access to adequate health services by citizens of Minnesota through state initiatives; and

(7) the commissioner of health's operations and activities for the preceding (FISCAL YEAR) two years as they relate to the duties imposed on the commissioner of health by sections 144.695 to 144.703. (THIS REPORT SHALL INCLUDE A COMPILATION OF ALL SUMMARIES AND REPORTS REQUIRED BY SECTIONS 144.695 TO 144.703 TOGETHER WITH ANY FINDINGS AND RECOMMENDATIONS OF THE COMMISSIONER OF HEALTH.)

*Subd. 2. In completing the report required by subdivision 1, in fulfilling the requirements of sections 144.695 to 144.703, and in undertaking other initiatives concerning health care costs, access, or quality, the commissioner of health shall cooperate with and consider potential benefits to other state agencies that have a role in the market for health services or the market for health*

*plans. Other agencies include the department of employee relations, as administrator of the state employee health benefits program; the department of human services, as administrator of health services entitlement programs; the department of commerce, in its regulation of health plans; the department of labor and industry, in its regulation of health service costs under workers' compensation; and the state planning agency, in its planning for the state's health service needs.*

## STATE HOSPITAL PLAN

### Sec. 22. [COMMISSION REVIEW AND RECOMMENDATIONS OF HOSPITAL STUDY.]

*Subdivision 1. [HOSPITAL STUDY.] The legislative commission on long-term health care, quality assurance, and cost containment in Minnesota Statutes, section 256B.504, as amended in section 40, shall review the state hospital study findings made by the interagency board established under Minnesota Statutes 1984, section 246.023, and report their recommendations to the legislature by February 1, 1986.*

## GUARDIANSHIP STUDY

### Sec. 23. [PUBLIC GUARDIANSHIP STUDY.]

*Subdivision 1. [TASK FORCE.] The commissioner of human services shall establish a task force to study public guardianship under chapter 252A. The task force shall consist of representatives from counties, the legislature, state agencies and councils, attorneys, and other groups that act as advocates for mentally retarded, chemically dependent, mentally ill, and elderly persons.*

*Subd. 2. [FOCUS OF STUDY.] The task force shall collect information on at least the following items:*

*(1) the number of people under public guardianship and their place of residence;*

*(2) the amount of staff resources available to perform the role of state guardian;*

*(3) the duties of the county case manager as the commissioner's designee; and*

*(4) the types of disabilities of people who are under public guardianship.*

*The task force shall make recommendations for changes in the public guardianship system. In developing the recommendations, the task force shall consider at least the following factors:*

(1) *the extent that persons who are in need of some form of guardianship are not receiving protective services;*

(2) *the feasibility and economic impact of extending public guardianship to persons with other disabilities;*

(3) *the success of models used in other states to provide protective services;*

(4) *methods to improve the accountability for and increase visits to persons under public guardianship;*

(5) *differences between public and private guardianship systems; and*

(6) *the feasibility of alternatives to the present public guardianship system.*

*Subd. 3. [REPORT.] The commissioner shall submit a report to the appropriate standing committees of the legislature by January 1, 1986, containing the findings and recommendations of the task force and proposals for legislative action.*

## QUALITY ASSURANCE STUDY

**Sec. 24. [FEASIBILITY STUDY OF HOME EQUITY CONVERSION FOR LONG-TERM HEALTH CARE.]**

*Subdivision 1. [FEASIBILITY STUDY.] The director of the housing finance agency, with the assistance of the commissioners of commerce and human services and the director of the state planning agency, shall study and report to the legislature concerning the feasibility of a home equity conversion program to finance long-term health care and long-term health care insurance. The study must examine and provide recommendations concerning:*

(1) *methods of encouraging participation, including public subsidy mechanisms;*

(2) *the characteristics of target populations;*

(3) *federal and state legislative and regulatory barriers;*

(4) *the role of the medical assistance program, insurance carriers and other forms of health care coverage, lending institutions, employers, investors, consumer organizations, and other programs and interests;*

(5) *estimates of demand and participation;*

(6) *estimates of cost;*

(7) *methods of addressing adverse selection; and*

(8) *other considerations affecting the desirability and feasibility of home equity conversion to finance long-term health care and long-term health care insurance.*

*Subd. 2. [REPORT.] By February 15, 1986, the director of the housing finance agency shall report to the legislature on the study required under subdivision 1. In addition to the information required under subdivision 1, the report must include recommendations concerning the value of a project to demonstrate the use of home equity conversion to finance long-term health care and long-term health care insurance. If the report recommends establishing a demonstration project, the report must include recommendations for designing, implementing, and funding the project.*

#### Sec. 25. [LEGISLATIVE AUDIT OF DEPARTMENTS.]

*The legislative audit commission established under Minnesota Statutes, section 3.97, shall study activity by the departments of health and human services in quality assurance and cost containment. The study must consider the role of local government and state agencies in quality assurance and cost containment. The audit commission shall report the study results to the legislative commission on quality assurance and cost containment in section 27 by August 1, 1985.*

Sec. 26. Minnesota Statutes 1984, section 245.783, is amended by adding a subdivision to read:

*Subd. 1a. [QUALITY ASSURANCE.] The commissioner shall develop a process for evaluating the quality of care provided to adult mentally ill persons in facilities licensed under Minnesota Rules, parts 9520.0500 to 9520.0690. As part of the evaluation process, the commissioner shall select a random sample of facilities and evaluate the quality of each individual program plan within those facilities. With respect to each individual program plan, the commissioner shall, at a minimum, evaluate:*

(a) *the degree to which the resident is receiving the kind of care and treatment needed;*

(b) *the causes of suicides within the facilities;*

(c) *the degree to which knowledgeable decisions are made regarding the appropriateness of current placement, including considerations of less restrictive environments and, if necessary, admission or readmission to a hospital setting.*

*The evaluation process shall be ongoing, and the commissioner shall report his findings to the legislature on a biennial basis.*

Sec. 27. Minnesota Statutes 1984, section 256B.504, is amended to read:

**256B.504 [LEGISLATIVE COMMISSION ON LONG-TERM HEALTH CARE, QUALITY ASSURANCE, AND COST CONTAINMENT.]**

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 human services 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.

*(d) to study the report submitted to it by the legislative audit commission;*

*(e) to monitor the inspection and regulation activities, including rule developments, of the departments of health and human services with the goal of improving quality of care and containing costs of care;*

*(f) to study a plan for state-operated, community-based services for mentally retarded persons;*

*(g) to review and monitor the proposal for plan development;*

*(h) to study home health care licensure;*

*(i) to study state services for the elderly and mentally ill persons; and*

*(j) study the possibility of shared service agreements between state hospital or state-operated nursing homes and health service organizations;*

*(k) study the liability of counties for the cost of care provided in a state hospital for chronically mentally ill patients;*

(l) review all federal and state funding resources with the intent to maximize utilization of these funds for direct services to persons and minimal expenditures for administrative activities;

(m) review program administration and organization for cost-effectiveness, flexibility for local government implementation, and appropriate standards and accountability to assure quality for clients;

(n) recommend a plan based upon the evaluation and assessments and designate agency responsibilities for implementation and enforcement;

(o) review procedures for nursing home residents focusing on client outcomes including evaluating, using the resident's care plan, and determining whether the resident's ability to function is optimized based upon valid and reliable indicators and not measured solely by the number or amount of services provided; and

(p) to define the process for containing costs and assuring quality services and submit a proposal to the interagency board on quality assurance on or before October 1, 1986.

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 seven members of the house of representatives appointed by the speaker and seven 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) *October 1, 1986*.

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.

**Sec. 28. [INTERAGENCY BOARD ON QUALITY ASSURANCE AND COST CONTAINMENT.]**

*The interagency board for quality assurance established under Minnesota Statutes, section 144A.31 is required:*

(a) *to study the proposal submitted to it by the legislative commission on quality assurance and cost containment under section 27 of this article;*

(b) *establish a written policy on quality assurance and cost containment;*

(c) *provide recommendations for regulation of the department of health and human services;*

(d) *recommend to the department of health and human services licensing standards to ensure quality services at low costs.*

**Sec. 29. [APPROPRIATION; COMPLEMENT.]**

*Subdivision 1. [APPROPRIATIONS.] \$ . . . . . is appropriated from the general fund to the commissioner of human services for the purposes of sections 25 to 28 of this article. \$ . . . . . is appropriated from the general fund to the commissioner of health for the purposes of sections 25 to 28 of this article. The appropriations are available until expended.*

*Subd. 2. [APPROVED COMPLEMENT.] The approved complement of the department of human services shall be increased by one position in the classified service for the purposes of section 28 of this article.*

*The approved complement of the department of health shall be increased by one position in the classified service for the purposes of section 28 of this article.*

**Sec. 30. [APPROPRIATION.]**

*The following amounts are appropriated from the general fund to the named agencies for the purposes specified, to be available until June 30, 1987, unless otherwise stated:*

(1) \$ . . . . . to the department of health, for the purposes of conducting the research and analysis necessary for com-

pleting the report required by section 21, and for directly related initiatives to strengthen competitive forces, to improve access to health care, or to improve the quality of health care;

(2) \$ . . . . . to the department of commerce, for the purposes of monitoring the status of competitive forces in the market for health plans, and for monitoring and evaluating health insurers' cost containment activities required by Minnesota Statutes, section 62A.02, subdivision 3, clause (3);

(3) \$ . . . . . to the department of employee relations, for the purpose of developing cost containment initiatives in the state employee health benefit program; and

(4) \$ . . . . . to the state planning agency, to be available until June 30, 1986, for the purpose of providing staff and logistical support to a special commission that shall study and make recommendations concerning the appropriate content of the mandated or minimum benefits to be required of health plans in Minnesota.

#### Sec. 31. [APPROPRIATIONS.]

\$1,014,000 is appropriated from the general fund to the commissioner of human services for the purpose of administering sections 1 to 15. Of this sum, \$500,000 is to be used for the purpose of sections 14 and 15. \$364,000 of this sum is to be used to fund six new staff positions in the department of human services. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

#### Sec. 32. [APPROPRIATION.]

\$ . . . . . is appropriated from the general fund to the director of the housing finance agency for purposes of section 24 of this article.

#### Sec. 33. [REVISOR'S INSTRUCTION.]

In the next and subsequent editions of Minnesota Statutes, the revisor shall replace the reference to "sections 62D.01 to 62D.29" wherever it occurs with "sections 62D.01 to 62D.27." The revisor shall delete references to "62E.17" from sections 62E.01; 62E.02, subdivision 1; 62E.05; 62E.09; 62E.13, subdivisions 6 and 8; 62E.14, subdivision 2; and 62E.15, subdivision 2.

#### Sec. 34. [REPEALER.]

Subdivision 1. Minnesota Statutes 1984, section 256.045, subdivision 2, is repealed effective July 1, 1985.



*Subd. 2. Minnesota Statutes 1984, section 62D.25; 62D.26; 62D.28; 62D.29; 62E.17; and 256.966, subdivision 2, are repealed.*

**Sec. 35. [EFFECTIVE DATE.]**

*Sections 1 to 15 are effective July 1, 1985.*

**ARTICLE 4**

**COST CONTAINMENT**

**NURSING HOMES**

**Section 1. [144.0722] [RESIDENT REIMBURSEMENT CLASSIFICATIONS; PROCEDURES FOR RECONSIDERATION.]**

*Subdivision 1. [RESIDENT REIMBURSEMENT CLASSIFICATIONS.] The commissioner of health shall establish resident reimbursement classifications based upon the assessments of residents of nursing homes and boarding care homes conducted under sections 144.072 and 144.0721, or under rules established by the commissioner of human services under sections 256B.41 to 256B.48. The reimbursement classifications established by the commissioner must conform to the rules established by the commissioner of human services.*

*Subd. 2. [NOTICE OF RESIDENT REIMBURSEMENT CLASSIFICATION.] The commissioner of health shall notify each resident, and the nursing home or boarding care home in which the resident resides, of the reimbursement classification established under subdivision 1. The notice shall inform the resident of the classification that was assigned, the opportunity to review the documentation supporting the classification, the opportunity to obtain clarification from the department, and the opportunity to request a reconsideration of the classification. The notice of resident classification shall be sent by first class mail. The individual resident notices may be sent to the residents' nursing home or boarding care home for distribution to the resident.*

*Subd. 3. [REQUEST FOR RECONSIDERATION.] The resident or the nursing home or boarding care home may request that the commissioner reconsider the assigned reimbursement classification. The request for reconsideration must be submitted, in writing, to the commissioner within ten days of the receipt of the notice of resident classification. The request for reconsideration must include the following: (1) the name of the resident; (2) the name and address of the facility in which the resident resides; (3) the reasons for the reconsideration; (4) the requested classification changes; and (5) documentation sup-*

porting the requested classification. The documentation accompanying the reconsideration request is limited to documentation establishing that the needs of the resident at the time of the assessment resulting in the disputed classification justify a change of classification.

*Subd. 4. [RECONSIDERATION.] The department's reconsideration must be made by individuals not involved in reviewing the assessment that established the disputed classification. The reconsideration must be based upon the initial assessment and upon the information provided to the department under subdivision 3. If necessary for evaluating the reconsideration request, the department may conduct on-site reviews. In its discretion, the department may review the reimbursement classifications assigned to all residents in the facility. Within 15 working days of receiving the request for reconsideration, the department shall affirm or modify the original resident classification. The original classification shall be modified if the department determines that the assessment resulting in that classification did not accurately reflect the needs of the resident at the time of the assessment. The resident and the nursing home or boarding care home shall be notified within five working days after the decision is made. The department's decision under this subdivision is the final administrative decision of the agency.*

**Sec. 2. Minnesota Statutes 1984, section 144.50, subdivision 2, is amended to read:**

**Subd. 2. Hospital, sanatorium or other institution for the hospitalization or care of human beings, within the meaning of sections 144.50 to 144.56 shall mean any institution, place, building, or agency, in which any accommodation is maintained, furnished, or offered for: the hospitalization of the sick or injured; the provision of care in a swing bed authorized under section 144.562; elective outpatient surgery for preexamined, prediagnosed low risk patients; emergency medical services offered 24 hours a day, seven days a week, in an ambulatory or outpatient setting in a facility not a part of a licensed hospital; or the institutional care of human beings. Nothing in sections 144.50 to 144.56 shall apply to a clinic, a physician's office or to hotels or other similar places that furnish only board and room, or either, to their guests.**

**Sec. 3. [144.562] [SWING BED APPROVAL; ISSUANCE OF LICENSE CONDITIONS; VIOLATIONS.]**

*Subdivision 1. [DEFINITION.] For the purposes of this section, "swing bed" means a hospital bed licensed under sections 144.50 to 144.56 which has been granted a license condition under this section for the purpose of receiving reimbursement under the federal medicare program under United States Code, title 42, section 1395(tt). Nothing in this section shall preclude the use of any licensed hospital bed by any other payor.*

*Subd. 2. [ELIGIBILITY FOR LICENSE CONDITION.] A hospital is not eligible to receive a license condition for swing beds unless (1) it has a licensed bed capacity of less than 50 beds defined in the federal medicare regulations, Code of Federal Regulations, title 42, section 405.1041, or (2) it is staffed for and operating less than 50 licensed beds, and (3) it is located in a rural area as defined in the federal medicare regulations, Code of Federal Regulations, title 42, section 405.1041, and (4) it agrees to utilize no more than four hospital beds as swing beds at any one time, except that up to three additional beds may be utilized as swing beds by a hospital if there are no medicare certified skilled nursing facility beds available in a health care facility within 25 miles of that hospital.*

*Subd. 3. [APPROVAL OF LICENSE CONDITION.] The department of health shall approve a license condition for swing beds if the hospital meets all of the criteria of this subdivision:*

*(a) The hospital must meet the eligibility criteria in subdivision 2.*

*(b) The hospital must be in compliance with the federal medicare conditions of participation for swing beds under Code of Federal Regulations, title 42, section 405.1041.*

*(c) The hospital must agree, in writing, to limit the length of stay of a patient receiving services in a swing bed to not more than 40 days or the duration of medicare reimbursement unless the department of health approves a greater length of stay in an emergency situation. For the purpose of determining whether an emergency situation exists, the department shall require the hospital to provide documentation that continued services in the swing bed are required by the patient, that no nursing home beds are available within 25 miles from the patient's home or in some more remote facility of the patient's choice which can provide the appropriate level of services required by the patient, and that other alternative services are not available to meet the needs of the patient. If the department approves a length of stay beyond 40 days or the duration of medicare reimbursement, the hospital shall develop a plan providing for the discharge of the patient upon the availability of a nursing home bed or other services which meet the needs of the patient. Permission to extend a patient's length of stay must be requested by the hospital at least ten days prior to the end of the maximum length of stay.*

*(d) The hospital must agree, in writing, to limit admission to a swing bed only to patients who have been hospitalized and not yet discharged from the facility.*

*(e) The hospital must agree, in writing, to report statistical data on the utilization of the swing beds on forms supplied by the department. The data must include the number of swing*

beds; the number of admissions to and discharges from swing beds, medicare reimbursed patient days, total patient days, and other information required by the commissioner to assess the utilization of swing beds.

Subd. 4. [ISSUANCE OF LICENSE CONDITION; RENEWALS.] *The department of health shall issue a license condition to a hospital that complies with subdivisions 2 and 3. The license condition shall be granted when the license is first issued, when it is renewed, or during the course of the hospital's licensure year. The condition shall be valid for the hospital's licensure year. The license condition can be renewed at the time of the hospital's license renewal provided that the hospital is in compliance with subdivisions 2 and 3.*

Subd. 5. [INSPECTIONS.] *Notwithstanding section 144.55, subdivision 4, the department of health may conduct inspections of any hospital granted a condition under this section for the purpose of assessing compliance with this section.*

Subd. 6. [VIOLATIONS; ISSUANCE OF CORRECTION ORDERS AND FINES; SUSPENSION, REVOCATION, OR NONRENEWAL OF THE LICENSE CONDITION.] *Notwithstanding section 144.55, subdivision 4, if the hospital fails to comply with subdivision 2 or 3, the department of health shall issue a correction order and penalty assessment under section 144.653 or may suspend, revoke, or refuse to renew the license condition under section 144.55, subdivision 6. The penalty assessment for a violation of subdivision 2 or 3 is \$500.*

Subd. 7. [EFFECTIVE DATE.] *Hospitals participating in the federal medicare swing bed program as of the effective date of this section shall comply with this section by January 1, 1986, or at the time of the renewal of the medicare swing bed approval, whichever is earlier.*

Sec. 4. Minnesota Statutes 1984, section 144A.01, subdivision 5, is amended to read:

Subd. 5. "Nursing home" means a facility or that part of a facility which provides nursing care to five or more persons. "Nursing home" does not include a facility or that part of a facility which is a hospital, a hospital with swing bed approval as defined in section 144.562, clinic, doctor's office, diagnostic or treatment center, or a residential facility licensed pursuant to sections 245.781 to 245.821 or 252.28.

Sec. 5. Minnesota Statutes 1984, section 144A.071, subdivision 1, is amended to read:

Subdivision 1. [FINDINGS.] *The legislature finds that medical assistance expenditures are increasing at a much faster*

rate than the state's ability to pay them; that reimbursement for nursing home care and ancillary services comprises over half of medical assistance costs, and, therefore, controlling expenditures for nursing home care is essential to prudent management of the state's budget; that construction of new nursing homes (,) and the addition of more nursing home beds to the state's long-term care resources (, AND INCREASED CONVERSION OF BEDS TO SKILLED NURSING FACILITY BED STATUS) inhibits the ability to control expenditures; that Minnesota already leads the nation in nursing home expenditures per capita, has the fifth highest number of beds per capita elderly, and that private paying individuals and medical assistance recipients have equivalent access to nursing home care; and that in the absence of a moratorium the increased numbers of nursing homes and nursing home beds will consume resources that would otherwise be available to develop a comprehensive long-term care system that includes a continuum of care. Unless action is taken, this expansion of bed capacity (AND CHANGES OF BEDS TO A HIGHER CLASSIFICATION OF CARE ARE) is likely to accelerate with the repeal of the certificate of need program effective March 15, 1984. The legislature also finds that Minnesota's dependence on institutional care for elderly persons is due in part to the dearth of alternative services in the home and community. *The legislature also finds that further increases in the number of licensed nursing home beds, especially in nursing homes not certified for participation in the medical assistance program, is contrary to public policy, because: (1) nursing home residents with limited resources may exhaust their resources more rapidly in these facilities, creating the need for a transfer to a certified nursing home, with the concomitant risk of transfer trauma; (2) a continuing increase in the number of nursing home beds will foster continuing reliance on institutional care to meet the long-term care needs of residents of the state; (3) a further expansion of nursing home beds will diminish incentives to develop more appropriate and cost effective alternative services and divert community resources that would otherwise be available to fund alternative services; (4) through corporate reorganization resulting in the separation of certified and licensed beds, a nursing home may evade the provisions of section 256B.48, subdivision 1, clause (a); and (5) it is in the best interests of the state to ensure that the long-term care system is designed to protect the private resources of individuals as well as to use state resources most effectively and efficiently.*

The legislature declares that a moratorium on *the licensure and medical assistance certification of new nursing home beds (AND ON CHANGES IN CERTIFICATION TO A HIGHER LEVEL OF CARE)* is necessary to control nursing home expenditure growth and enable the state to meet the needs of its elderly by providing high quality services in the most appropriate manner along a continuum of care.

Sec. 6. Minnesota Statutes 1984, section 144A.071, subdivision 2, is amended to read:

Subd. 2. [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 human services, shall deny each request by a nursing home or boarding care home, except an intermediate care facility for the mentally retarded, for addition of new certified beds (OR FOR A CHANGE OR CHANGES IN THE CERTIFICATION STATUS OF EXISTING BEDS) except as provided in subdivision 3. The total number of certified beds in the state (IN THE SKILLED LEVEL AND IN THE INTERMEDIATE LEVELS OF CARE) shall remain at or decrease from the number of beds certified (AT EACH LEVEL OF CARE) on May 23, 1983, except as allowed under subdivision 3. "Certified bed" means a nursing home bed or a boarding care bed certified by the commissioner of health for the purposes of the medical assistance program, under United States Code, title 42, sections 1396 et seq.

The commissioner of human services, in coordination with the commissioner of health, shall deny any request to issue a license under 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 medical assistance reimbursement amount. *The commissioner of health shall deny each request for licensure of nursing home beds except as provided in subdivision 3.*

Sec. 7. Minnesota Statutes 1984, section 144A.071, subdivision 3, is amended to read:

Subd. 3. [EXCEPTIONS.] The commissioner of health, in coordination with the commissioner of human services, may approve the addition of a new certified bed or (CHANGE IN THE CERTIFICATION STATUS OF AN EXISTING BED) *the addition of a new licensed nursing home bed*, under the following conditions:

(a) To replace a bed decertified after May 23, 1983 or to address an extreme hardship situation, in a particular county that, together with all contiguous Minnesota counties, 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, the national average of nursing home beds shall be the most recent figure that can be supplied by the federal health care financing administration and the number of elderly in the county or the nation shall be determined by the most recent federal census or the most recent estimate of the state demographer as of July 1, of each year 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;

(b) To certify a new bed in a facility that commenced construction before May 23, 1983. 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; and all zoning and building permits were secured;

(c) To certify beds in a new nursing home that is needed in order to meet the special dietary needs of its residents, if: the nursing home proves to the commissioner's satisfaction that the needs of its residents cannot otherwise be met; elements of the special diet are not available through most food distributors; and proper preparation of the special diet requires incurring various operating expenses, including extra food preparation or serving items, not incurred to a similar extent by most nursing homes; (OR)

(d) (WHEN THE CHANGE IN CERTIFICATION STATUS RESULTS IN A DECREASE IN THE REIMBURSEMENT AMOUNT) *To license a new nursing home bed in a facility which meets one of the exceptions contained in clauses (a) to (d);*

(e) *To license nursing home beds in a facility which*

(1) *has submitted either a completed licensure application or a written request for licensure to the commissioner before March 1, 1985, and*

(2) *has had plans for phased-in construction approved by the commissioner and has received written authorization to begin construction on a phased-in basis from the commissioner, or has commenced any required construction, as defined in clause (b) before May 1, 1985. For the purpose of this clause, "construction" means any erection, building, alteration, reconstruction, modernization, or improvement necessary to comply with the provisions of the nursing home licensure rules; or*

(f) *To certify or license new beds in a new facility that is to be operated by the department of veterans affairs or where the costs of constructing and operating the new beds are to be reimbursed by the department of veterans affairs or the federal veterans administration.*

Sec. 8. Minnesota Statutes 1984, section 256B.02, subdivision 8, is amended to read:

Subd. 8. [MEDICAL ASSISTANCE; MEDICAL CARE.] "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 this cost:

(1) Inpatient hospital services. A second medical opinion is required prior to reimbursement for elective surgeries. The commissioner shall publish in the State Register a proposed list of elective surgeries that require a second medical opinion prior to reimbursement. The list is not subject to the requirements of sections 14.01 to 14.70. The commissioner's decision whether a second medical opinion is required, made in accordance with rules governing that decision, is not subject to administrative appeal;

(2) Skilled nursing home services and services of intermediate care facilities, including training and habilitation services, as defined in section 256B.50, subdivision 1, for mentally retarded individuals residing in intermediate care facilities for the mentally retarded. *Medical assistance must not be used to pay the costs of nursing care provided to a patient in a swing bed as defined in section 144.562;*

(3) Physicians' services;

(4) Outpatient hospital or nonprofit community health clinic services 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. Hospital outpatient departments are subject to the same limitations and reimbursements as other enrolled vendors for all services, except initial triage, emergency services, and services not provided or immediately available in clinics, physicians' offices, or by other enrolled providers. "Emergency services" means those medical services required for the immediate diagnosis and treatment of medical conditions that, if not immediately diagnosed and treated, could lead to serious physical or mental disability or death or are necessary to alleviate severe pain. Neither the hospital, its employees, nor any physician or dentist, shall be liable in any action arising out of a determination not to render emergency services or care if reasonable care is exercised in determining the condition of the person, or in determining the appropriateness of the facilities, or the qualifications and availability of personnel to render these services consistent with this section;

(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;



- (6) Home health care services;
- (7) Private duty nursing services;
- (8) Physical therapy and related services;
- (9) Dental services, excluding cast metal restorations;
- (10) Laboratory and x-ray services;

(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 human services, 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 human services, 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. Prior authorization may be required by the commissioner, with the consent of the drug formulary committee, before certain formulary drugs are eligible for payment. The formulary shall not include: drugs or products 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; or any other 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 for the treatment of certain specified chronic diseases, conditions or disorders, and this determination shall not be subject to the requirements of chapter 14, the Administrative Procedure Act; nutritional products, except for those products needed for treatment of phenylketonuria, hyperlysinemia, maple syrup urine disease, a combined allergy to human milk, cow milk, and soy formula, or any other childhood or adult diseases, conditions, or disorders identified by the commissioner as requiring a similarly necessary nutritional product; anorectics; and drugs

for which medical value has not been established. Separate payment shall not be made for nutritional products for residents of long-term care facilities; payment for dietary requirements is a component of the per diem rate paid to these facilities. Payment to drug vendors shall not be modified before the formulary is established except that the commissioner shall not permit payment for any drugs which may not by law be included in the formulary, and his determination shall not be subject to chapter 14, the Administrative Procedure Act. The commissioner shall publish 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;

(12) Diagnostic, screening, and preventive services;

(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;

(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;

(15) Transportation costs incurred solely for obtaining emergency medical care or transportation costs incurred by nonambulatory persons in obtaining emergency or nonemergency 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;

(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 nonemergency medical care;

(17) Personal care attendant services provided by an individual, not a relative, who is qualified to provide the services, where the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a registered nurse. Payments to personal care attendants shall be adjusted annually to reflect changes in the cost of living or of providing services by the average annual adjustment granted to vendors such as nursing homes and home health agencies; and

(18) Any other medical or remedial care licensed and recognized under state law unless otherwise prohibited by law.

Sec. 9. Minnesota Statutes 1984, 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 180 DAYS OF) *applicants seeking* admission to a licensed nursing home or boarding care home participating in the *medical assistance* 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 human services and health shall seek to maximize use of available federal and state funds and establish the broadest program possible within the appropriation available.

Sec. 10. Minnesota Statutes 1984, section 256B.091, subdivision 2, is amended to read:

Subd. 2. [SCREENING TEAMS; ESTABLISHMENT.] Each county agency designated by the commissioner of human services 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 nonprofit agency to establish a screening team to assess (,) *the health and social needs of all applicants* prior to admission to a nursing home or a boarding care home licensed under section 144A.02 or sections 144.50 to 144.56, that is certified for medical assistance as a skilled nursing facility, intermediate care facility level I, or intermediate care facility level II (, THE HEALTH AND SOCIAL NEEDS OF MEDICAL ASSISTANCE RECIPIENTS AND INDIVIDUALS WHO WOULD BECOME ELIGIBLE FOR MEDICAL ASSISTANCE WITHIN 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 medical assistance reimbursement or incur any other financial or regulatory penalty of the medical assistance program that would otherwise be caused by the individual's extended length of stay; 50 percent of the cost of this reimbursement or financial or regulatory penalty shall be paid by the state and 50 percent shall be paid by the county. Other personnel as deemed appropriate by the county agency may be included on the team. The county agency may contract with an acute care facility to have the facility's discharge planners perform the functions of a screening team with regard to individuals discharged from the facility and in those cases the discharge planners may participate in making recommendations under subdivision 3, clause (e). No member of a screening team shall have a direct or indirect financial or self-serving interest in a nursing home or noninstitutional referral such that it would not be possible for the member to consider each case objectively.

Sec. 11. Minnesota Statutes 1984, section 256B.091, subdivision 4, is amended to read:

Subd. 4. [SCREENING OF PERSONS.] Prior to nursing home or boarding care home admission, screening teams shall assess the needs of all (PERSONS RECEIVING MEDICAL ASSISTANCE AND OF ALL PERSONS WHO WOULD BE

**ELIGIBLE FOR MEDICAL ASSISTANCE WITHIN 180 DAYS OF ADMISSION TO A NURSING HOME OR BOARDING CARE HOME) applicants, except (1) patients transferred from other nursing homes (OR); (2) patients who, having entered acute care facilities from nursing homes, are returning to nursing home care; or (3) persons entering a facility described in section 256B.431, subdivision 4, paragraph (b). (ANY OTHER INTERESTED PERSON MAY) The cost for screening persons who are receiving medical assistance or would be eligible for medical assistance within 90 days of nursing home or boarding care home admission will be paid by state, federal, and county funds. Other persons will be assessed by a screening team upon payment of a fee (BASED UPON A SLIDING FEE SCALE) approved by the commissioner.**

Sec. 12. Minnesota Statutes 1984, section 256B.091, subdivision 5, is amended to read:

Subd. 5. [APPEALS.] Appeals from the screening team's (DETERMINATION) recommendation shall be made pursuant to the procedures set forth in section 256.045, subdivisions 2 and 3. An appeal shall be automatic if the individual's physician does not agree with the recommendation of the screening team.

Sec. 13. Minnesota Statutes 1984, 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 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; and (4) who are age 65 or older.

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 sliding fee schedule is not subject to chapter 14 but the commissioner shall publish the schedule and any later changes in the State Register and allow a period of 20 working days from the publication date for interested persons to comment before adopting the sliding fee schedule in final forms.

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 nonfederal share, unless the commissioner obtains a federal waiver for medical assistance payments, of medical assistance appropriations. 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 nonfederal 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 ten percent of the costs.

The commissioner shall promulgate emergency rules in accordance with sections 14.29 to 14.36, to establish required documentation and reporting of care delivered.

Sec. 14. Minnesota Statutes 1984, section 256B.431, subdivision 2b, is amended to read:

Subd. 2b. [OPERATING COSTS, AFTER JULY 1, 1985.]  
(a) For rate years beginning on or after July 1, 1985, the commissioner shall establish procedures for determining per diem reimbursement for operating costs.

(b) The commissioner shall contract with an econometric firm with recognized expertise in and access to national economic change indices that can be applied to the appropriate cost categories when determining the operating cost payment rate.

(c) The commissioner shall analyze and evaluate each nursing home's cost report of allowable operating costs incurred by the nursing home during the reporting year immediately preceding the rate year for which the payment rate becomes effective.

(d) The commissioner shall establish limits on actual allowable historical operating cost per diems based on cost reports of allowable operating costs for the reporting year that begins October 1, 1983, taking into consideration relevant factors including resident needs, geographic location, (AGE,) size of the nursing home, and the costs that must be incurred for the care of residents in an efficiently and economically operated nursing home. The limits established by the commissioner shall not be less, in the aggregate, than the 60th percentile of total actual allowable historical operating cost per diems for each group of nursing homes established under subdivision 1 based on cost reports of allowable operating costs in the previous reporting year. The limits established under this paragraph remain in effect until the commissioner establishes a new base period. Until the new base period is established, the commissioner shall adjust the limits annually using the appropriate economic change indices established in paragraph (e). In determining allowable historical operating cost per diem for purposes of setting limits and nursing home payment rates, the commissioner shall divide the allowable historical operating costs by the actual number of resident days, except that where a nursing home is occupied at less than 90 percent of licensed capacity days, the commissioner may establish procedures to adjust the computation of the per diem to an imputed occupancy level at or below 90 percent. The commissioner shall establish efficiency incentives as appropriate. The commissioner may establish efficiency incentives for different operating cost categories. The commissioner shall consider establishing efficiency incentives in care related cost categories. The commissioner may combine one or more operating cost categories and may use different methods for calculating payment rates for each operating cost category or combination of operating cost categories.

(e) The commissioner shall establish a composite index or indices by determining the appropriate economic change indicators to be applied to specific operating cost categories or combination of operating cost categories.

(f) Each nursing home shall receive an operating cost payment rate equal to the sum of the nursing home's operating cost payment rates for each operating cost category. The operating cost payment rate for an operating cost category shall be the lesser of the nursing home's historical operating cost in the category increased by the appropriate index established in paragraph (e) for the operating cost category plus an efficiency incentive established pursuant to paragraph (d) or the limit for the operating cost category increased by the same index. 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. In establishing payment rates for one or more operating cost categories, the commissioner may establish separate rates for different classes of residents based on their relative care needs.

(g) 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 and actual special assessments paid for each nursing home (1) shall be divided by actual resident days in order to compute the operating cost payment rate for this operating cost category, (2) shall not be used to compute the 60th percentile or other operating cost limits established by the commissioner, and (3) shall not be increased by the composite index or indices established pursuant to paragraph (e).

Sec. 15. Minnesota Statutes 1984, section 256B.431, subdivision 3, is amended to read:

Subd. 3. [PROPERTY-RELATED COSTS, 1983-1985.]

(a) For rate years beginning July 1, 1983 and July 1, 1984, property-related costs shall be reimbursed to each nursing home at the level recognized in the most recent cost report received by December 31, 1982 and audited by March 1, 1983, and may be subsequently adjusted to reflect the costs recognized in the final rate for that cost report, adjusted for rate limitations in effect before the effective date of this section. 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.

(b) Adjustments for the cost of repairs, replacements, renewals, betterments, or improvements to existing buildings, and building service equipment shall be allowed if:

(1) The cost incurred is reasonable, necessary, and ordinary;

(2) The net cost is greater than \$5,000. "Net cost" means the actual cost, minus proceeds from insurance, salvage, or disposal;

(3) The nursing home's property-related costs per diem is equal to or less than the average property-related costs per diem within its group; and

(4) The adjustment is shown in depreciation schedules submitted to and approved by the commissioner.



(c) Annual per diem shall be computed by dividing total property-related costs by 96 percent of the nursing home's licensed capacity days for nursing homes with more than 60 beds and 94 percent of the nursing home's licensed capacity days for nursing homes with 60 or fewer beds. For a nursing home whose residents' average length of stay is 180 days or less, the commissioner may waive the 96 or 94 percent factor and divide the nursing home's property-related costs by the actual resident days to compute the nursing home's annual property-related per diem. The commissioner shall promulgate emergency and permanent rules to recapture excess depreciation upon sale of a nursing home.

((D)) *Subd. 3a.* [PROPERTY-RELATED COSTS AFTER JULY 1, 1985.] (a) For rate years beginning on or after July 1, 1985, the commissioner, by permanent rule, shall reimburse nursing home providers that are vendors in the medical assistance program 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 DEPRECIABLE EQUIPMENT AS IT EXISTS) *real estate and depreciable equipment.* "Real estate" means land improvements, buildings, and attached fixtures used directly for resident care. "Depreciable equipment" means the standard moveable resident care equipment and support service equipment generally used in long-term care facilities.

((E)) (b) In developing the method for determining payment rates for the rental use of nursing homes, the commissioner shall consider factors designed to:

- (1) simplify the administrative procedures for determining payment rates for property-related costs;
- (2) minimize discretionary or appealable decisions;
- (3) eliminate any incentives to sell nursing homes;
- (4) recognize legitimate costs of preserving and replacing property;
- (5) recognize the existing costs of outstanding indebtedness allowable under the statutes and rules in effect on May 1, 1983;
- (6) address the current value of, if used directly for patient care, land improvements, buildings, attached fixtures, and equipment;
- (7) establish an investment per bed limitation;
- (8) reward efficient management of capital assets;

- (9) provide equitable treatment of facilities;
- (10) consider a variable rate; and
- (11) phase in implementation of the rental reimbursement method.

((F)) (c) No later than January 1, 1984, the commissioner shall report to the legislature on any further action necessary or desirable in order to implement the purposes and provisions of this subdivision.

Sec. 16. Minnesota Statutes 1984, section 256B.431, subdivision 4, is amended to read:

Subd. 4. [SPECIAL RATES.] (a) *For the rate years beginning July 1, 1983, and July 1, 1984, a newly constructed nursing home or one with a capacity increase of 50 percent or more may, upon written application to the commissioner, receive an interim payment rate for reimbursement for property-related costs calculated pursuant to the statutes and rules in effect on May 1, 1983 and for operating costs negotiated by the commissioner based upon the 60th percentile established for the appropriate group under subdivision 2, paragraph (b) to be effective from the first day a medical assistance recipient resides in the home or for the added beds. For newly constructed nursing homes which are not included in the calculation of the 60th percentile for any group, subdivision 2(f), the commissioner shall establish by rule procedures for determining interim operating cost payment rates and interim property-related cost payment rates. The interim payment rate shall not be in effect for more than 17 months. The commissioner shall establish, by emergency and permanent rules, procedures for determining the interim rate and for making a retroactive cost settle-up after the first year of operation; the cost settled operating cost per diem shall not exceed 110 percent of the 60th percentile established for the appropriate group. Until procedures determining operating cost payment rates according to mix of resident needs are established, the commissioner shall establish by rule procedures for determining payment rates for nursing homes which provide care under a lesser care level than the level for which the nursing home is certified.*

(b) *For the rate years beginning on or after July 1, 1985, a newly constructed nursing home or one with a capacity increase of 50 percent or more may, upon written application to the commissioner, receive an interim payment rate for reimbursement for property related costs, operating costs, and real estate taxes and special assessments calculated pursuant to rules promulgated by the commissioner.*

(c) For rate years beginning on or after July 1, 1983, the commissioner may exclude from a provision of 12 MCAR § 2.050

any facility that is licensed by the commissioner of health only as a boarding care home, is certified by the commissioner of health as an intermediate care facility, is licensed by the commissioner of human services under 12 MCAR S 2.036, and has less than five percent of its licensed boarding care capacity reimbursed by the medical assistance program. Until a permanent rule to establish the payment rates for facilities meeting these criteria is promulgated, the commissioner shall establish the medical assistance payment rate as follows:

(1) The desk audited payment rate in effect on June 30, 1983, remains in effect until the end of the facility's fiscal year. The commissioner shall not allow any amendments to the cost report on which this desk audited payment rate is based.

(2) For each fiscal year beginning between July 1, 1983, and June 30, 1985, the facility's payment rate shall be established by increasing the desk audited operating cost payment rate determined in clause (1) at an annual rate of five percent.

(3) For fiscal years beginning on or after July 1, 1985, the facility's payment rate shall be established by increasing the facility's payment rate in the facility's prior fiscal year by the increase indicated by the consumer price index for Minneapolis and St. Paul.

(4) For the purpose of establishing payment rates under this paragraph, the facility's rate and reporting years coincide with the facility's fiscal year.

A facility that meets the criteria of this paragraph shall submit annual cost reports on forms prescribed by the commissioner.

Sec. 17. Minnesota Statutes 1984, section 256B.50, is amended to read:

#### 256B.50 [APPEALS.]

*Subdivision 1. [SCOPE.]* A nursing home may appeal a decision arising from the application of standards or methods pursuant to sections 256B.41 and 256B.47 if the appeal, if successful, would result in a change to the nursing home's payment rate, or *appraised value*. The appeal procedures also apply to appeals of payment rates calculated under 12 MCAR S 2.049 filed with the commissioner on or after May 1, 1984. *This section does not apply to a request from a resident or nursing home for reconsideration of the classification of a resident under section 144.0722.* To appeal, the nursing home shall notify the commissioner in writing 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 appeal request shall specify each disputed item, the reason for the dispute, an

estimate of the dollar amount involved for each disputed item, the computation that the nursing home believes is correct, the authority in statute or rule upon which the nursing home relies for each disputed item, the name and address of the person or firm with whom contacts may be made regarding the appeal, and other information required by the commissioner.

*Except as provided in subdivision 2, the appeal shall be heard by an administrative law judge 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 administrative law judge. In any proceeding under this section, the appealing party must demonstrate by a preponderance of the evidence that the commissioner's determination is incorrect. Regardless of any rate appeal, the rate established shall be the rate paid and shall remain in effect until final resolution of the appeal or 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.421, 256B.431, 256B.47, 256B.48, 256B.50, and 256B.502, a nursing home shall comply with section 14.44.*

*Subd. 2. [APPRAISED VALUE; APPEALS BOARD.] (a) Appeals concerning the appraised value of a nursing home's real estate shall be heard by a three-person appeal board appointed by the commissioner. The real estate as defined in section 256B.431, subdivision 3, must be appraised using the depreciated replacement cost method.*

*(b) Members of the appeals board shall be appointed by the commissioner from the list of appraisers approved for state contracts by the department of administration. In making the selection, the commissioner shall assure that each member is experienced in the use of the depreciated replacement cost method and is free of any personal, political, or economic conflict of interest that may impair the member's ability to function in a fair and objective manner.*

*(c) The appeals board shall appoint one of its members to act as chief representative and shall examine witnesses where deemed necessary to make a complete record. Facts to be considered by the board are limited to those in existence at the time of the appraisal being appealed. The board shall issue a written report regarding each appeal to the commissioner within 30 days following the close of the record. The report must contain findings of fact, conclusions, and a recommended disposition based on a majority decision of the board. A copy of the report must be served upon all parties.*

*(d) The commissioner shall issue an order adopting, rejecting, or modifying the appeal board's recommendation within 30 days of receipt of the report. A copy of the decision must be served upon all parties.*

*(e) Within 30 days of receipt of the commissioner's order, the appealing party may appeal to the Minnesota court of appeals. The court's decision is limited to a determination of the appraised value of the real estate and must not include costs assessed against either party.*

**Sec. 18. [256B.72] [RECOVERY OF THE FEDERAL SHARE.]**

*Notwithstanding any laws or rules to the contrary and regardless of whether any appeal has been filed, when it has been determined that an overpayment has been made by the state to any medical assistance vendor and that the federal share of the overpayment amount is due and owing to the federal government pursuant to federal law and regulations, the state shall recover from the medical assistance vendor the federal share of the determined overpayment amount using the same schedule of payments required by the federal government.*

**Sec. 19. Minnesota Statutes 1984, section 474.01, subdivision 7a, is amended to read:**

**Subd. 7a.** No municipality or redevelopment agency shall undertake any project authorized by sections 474.01 to 474.13, except a project referred to in section 474.02, subdivision 1f, unless its governing body finds that the project furthers the purposes stated in this section, nor until the commissioner of energy and economic development has approved the project, on the basis of preliminary information which the commissioner may require, as tending to further the purposes and policies of sections 474.01 to 474.13. *The commissioner may not approve any projects relating to health care facilities except as permitted under subdivision 9.* Approval shall not be deemed to be an approval by the commissioner of energy and economic development or the state of the feasibility of the project or the terms of the revenue agreement to be executed or the bonds to be issued therefor, and the commissioner shall state this in communicating approval.

**Sec. 20. Minnesota Statutes 1984, section 474.01, subdivision 9, is amended to read:**

**Subd. 9. [HEALTH CARE FACILITIES.]** The welfare of the state further requires the provision of necessary health care facilities, to the end that adequate health care services be made available to residents of the state at reasonable cost. *However, some projects relating to nursing homes may be inconsistent with established state policies and detrimental to the welfare of the state. The commissioner of energy and economic development shall forward to the commissioner of human services and the commissioner of health for review all applications for projects relating to nursing homes licensed by the department of health*

*under chapter 144A. This review process does not apply to projects approved by the housing finance agency involving residences for the elderly, the costs of which will not be reimbursed under the medical assistance program. The commissioner of human services and the commissioner of health must return the applications to the commissioner of energy and economic development with a recommendation within 30 days of receipt. The commissioner of energy and economic development may not approve an application unless the project has been determined by both the commissioner of human services and the commissioner of health to be consistent with policies of the state as reflected in a statute or rule. The following projects may not be approved:*

*(1) projects that will result in an increase in the number of nursing home or boarding care beds in the state;*

*(2) projects involving refinancing, unless the refinancing will result in a reduction in debt service charges that will be reflected in charges to patients and third party payors; and*

*(3) projects that are inconsistent with the established policies of the state as reflected in a statute or rule.*

#### MEDICAL ASSISTANCE ELIGIBILITY AND PRENATAL SERVICES

Sec. 21. Minnesota Statutes 1984, section 256.99, is amended to read:

#### 256.99 [REVERSE MORTGAGE PROCEEDS DISREGARDED.]

All reverse mortgage loan proceeds received pursuant to section 47.58, including interest or earnings thereon, shall be disregarded and shall not be considered available to the borrower for purposes of determining initial or continuing eligibility for, or amount of, medical assistance, Minnesota supplemental assistance, general assistance, general assistance medical care, or a federal or state low interest loan or grant. This section applies regardless of the time elapsed since the loan was made or the disposition of the proceeds.

*For purposes of medical assistance eligibility provided pursuant to section 256B.06, proceeds from a reverse mortgage shall be disregarded as income in the month of receipt but considered as resource if retained after the month of receipt.*

Sec. 22. Minnesota Statutes 1984, section 256B.02, subdivision 2, is amended to read:

Subd. 2. "Excluded time" means any period of time an applicant spends in a hospital, sanitorium, nursing home, boarding

home, shelter, halfway house, *correctional facility*, foster home, semi-independent living domicile, residential facility offering care, board and lodging facility offering 24-hour care or supervision of mentally ill, mentally retarded, or physically disabled persons, or other institution for the hospitalization or care of human beings, as defined in sections 144.50, 144A.01, or 245.782, subdivision 6.

Sec. 23. Minnesota Statutes 1984, section 256B.02, subdivision 3, is amended to read:

Subd. 3. "County of financial responsibility" means:

(a) for an applicant who resides in the state and is not in a facility described in subdivision 2, the county in which he or she resides at the time of application;

(b) for an applicant who resides in a facility described in subdivision 2, the county in which he or she resided immediately before entering the facility; and

(c) for an applicant who has not resided in this state for any time other than the excluded time, the county in which the applicant resides at the time of making application.

*For this limited purpose, an infant who has resided only in an excluded time facility shall be the responsibility of the county which would have been responsible for the infant if eligibility could have been established with the birth mother under section 256B.06, subdivision 1, clause (9).*

Notwithstanding clauses (a) to (c), the county of financial responsibility for medical assistance recipients is the same county as that from which a recipient is receiving a maintenance grant or money payment under the program of aid to families with dependent children. There can be a redetermination 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.

Sec. 24. Minnesota Statutes 1984, section 256B.06, subdivision 1, is amended to read:

Subdivision 1. Medical assistance may be paid for any person:

(1) Who is a child eligible for or receiving adoption assistance payments under Title IV-E of the Social Security Act, United States Code, title 42, sections 670 to 676 under Minnesota Statutes, section 259.40 or 259.431; or

(2) Who is a child eligible for or receiving foster care maintenance payments under Title IV-E of the Social Security Act, United States Code, title 42, sections 670 to 676; or

(3) Who is eligible for or receiving public assistance under the aid to families with dependent children program, the Minnesota supplemental aid program; or

(4) Who is a pregnant woman, as certified in writing by a physician or nurse midwife, and who (a) meets the other eligibility criteria of this section, and (b) would be categorically eligible for assistance under the aid to families with dependent children program if the child had been born and was living with the woman; or

(5) *Who is a pregnant woman, as certified in writing by a physician or nurse midwife, and who (a) meets the other eligibility criteria of this section and (b) whose unborn child would be eligible as a needy child under clause (9) of this subdivision if born and living with the woman; or*

(6) Who meets the categorical eligibility requirements of the supplemental security income program and the other eligibility requirements of this section; or

((6)) (7) Who, except for the amount of income or resources, would qualify for supplemental security income for the aged, blind and disabled, or aid to families with dependent children, and who meets the other eligibility requirements of this section; or

((7)) (8) Who is under 21 years of age and in need of medical care that neither he nor his relatives responsible under sections 256B.01 to 256B.26 are financially able to provide; or

(9) *Who is an infant less than one year of age born on or after October 1, 1984, and whose mother was eligible at the time of birth and who remains in the mother's household. Eligibility under this clause is concurrent with the mother's and does not depend on the father's income except as that income may affect the mother's eligibility; or*

((8)) (10) Who is residing in a hospital for treatment of mental disease or tuberculosis and is 65 years of age or older and without means sufficient to pay the per capita hospital charge; and

((9)) (11) Who resides in Minnesota, or, if absent from the state, is deemed to be a resident of Minnesota in accordance with the regulations of the state agency; and



((10)) (12) Who alone, or together with his spouse, does not own real property other than the homestead. For the purposes of this section, "homestead" means the house owned and occupied by the applicant or recipient as his primary place of residence, together with the contiguous land upon which it is situated. The homestead shall continue to be excluded for persons residing in a long-term care facility if it is used as a primary residence by the spouse, minor child, or disabled child of any age; or the applicant/recipient is expected to return to the home as a principal residence within six calendar months of entry to the long-term care facility. Certification of expected return to the homestead shall be documented in writing by the attending physician. Real estate not used as a home may not be retained unless it produces net income applicable to the family's needs or the family is making a continuing effort to sell it at a fair and reasonable price or unless the commissioner determines that sale of the real estate would cause undue hardship *or unless the equity in the real estate when combined with the equity in the homestead totals \$15,000 or less*; and

((11)) (13) Who individually does not own more than \$3,000 in cash or liquid assets, or if a member of a household with two family members (husband and wife, or parent and child), does not own more than \$6,000 in cash or liquid assets, plus \$200 for each additional legal dependent. Cash and liquid assets may include a prepaid funeral contract and insurance policies with cash surrender value. The value of the following shall not be included:

(a) the homestead, and (b) one motor vehicle licensed pursuant to chapter 168 and defined as: (1) passenger automobile, (2) station wagon, (3) motorcycle, (4) motorized bicycle or (5) truck of the weight found in categories A to E, of section 168.013, subdivision 1e; and

((12)) (14) Who has or anticipates receiving an annual income not in excess of the income standards by family size used in the aid to families with dependent children program, or who has income in excess of these maxima and in the month of application, or during the three months prior to the month of application, incurs expenses for medical care that total more than one-half of the annual excess income in accordance with the regulations of the state agency. In computing income to determine eligibility of persons who are not residents of long term care facilities, the commissioner shall disregard increases in income due solely to increases in federal retiree, survivor's, and disability insurance benefits, veterans administration benefits, and railroad retirement benefits in the percentage amount established in the biennial appropriations law unless prohibited by federal law or regulation. If prohibited, the commissioner shall first seek a waiver. In excess income cases, eligibility shall be limited to a period of six months beginning with the first of the month in which these medical obligations are first incurred; and

(13) (15) Who has continuing monthly expenses for medical care that are more than the amount of his excess income, computed on a monthly basis, in which case eligibility may be established before the total income obligation referred to in the preceding paragraph is incurred, and medical assistance payments may be made to cover the monthly unmet medical need. In licensed nursing home and state hospital cases, income over and above that required for justified needs, determined pursuant to a schedule of contributions established by the commissioner of human services, is to be applied to the cost of institutional care. The commissioner of human services may establish a schedule of contributions to be made by the spouse of a nursing home resident to the cost of care; and

(14) (16) Who has applied or agrees to apply all proceeds received or receivable by him or his spouse from automobile accident coverage and private health care coverage to the costs of medical care for himself, his spouse, and children. The state agency may require from any applicant or recipient of medical assistance the assignment of any rights accruing under private health care coverage. Any rights or amounts so assigned shall be applied against the cost of medical care paid for under this chapter. Any assignment shall not be effective as to benefits paid or provided under automobile accident coverage and private health care coverage prior to receipt of the assignment by the person or organization providing the benefits.

Sec. 25. Minnesota Statutes 1984, section 256B.062, is amended to read:

**256B.062 [CONTINUED ELIGIBILITY.]**

*Subdivision 1.* Any family which was eligible for aid to families with dependent children in at least three of the six months immediately preceding the month in which the family became ineligible for aid to families with dependent children because of increased income from employment shall, while a member of the family is employed, remain eligible for medical assistance for four calendar months following the month in which the family would otherwise be determined to be ineligible due to the income and resources limitations of this chapter.

*Subd. 2.* Any family whose eligibility for aid to families with dependent children is terminated due to loss of the \$30 or the \$30 and one-third earned income disregard shall remain eligible for medical assistance for nine calendar months following the month in which the family loses medical assistance eligibility as an aid to families with dependent children recipient.

Sec. 26. Minnesota Statutes 1984, section 256B.17, subdivision 6, is amended to read:

Subd. 6. [PROHIBITED TRANSFERS OF EXCLUDED RESOURCES.] Any individual who is an inpatient in a skilled nursing facility or an intermediate care facility who, at any time during or after the 24-month period immediately prior to application for medical assistance, disposed of a homestead for less than fair market value shall be ineligible for medical assistance in accordance with subdivisions 1 to 4. An individual shall not be ineligible for medical assistance if one of the following conditions applies to the homestead transfer:

(1) a satisfactory showing is made that the individual can reasonably be expected to return to the homestead as a permanent residence;

(2) title to the homestead was transferred to the individual's spouse, child who is under age 21, or blind or permanently and totally disabled child as defined in the supplemental security income program;

(3) a satisfactory showing is made that the individual intended to dispose of the homestead at fair market value or for other valuable consideration; or

(4) the local agency (DETERMINES THAT) *grants a waiver of the excess resources created by the uncompensated transfer because denial of eligibility would cause undue hardship for the individual, based on imminent threat to the individual's health and well-being.*

*When a waiver is granted, a cause of action exists against the person to whom the homestead was transferred for that portion of medical assistance granted within 24 months of the transfer or the amount of the uncompensated transfer, whichever is less, together with the costs incurred due to the action.*

*The action may be brought by the state or the county agency responsible for providing medical assistance under section 256B.02, subdivision 3.*

## CHILD SUPPORT ENFORCEMENT

Sec. 27. Minnesota Statutes 1984, section 256.74, subdivision 1, is amended to read:

Subdivision 1. [AMOUNT.] The amount of assistance which shall be granted to or on behalf of any dependent child and mother or other needy eligible relative caring for the dependent child shall be determined by the county agency in accordance with rules promulgated by the commissioner and shall be sufficient, when added to all other income and support available to the child, to provide the child with a reasonable subsistence compatible with decency and health. The amount shall be based

on the method of budgeting required in Public Law No. 97-35, Section 2315, 42 U.S.C. 602, as amended and federal regulations at 45 C.F.R. Section 233. In making its determination the county agency shall disregard the following from family income:

(1) All of the earned income of each dependent child receiving aid to families with dependent children who is a full-time student or part-time student, and not a full-time employee, attending a school, college, or university, or a course of vocational or technical training designed to fit him for gainful employment;

(2) All educational grants and loans awarded pursuant to a federal law when public assistance was considered in making the award and the award was made on the basis of financial need; and that part of any other educational grant or loan which is used for educational purposes, such as tuition, fees, equipment, transportation and child care expenses necessary for school attendance;

(3) The first \$75 of each individual's earned income. In the case of an individual not engaged in full-time employment or not employed throughout the month the commissioner shall prescribe by rule a lesser amount to be disregarded. For self-employed persons, the expenses directly related to producing goods and services and without which the goods and services could not be produced shall be disregarded pursuant to rules promulgated by the commissioner;

(4) An amount equal to the actual expenditures but not to exceed \$160 for the care of each dependent child or incapacitated individual living in the same home and receiving aid. In the case of a person not engaged in full-time employment or not employed throughout the month, the commissioner shall prescribe by rule a lesser amount to be disregarded; and

(5) Thirty dollars plus one-third of the remainder of each individual's earned income not already disregarded for individuals found otherwise eligible to receive aid or who have received aid in one of the four months before the month of application. With respect to any month, the county welfare agency shall not disregard under this clause any earned income of any person who has:

(a) Reduced his earned income without good cause within 30 days preceding any month in which an assistance payment is made; or

(b) Refused without good cause to accept an offer of suitable employment; or

(c) Left employment or reduced his earnings without good cause and applied for assistance so that he might later return to employment with the advantage of the income disregarded; or

(d) Failed without good cause to make a timely report of earned income in accordance with rules promulgated by the commissioner of human services.

Persons who are already employed and who apply for assistance shall have their needs computed with full account taken of their earned and other income. If earned and other income of the family is less than need, as determined on the basis of public assistance standards, the county agency shall determine the amount of the grant by applying the disregard of income provisions. The county agency shall not disregard earned income for persons in a family if the total monthly earned and other income exceeds their needs, unless for any one of the four preceding months their needs were met in whole or in part by a grant payment.

The disregard of \$30 and one-third of the remainder of earned income described in clause (5) shall be applied to the individual's income for a period not to exceed four consecutive months. Any month in which the individual loses this disregard because of the provisions of clause (5)(a) to (5)(d) shall be considered as one of the four months. To again qualify for this earned income disregard, the individual must not be a recipient of aid for a period of 12 consecutive months. If an individual becomes ineligible for aid because this earned income disregard has been applied to income for four consecutive months and will no longer be applied to income, the local agency shall inform the individual of the medical assistance program, its standards of eligibility, and the circumstances under which the individual would be eligible for medical assistance.

(6) The commissioner shall increase the standard of need for persons with earned income in effect on January 1, 1982, by 35 percent for each assistance unit. The maximum amount paid to an assistance unit shall be no more than 74 percent of the increased standard of need. Whenever the commissioner increases the maximum payment amount for all assistance units, the commissioner shall increase the maximum standard of need by an equal percentage.

To determine the amount of assistance to be paid to an assistance unit, net income shall be determined in a manner consistent with this chapter and applicable federal law. Net earned income shall be subtracted from the increased standard of need for an assistance unit of the appropriate size and composition to determine the grant amount, except that the grant shall not exceed the standard of need in effect on January 1, 1982 for an assistance unit of the same size and composition. Unearned income shall be subtracted from the maximum payment amount for an assistance unit of the appropriate size and composition to determine the grant amount.

Medical assistance eligibility for medically needy persons who are eligible for aid to families with dependent children shall be determined according to the standard of need in effect on January 1, 1982.

*The first \$50 of periodic support payments collected by the public authority responsible for child support enforcement from a person with a legal obligation to pay support for a member of the assistance unit shall be paid to the assistance unit within 15 days of the collection of such periodic support payments and shall be disregarded in determining the amount of assistance.*

Sec. 28. Minnesota Statutes 1984, section 256.74, subdivision 5, is amended to read:

Subd. 5. [ASSIGNMENT OF SUPPORT AND MAINTENANCE RIGHTS.] An applicant for assistance, or a recipient of assistance, under sections 256.72 to 256.87 or an applicant or recipient for whom foster care maintenance is provided under Title IV-E of the Social Security Act is considered to have assigned to the public agency responsible for child support enforcement at the time of application all rights to child support and maintenance from any other person the applicant may have in his own behalf or in the behalf of any other family member for whom application is made under sections 256.72 to 256.87 or Title IV-E. The assignment:

(1) is effective as to both current and accrued child support and maintenance obligations;

(2) takes effect upon a determination that the applicant is eligible for assistance under sections 256.72 to 256.87 or that the applicant or family member is eligible for foster care maintenance under Title IV-E of the Social Security Act;

(3) terminates when an applicant ceases to receive assistance under sections 256.72 to 256.87 or when the applicant or family member ceases to receive foster care maintenance under Title IV-E of the Social Security Act, except with respect to the amount of any unpaid support or maintenance obligation, or both, (AC-CRUED) under the assignment.

Sec. 29. Minnesota Statutes 1984, section 256.87, subdivision 1a, is amended to read:

Subd. 1a. [CONTINUING SUPPORT CONTRIBUTIONS.] In addition to granting the county or state agency a money judgment, the court may, upon a motion or order to show cause, order continuing support contributions by a parent found able to reimburse the county or state agency. Except as provided in subdivision 4, the order shall be effective for the period of time during which the recipient receives public assistance from any

county or state agency and for (90 DAYS) *five months* thereafter the order shall require support according to chapter 518. An order for continuing contributions is reinstated without further hearing upon notice to the parent by any county or state agency that assistance is again being provided for the child of the parent under sections 256.72 to 256.87. The notice shall be in writing and shall indicate that the parent may request a hearing for modification of the amount of support or maintenance.

Sec. 30. Minnesota Statutes 1984, section 256.87, subdivision 3, is amended to read:

Subd. 3. [CONTINUING CONTRIBUTIONS TO FORMER RECIPIENT.] The order for continuing support contributions shall remain in effect following the (90-DAY) *five-month* period after public assistance granted under sections 256.72 to 256.87 is terminated if:

(a) the former recipient files an affidavit with the court within (90 DAYS) *five months* of the termination of assistance requesting that the support order remain in effect;

(b) the public authority serves written notice of the filing by mail on the parent responsible for making the support payments at that parent's last known address and notice that the parent may move the court under section 518.64 to modify the order respecting the amount of support or maintenance; and

(c) the former recipient (MAKES AN APPLICATION TO) *authorizes* use of the public authority's collection services.

Sec. 31. Minnesota Statutes 1984, section 257.58, subdivision 1, is amended to read:

Subdivision 1. [ACTIONS FOR CHILDREN WITHOUT A PRESUMED FATHER.] (EXCEPT FOR (A) AN ACTION BROUGHT BY OR ON BEHALF OF A CHILD WHOSE PATERNITY HAS NOT BEEN DETERMINED, AND (B) AN ACTION BROUGHT BY THE PUBLIC AUTHORITY RESPONSIBLE FOR CHILD SUPPORT ENFORCEMENT, IF A CHILD IS OVER THREE YEARS OLD WHEN HE OR SHE FIRST RECEIVES PUBLIC ASSISTANCE IN THE STATE OF MINNESOTA,) An action to determine the existence of the father and child relationship as to a child who has no presumed father under section 257.55 (MAY NOT BE BROUGHT LATER THAN THREE YEARS AFTER THE BIRTH OF THE CHILD, OR LATER THAN THREE YEARS AFTER AUGUST 1, 1980, WHICHEVER IS LATER. AN ACTION BROUGHT BY OR ON BEHALF OF A CHILD WHOSE PATERNITY HAS NOT BEEN DETERMINED) is not barred until one year after the child reaches the age of

majority. (IF A CHILD IS OVER THREE YEARS OLD WHEN HE OR SHE FIRST RECEIVES PUBLIC ASSISTANCE IN THE STATE OF MINNESOTA, AN ACTION BROUGHT BY THE PUBLIC AUTHORITY RESPONSIBLE FOR CHILD SUPPORT ENFORCEMENT IS NOT BARRED UNTIL THREE YEARS AFTER THE PUBLIC ASSISTANCE IS FIRST PROVIDED IN THIS STATE.)

Sec. 32. Minnesota Statutes 1984, section 518.551, subdivision 7, is amended to read:

Subd. 7. [SERVICE FEE.] When the public agency responsible for child support enforcement provides child support collection services either to a public assistance recipient or to a party who does not receive public assistance, the public agency may upon written notice to the obligor charge a monthly collection fee equivalent to the full monthly cost to the county of providing collection services, in addition to the amount of the child support which was ordered by the court. The fee shall be deposited in the county general fund. The service fee assessed is limited to ten percent of the monthly court ordered child support and shall not be assessed to obligors who are current in payment of the monthly court ordered child support. (NO FEE SHALL BE IMPOSED ON THE PARTY WHO REQUESTS CHILD SUPPORT COLLECTION SERVICES) *An application fee not to exceed \$5 shall be paid by the person who applies for child support and maintenance collection services, except persons who transfer from public assistance to nonpublic assistance status. Fees assessed by state and federal tax agencies for collection of overdue support owed to or on behalf of a person not receiving public assistance must be imposed on the person for whom these services are provided.*

However, the limitations of this subdivision on the assessment of fees shall not apply to the extent inconsistent with the requirements of federal law for receiving funds for the programs under Title IV-A and Title IV-D of the Social Security Act, 42 U.S.C. 601 to 613 and 42 U.S.C. 651 to 662.

Sec. 33. Minnesota Statutes 1984, section 518.611, subdivision 2, is amended to read:

Subd. 2. [NOTICE (TO OBLIGOR) OF (CONDITIONS) INCOME WITHHOLDING.] Each order for withholding shall provide for a conspicuous notice to the obligor that:

(a) *The obligor shall notify the obligee or the public authority of a change of address within 15 days of the address change.*

(b) *Withholding (MAY) shall result if the obligor fails to make the maintenance or support payments, and that no withholding shall be made until the following conditions are met:*



((A)) (1) The obligee or the public authority determines that the obligor is at least 30 days in arrears;

((B)) (2) The obligee or the public authority serves written notice of its determination of arrearage on the obligor at least 15 days before service of the determination and a copy of the court's order for withholding on the payor of funds;

((C)) (3) Within the 15 day period, the obligor (HAS EITHER FAILED TO PAY ALL ARREARAGES OR TO MOVE THE COURT, UNDER SECTION 518.64, TO MODIFY THE ORDER RESPECTING THE AMOUNT OF MAINTENANCE OR SUPPORT AND, EX PARTE, TO STAY SERVICE ON THE PAYOR OF FUNDS UNTIL THE MOTION TO MODIFY IS HEARD; AND) *fails to request an opportunity to present facts to the public authority. The facts must be limited to the issue of whether an arrearage of at least 30 days existed as of the date of the notice provided under clause (2), or on other grounds limited to a mistake of fact. The public authority shall evaluate the facts and decide whether withholding must occur. The authority shall notify the obligor of the decision within 45 days of the notice provided in clause (2);*

((D)) (4) The obligee or the public authority serves a copy of the determination of arrearage and a copy of the court's withholding order on the payor of funds (.); *and*

((E)) (5) The obligee (SHALL ALSO SERVE) *serves on the public authority a copy of the determination of arrearage, a copy of the court's withholding order (AND), an application and the fee to use the public authority's collection services.*

*(b) To pay the arrearage specified in the notice provided in paragraph (a), clause (2), the employer or payor of funds shall withhold from the obligor's income an additional amount equal to 20 percent of the monthly child support or maintenance obligation until the arrearage is paid.*

*(c) The obligor may, at any time, waive the written notice required by this subdivision.*

*(d) The obligor may move the court, under section 518.64, to modify the order respecting the amount of maintenance or support.*

Sec. 34. Minnesota Statutes 1984, section 518.611, subdivision 3, is amended to read:

Subd. 3. [(MODIFICATION ORDERS) *WITHHOLDING HEARING.*] (AN ORDER ISSUED AFTER THE HEARING ON THE MOTION TO MODIFY UNDER SUBDIVISION 2, PARAGRAPH (C), OF THIS SECTION, SHALL PROVIDE

THAT PAYMENTS BE MADE OUTRIGHT BY WITHHOLDING. THE CONDITIONS PRECEDENT TO WITHHOLDING OF SUBDIVISION 2 DO NOT APPLY) *At the hearing to deny withholding, if the court finds that there was no mistake of fact, the court shall order income withholding to begin no later than the first pay period that occurs after 14 days following the date of the hearing. If the court finds that an arrearage of at least 30 days existed as of the date of the notice of income withholding, but finds a mistake in the amount of arrearage, the court shall order income withholding, but it shall correct the amount of arrearage to be withheld under subdivision 2.*

Sec. 35. Minnesota Statutes 1984, section 518.611, subdivision 4, is amended to read:

Subd. 4. [EFFECT OF ORDER.] Notwithstanding any law to the contrary, the order is binding on the employer, trustee, or other payor of the funds (UPON) *when service (UPON HIM OF NOTICE THAT IT) under subdivision 2 has been made. Withholding must begin no later than the first pay period that occurs after 14 days following the date of the notice. An employer or other payor of funds in this state is required to withhold income according to court orders for withholding issued by other states or territories. The payor shall withhold from the income payable to the obligor the amount specified in the order and amounts required under subdivision 2, paragraph (b) and shall remit, monthly or more frequently (REMIT), the amounts withheld to the public authority. Amounts received by the public authority which are in excess of public assistance expended for the party or for a child shall be remitted to the party. An employer shall not discharge, or refuse to hire, or otherwise discipline an employee as a result of a wage or salary withholding authorized by this section. The employer or other payor of funds shall be liable to the obligee for any amounts required to be withheld.*

Sec. 36. Minnesota Statutes 1984, section 518.611, subdivision 6, is amended to read:

Subd. 6. [PRIORITY.] An order for withholding under this section or execution or garnishment upon a judgment for child support arrearages or preadjudicated expenses shall have priority over an attachment, execution, garnishment, or wage assignment (UNLESS OTHERWISE ORDERED BY THE COURT) and shall not be subject to the statutory limitations on amounts levied against the income of the obligor. *Amounts withheld from an employee's income must not exceed the maximum permitted under the Consumer Credit Protection Act, United States Code, title 15, section 1673(b)(2). If there is more than one withholding order on a single employee, the employer shall put them into effect in the order received up to the maximum allowed in the Consumer Credit Protection Act.*

Sec. 37. Minnesota Statutes 1984, section 518.611, is amended by adding a subdivision to read :

*Subd. 9. [FORMS.] The department of human services shall prepare and make available to courts and obligors a form to be submitted by the obligor in support of a motion to deny withholding under this section. The rule making provisions of chapter 14 shall not apply to the preparation of the form.*

Sec. 38. Minnesota Statutes 1984, section 518.611, is amended by adding a subdivision to read :

*Subd. 10. [TERMINATION.] Whenever an obligation for support of a dependent child or maintenance of a spouse, or both, terminates under the terms of the order or decree establishing the obligation, the public authority shall notify the employer or other payor of funds of the termination and the employer or other payor of funds shall terminate the income withholding. The court may order that income withholding terminate when the support obligation terminates under the terms of the order or decree establishing the support obligation, or by agreement of the parties and the public agency responsible for child support enforcement.*

Sec. 39. Minnesota Statutes 1984, section 518.645, is amended to read :

**518.645 [FORM OF ORDER.]**

Unless otherwise ordered by the court, an order for withholding of support or maintenance payments issued under this chapter shall be substantially in the following form :

**IT IS ORDERED THAT :**

1. The sum of ..... per ....., representing child support and/or spousal maintenance, ordered by the Court, shall be withheld from the (Husband/Wife Respondent/Petitioner)'s income on ..... by (his/her) present employer or other payor of funds, ....., and any future employer or other payor of funds, and shall be remitted to : ....., monthly or more frequently, in accordance with the provisions of Minnesota Statutes, Chapter 518. The file number above and the Obligor's name shall be included with each remittance.

2. An additional amount equal to 20 percent of the amount required to be withheld by paragraph 1 shall be withheld from the income of the Obligor by the employer or payor until the entire arrearage in paragraph 3(b) is paid.

3. The parties are notified that CHILD SUPPORT AND/OR MAINTENANCE WILL BE WITHHELD FROM INCOME ONLY AFTER ALL OF THE FOLLOWING CONDITIONS HAVE BEEN MET:

(a) ..... or the Obligee determines that the Obligor is at least thirty days in arrears in the payment of child support and/or spousal maintenance;

(b) ..... or the Obligee serves written notice of *income withholding* on the Obligor (OF ITS) showing the determination that child support and/or maintenance payments are thirty days in arrears;

(c) Within fifteen days after service of the notice of *income withholding*, the Obligor (EITHER) fails to (PAY ALL PAST DUE PAYMENTS OR TO) move the Court (, MINNESOTA STATUTES, SECTION 518.64, TO MODIFY THE ORDER RESPECTING THE AMOUNT OF CHILD SUPPORT AND/OR SPOUSAL MAINTENANCE) for a denial of *withholding* on the ground that an arrearage of at least 30 days does not exist as of the date of the notice of *income withholding* or on other grounds limited to mistakes of fact, and, ex parte, to stay service of withholding on the employer or other payor of funds until the motion to (MODIFY) deny *withholding* is heard. Within 45 days from the date of the notice of *income withholding*, the court shall hold the hearing on the motion to deny *withholding* and notify the parties of its decision; and

(d) Not sooner than (FIFTEEN) 15 days after service of written notice in (PARAGRAPH (B)) of *income withholding* on the Obligor, ..... or the Obligee serves a copy of (ITS DETERMINATION OF A THIRTY DAY) the notice of *income withholding* (DELINQUENCY) and a copy of the Court's withholding order on the employer or other payor of funds, who will then be obligated to withhold payments from income and forward the amount withheld to .....

(3.) 4. The parties and the employer or other payor of funds are further notified that NO EMPLOYER MAY DISCHARGE, SUSPEND, OR OTHERWISE PENALIZE OR DISCIPLINE AN EMPLOYEE BECAUSE THE EMPLOYER MUST WITHHOLD SUPPORT OR MAINTENANCE MONEY. Minnesota Statutes, section 518.611.

5. The payments shall begin to be withheld no later than the first pay period that occurs after 14 days following the date of mailing of the notice to the employer or other payor of funds in paragraph 3(d) and from that date the employer or other payor of funds is liable for amounts required to be withheld.

6. This order for withholding takes priority over any attachment, execution, garnishment, or wage assignment levied against the income of the Obligor. Amounts withheld are not subject to other statutory limitations on amounts levied against the income of the Obligor but must not exceed the maximum permitted under the federal Consumer Credit Protection Act, United States Code, title 15, section 1673(b)(2). If there is more than one

*withholding order on a single Obligor, the employer or other payor of funds shall put them into effect in the order received, up to the maximum allowed under the Consumer Credit Protection Act.*

*7. When the Obligor's employment is terminated or the periodic payment ends, the employer or other payor of funds is required to notify . . . . . within 30 days of the termination date. The notice must include the Obligor's home address of record and, if known, the name and address of the Obligor's new employer or other payor of funds.*

(4.) 8. If the Obligee serves the employer or other payor of funds under paragraph (2) 3(d), the Obligee shall also serve the determination and order on . . . . ., together with an application *and fee* to use collection services.

(5.) 9. Service of this Order shall be . . . . .

Sec. 40. Minnesota Statutes 1984, section 543.20, is amended to read:

**543.20 [PERSONAL JURISDICTION IN SUPPORT ENFORCEMENT CASES AND PATERNITY SUITS.]**

Subdivision 1. [SERVICE.] In addition to the methods of service of process provided in the rules of civil procedure, service of a summons, an order to show cause, or an order or judgment within this state may also be made upon an individual by delivering a copy to him or her personally at his or her place of employment *or at a post-secondary education institution in which he or she is enrolled.* The employer shall make the individual available for the purpose of delivering a copy. *The post-secondary education institution must make the individual's class schedule available to the process server or make the individual available for the purpose of delivering a copy.* No employer or post-secondary education institution shall deny a process server admittance to the employer's or post-secondary education institution's premises for the purpose of making service under this section.

No service shall be allowed under this section unless such service is made personally on the individual.

Subd. 2. [APPLICABILITY.] *Service of an employee at a place of employment or of a student at a post-secondary education institution applies only to:* (a) summons in an action for dissolution, annulment, legal separation, or under the parentage act and under section 256.87; (b) orders to show cause under both section 256.87 and the revised uniform Reciprocal Enforcement of Support Act as well as for contempt of court for failure to pay child support; (c) petitions under the Domestic Abuse

Act; and (d) motions, orders and judgments for the payment of child support when the court orders personal service.

Subd. 3. [RETALIATION PROHIBITED.] An employer shall not discharge or otherwise discipline an employee, *nor shall a post-secondary education institution dismiss or discipline a student* as a result of service under this section.

Subd. 4. [DEFINITION.] *For purposes of this section "post-secondary education institution" means any state university, community college, area vocational technical institution, private college, private post-secondary school, or the University of Minnesota.*

## JOBS AND TRAINING

Sec. 41. Minnesota Statutes 1984, section 116L.03, subdivision 7, is amended to read:

Subd. 7. [OFFICES.] The commissioner of (ADMINISTRATION) *jobs and training* shall provide office space and administrative services for the board (WITHIN THE CAPITOL AREA COMPLEX).

Sec. 42. Minnesota Statutes 1984, section 116L.04, is amended by adding a subdivision to read:

Subd. 3. [BIENNIAL PLANS.] *The board shall prepare a biennial plan which shall be available to the commissioner of jobs and training for use in developing a biennial statewide jobs and training plan.*

Sec. 43. Minnesota Statutes 1984, section 129A.02, subdivision 2, is amended to read:

Subd. 2. [COMMISSIONER.] The commissioner is the chief executive officer of the department of *jobs and training* and is the successor to the powers and duties of the former assistant commissioner of vocational rehabilitation. (THE COMMISSIONER SHALL BE APPOINTED BY THE GOVERNOR AND SERVE UNDER THE PROVISIONS OF SECTION 15.06. THE COMMISSIONER SHALL BE A PERSON HAVING SUBSTANTIAL EXPERIENCE IN THE ADMINISTRATION AND FINANCING OF VOCATIONAL REHABILITATION PROGRAMS.)

Sec. 44. Minnesota Statutes 1984, section 178.03, is amended by adding a subdivision to read:

Subd. 5. [COORDINATION AND PLANNING.] *The commissioner of labor and industry and the commissioner of jobs*

*and training, in conjunction with the apprenticeship advisory council and the apprenticeship committees, shall develop a biennial plan for preparing, recruiting, and the successful participation of economically disadvantaged, chronically unemployed, minority, and female individuals in apprenticeship programs.*

Sec. 45. Minnesota Statutes 1984, section 245.87, is amended to read:

**245.87 [ALLOCATIONS.]**

(FOR THE PURPOSES OF SECTION 245.84, SUBDIVISION 2, THE COMMISSIONER SHALL ALLOCATE MONEY APPROPRIATED BETWEEN THE METROPOLITAN AREA, COMPRISING THE COUNTIES OF ANOKA, CARVER, DAKOTA, HENNEPIN, RAMSEY, SCOTT AND WASHINGTON, AND THE AREA OUTSIDE THE METROPOLITAN AREA SO THAT NO MORE THAN 55 PERCENT OF THE TOTAL FUND GOES TO EITHER AREA AFTER EXCLUDING ALLOCATIONS FOR MIGRANT DAY CARE SERVICES, ADMINISTRATIVE COSTS AND STATEWIDE PROJECTS.) At least ten percent of the total program allocation under section 245.84, subdivision 1 shall be designated for interim financing. The commissioner is further instructed that the allocation in each area be based on a need and population basis.

Sec. 46. Minnesota Statutes 1984, section 248.07, is amended to read:

**248.07 [COMMISSIONER OF (HUMAN SERVICES) JOBS AND TRAINING, DUTIES.]**

Subdivision 1. [COOPERATION.] It shall be the duty of the commissioner of (HUMAN SERVICES) *jobs and training* to cooperate with state and local boards and agencies, both public and private, in preventing loss of sight, in alleviating the condition of blind persons and persons of failing sight, in extending and improving the education, advisement, training, placement, and conservation of the blind, and in promoting their personal, economic, social, and civic well being.

Subd. 2. [STATISTICS.] The commissioner of (HUMAN SERVICES) *jobs and training* shall collect statistics of the blind, including their present physical and mental condition, causes of blindness, capacity for education and industrial training, and any further information looking toward the improvement of their condition that may be desired.

Subd. 3. [SPECIAL ATTENTION.] The commissioner of (HUMAN SERVICES) *jobs and training* shall give special attention to the cases of handicapped youth who are eligible to attend the Minnesota Braille and sight-saving school, the Minne-

sota school for the deaf, or the public school classes for handicapped children, but are not in attendance thereat, or are not receiving adequate instruction elsewhere. The commissioner shall report all such cases to the school district of the individual's residence and to the state board of education.

Subd. 4. [VOCATIONAL TRAINING.] The commissioner of (HUMAN SERVICES) *jobs and training* shall endeavor to secure for the adult blind of the state and youths of legal working age such vocational training, labor, and employment as may be adapted to their respective capacity, and shall so far as may be feasible aid such persons in securing any provisions which may be made by the school for the blind or other state agencies for the betterment of their lot. When vocational training under the division of vocational rehabilitation is secured, such aid may take the form of payments for the maintenance of persons in training, under rules to be adopted by the commissioner of human services. Any person who shall be entitled to training under this subdivision shall have the right to choose from available programs such training as in his opinion would be suitable and practical for him.

Subd. 5. [AIDS.] The commissioner of (HUMAN SERVICES) *jobs and training* shall further be empowered to aid the blind: (1) By home instruction and training; (2) by assisting them in securing tools, appliances, and supplies; (3) by aid in marketing the products of their labors; (4) by care and relief for blind persons who are not capable of self-support; and, (5) in any other practicable means of alleviating their condition.

Subd. 7. [BLIND, VENDING STANDS AND MACHINES ON GOVERNMENTAL PROPERTY.] For the rehabilitation of blind persons the commissioner of (HUMAN SERVICES) *jobs and training* shall have exclusive authority to establish and to operate vending stands and vending machines in all buildings and properties owned or rented exclusively by any department of the state of Minnesota except the department of natural resources properties operated directly by the Division of State Parks and not subject to private leasing. The merchandise to be dispensed by such vending stands and machines may include soft drinks, (except 3.2 beer), milk, food, candies, tobacco, souvenirs, notions and related items. Such vending stands and vending machines herein authorized shall be operated on the same basis as other vending stands for the blind established and supervised by the commissioner of (HUMAN SERVICES) *jobs and training*. The commissioner of (HUMAN SERVICES) *jobs and training* may waive this authority to displace any present private individual concessionaire in any state-owned or rented building or property. With the consent of the governing body of a governmental subdivision of the state, the commissioner may establish and supervise vending stands and vending machines for the blind in any building or property exclusively owned or rented by the governmental subdivision.



Subd. 8. [USE OF REVOLVING FUND, LICENSES FOR OPERATION OF VENDING MACHINES.] The revolving fund created by Laws 1947, Chapter 535, Section 5, is continued as provided in this subdivision and shall be known as the revolving fund for vocational rehabilitation of the blind. It shall be used for the purchase of equipment and supplies for establishing and operating of vending stands by blind persons. All income, receipts, earnings, and federal grants due to the operation thereof shall also be paid into the fund. All equipment, supplies, and expenses for setting up these stands shall be paid for from the fund. Authority is hereby given to the commissioner of (HUMAN SERVICES) *jobs and training* to use the moneys available in the revolving fund for the establishment, operation and supervision of vending stands by blind persons for the following purposes: (1) purchase, upkeep and replacement of equipment; (2) purchase of initial and replacement stock of supplies and merchandise; (3) expenses incidental to the setting up of new stands and improvement of old stands; (4) purchase of general liability insurance as deemed advisable for any vending stand by the commissioner; (5) reimbursement to individual blind vending operators for reasonable travel and maintenance expenses incurred in attending supervisory meetings as called by the commissioner of (HUMAN SERVICES) *jobs and training*; (6) purchase of fringe benefits for blind vending operators and their employees such as group health insurance, retirement program, vacation or sick leave assistance provided that the purchase of any fringe benefit is approved by a majority vote of blind vending operators licensed pursuant to this subdivision after the commissioner provides to each blind vending operator information on all matters relevant to the fringe benefits. Fringe benefits shall be paid only from assessments of operators for specific benefits, gifts to the fund for fringe benefit purposes, and vending income which is not assignable to an individual stand.

The commissioner shall issue each license for the operation of a vending stand or vending machine for an indefinite period but he may terminate any license in the manner provided. In granting licenses for new or vacated stands preference on the basis of seniority of experience in operating stands under the control of the commissioner shall be given to capable operators who are deemed competent to handle the enterprise under consideration. Application of this preference shall not prohibit the commissioner from selecting an operator from the community in which the stand is located.

Subd. 9. [TRAINING OF SELECTED APPLICANTS.] Each applicant selected by the commissioner for a license to operate a vending stand or vending machine shall be given training in the operation and conduct of such vending stand or vending machine.

Subd. 10. [REVOCAION OF LICENSES; HEARING.] The commissioner shall not revoke any license except for good

cause shown. An opportunity for a fair hearing shall be afforded any operator within 30 days after revocation of license.

Subd. 11. [POLICY CHANGES; NOTICE AND HEARING.] Any major changes in policies made by the commissioner in the conduct of this program will be preceded by a public hearing. Each operator shall be given 30 days notice of such hearing.

Subd. 12. [REIMBURSEMENT OUT OF STATE DISTRIBUTION OF BRAILLE AND TALKING BOOKS.] The commissioner of (HUMAN SERVICES) *jobs and training* shall obtain reimbursement from other states for the estimated cost of handling of Braille books and talking books for the blind distributed by the department of human services to users in such other states and may contract with the appropriate authorities of such states to effect such reimbursement. All money received hereunder shall be paid to the state treasurer and placed in the general fund.

Subd. 13. [REHABILITATION FACILITIES.] From the funds appropriated for vocational rehabilitation of the blind and matching federal funds available for the purpose, the commissioner of (HUMAN SERVICES) *jobs and training* may make grants, upon such terms as he may determine, to public or non-profit organizations for the establishment, maintenance or improvement of rehabilitation facilities or sheltered workshops for the blind.

Subd. 14. [TRAINING OF WORKERS FOR REHABILITATION OF BLIND.] From funds provided by the state or the United States for the rehabilitation of blind persons, the commissioner of (HUMAN SERVICES) *jobs and training* may make provision for:

(1) Specialized supplementary training of professional workers employed by services for the blind, which shall consist of selected courses of study designed to improve worker techniques in providing assistance with adjustment to blindness, guidance, training and vocational placement services to blind children and adults;

(2) The employment of student trainees enrolled in graduate school programs. Such trainees to be employed on a one-third time basis during the regular school term and on a full time basis during the extra school term. Student trainees shall not be counted against the regular staff complement and shall not exceed eight in number employed concurrently.

Subd. 14a. [RULES.] The commissioner of (HUMAN SERVICES) *jobs and training* shall, no later than February 1, 1985, adopt rules to set standards for the provision of rehabilitative services to blind and visually handicapped persons. The rules

shall, at a minimum, contain program definitions and set standards for basic eligibility, including financial need eligibility and definitions of legal blindness.

The rules shall provide for the development of formal rehabilitation plans for eligible clients and shall govern the provision of direct rehabilitative services to clients, including placement in training programs, and providing tools and equipment. In addition, the rules shall set standards for appeals filed under subdivision 15, and include specific requirements for timely responses by the agency.

Subd. 15. [APPEALS FROM AGENCY ACTION.] An applicant for or recipient of rehabilitation service who is dissatisfied with an agency's action with regard to the furnishing or denial of services may:

(1) File a request for an administrative review and re-determination of that action to be made by a member or members of the supervisory staff of the state agency.

(2) When an individual is dissatisfied with the findings of this administrative review, he shall be granted an opportunity for a fair hearing before the state administrator or his designee.

(3) If further appeal is deemed necessary by the applicant or recipient, his grievance shall be considered and relief if any recommended by an appeal committee. The committee shall be composed of one person nominated by the applicant or recipient, one person nominated by the agency, and a third person nominated jointly by the applicant or recipient and the agency. If the third person cannot be mutually agreed upon within ten days of the applicant's or recipient's request for a committee hearing, the judge of the district court in the applicant's or recipient's county of residence shall make the third appointment.

Sec. 47. Minnesota Statutes 1984, section 248.08, is amended to read:

248.08 [PAYMENTS BY COMMISSIONER OF (HUMAN SERVICES) *JOBS AND TRAINING.*]

The commissioner of (HUMAN SERVICES) *jobs and training* is hereby authorized to defray the necessary expenses of the work from the appropriation for the current expenses of the commissioner of (HUMAN SERVICES) *jobs and training*; provided, that in any county of this state now or hereafter having a population of over 150,000, and an assessed valuation of over \$200,000,000, including money and credits, the county board is hereby authorized to defray part or all of the necessary expenses of maintaining the work within the county from the general revenue fund of the county, not exceeding the total sum of \$3,600,

in any one calendar year; and, in carrying on this work, may appoint and employ an assistant to the regular field agent for the blind in the county, who shall work under the direction of the agent in the county. The portion of the salary of the field agent, and of any assistant to be paid by the county, shall be fixed by the county board at its first meeting in January in each year; and such salary of the field agent and assistant shall be paid in the same manner as the salary of other county officers and employees are paid. All necessary expenses of the agent and assistant in carrying on this work in the county, not paid by the commissioner of (HUMAN SERVICES) *jobs and training*, shall be paid by the county board as other claims against the county are paid.

Sec. 48. Minnesota Statutes 1984, section 256.736, is amended to read:

**256.736 [(WORK INCENTIVE) EMPLOYMENT AND TRAINING PROGRAM.]**

Subdivision 1. [CREATION.] There is hereby established a program to help appropriate recipients of aid to families with dependent children become self-supporting members of society.

Subd. 2. [DUTIES OF THE COMMISSIONER OF (ECONOMIC SECURITY) *JOBS AND TRAINING*.] The commissioner of (ECONOMIC SECURITY) *jobs and training* shall develop a training and employment program for each appropriate relative and dependent child receiving aid to families with dependent children, with the objective of assuring, to the maximum extent possible, that the relative and child will enter the labor force, accept reasonable employment, and become (SELF-SUFFICIENT) *economically independent*.

*The commissioner of jobs and training shall administer, on behalf of the commissioner of human services, those aspects of the aid to families with dependent children program, excluding categorical and financial eligibility, which directly relate to:*

- (1) *recipients' participation in jobs and training programs;*
- (2) *requirements for and conditions of participating in jobs and training programs;*
- (3) *the design and administration of such programs; and*
- (4) *the direction of county welfare agencies in carrying out responsibilities related to employment and training programs.*

*The commissioner of jobs and training and the commissioner of human services are authorized to implement those programs and authorities, including demonstration projects which are authorized under federal regulations to increase services or fed-*

*eral reimbursement available for providing employment and training services for recipients of aid to families with dependent children.*

Subd. 3. [OPERATION OF PROGRAM.] To determine who shall be designated as an appropriate individual for certification to the commissioner (OF ECONOMIC SECURITY), the commissioner of (HUMAN SERVICES) *jobs and training* shall provide, *by rule*, standards for county welfare agencies and human services boards consistent with the standards promulgated by the secretary of health and human services. County welfare agencies shall certify appropriate individuals to the commissioner of (ECONOMIC SECURITY) *jobs and training* and shall require that every individual, as a condition of receiving aid to families with dependent children, register for employment services, training, and employment, unless such individual is:

(1) a child who is under age 16, a child age 16 or 17 who is attending elementary or secondary school or a secondary level vocational or technical school full time, or a full-time student age 18 who is attending a secondary school or a secondary level vocational or technical program and who is expected to complete the school or program before reaching age 19;

(2) a person who is ill, incapacitated or of advanced age;

(3) a person so remote from a work incentive project that his effective participation is precluded;

(4) a person whose presence in the home is required because of illness or incapacity of another member of the household;

(5) a parent or other caretaker relative of a child under the age of six who personally provides full-time care for the child;

(6) a parent or other caretaker if another adult relative in the house is registered and has not, without good cause, failed or refused to participate or accept employment; (OR)

(7) *a pregnant woman in the last trimester of pregnancy; or*

(8) a parent who is not the principal earner if the parent who is the principal earner is not exempt under clauses (1) to ((6)) (7).

Any individual referred to in (CLAUSE) *clauses (5) to (8)* shall be advised of the option to register for employment services, training *services*, and employment if the individual so desires, and shall be informed of the child care *and other* services (, IF ANY,) which will be available if the individual decides to register.

If, after planning with a recipient, a decision is made that the recipient must register for employment services, training, and

employment, the county welfare department shall give notice in writing to the recipient stating that he or she must register with the commissioner of (ECONOMIC SECURITY) *jobs and training* for participation in a work incentive program and that the recipient has a right to a fair hearing under section 256.045 with respect to the appropriateness of the registration.

Subd. 4. [CONDITIONS OF CERTIFICATION.] The commissioner of human services shall:

(1) Arrange for or provide any relative or child certified to the commissioner of (ECONOMIC SECURITY) *jobs and training* pursuant to this section with child-care services, *transportation*, and other necessary family services;

(2) Pay ten percent of the cost of (PROGRAMS OF TRAINING AND EMPLOYMENT ESTABLISHED BY THE COMMISSIONER OF ECONOMIC SECURITY FOR PERSONS CERTIFIED HEREUNDER) *the work incentive program and of other costs that are required by federal regulation for jobs and training programs for applicants for or recipients of the aid to families with dependent children program*;

(3) Provide that in determining a recipient's needs any monthly incentive training payment made to the recipient by the department of (ECONOMIC SECURITY) *jobs and training* is disregarded and the additional expenses attributable to (HIS) participation in a program are taken into account in grant determination *to the extent permitted by federal regulations*; and

(4) Provide that when it has been certified by the commissioner of (ECONOMIC SECURITY) *jobs and training*, certification to be binding upon the commissioner of human services, that a relative or child certified under the (WORK INCENTIVE) *employment and training* program to the commissioner of economic security has been found by the commissioner, after a hearing conducted in the manner prescribed by section 268.10, subdivision 3, with the right of review in accordance with the provisions of section 268.10, subdivision 8, to have refused without good cause to participate under a work incentive program or to have refused without good cause to accept a bona fide offer of public or other employment, the county welfare departments shall provide that:

(a) If the relative makes the refusal, the relative's needs shall not be taken into account in making the grant determination, and aid for any dependent child in the family will be made in the form of *protective or vendor payments except that when protective payments are made, the local agency may continue payments to the relative if a protective payee cannot reasonably be found.*

(b) Aid with respect to a dependent child will be denied if a child who makes the refusal is the only child receiving aid in the family.

(c) If there is more than one child receiving aid in the family, aid for the child who makes the refusal will be denied and his or her needs will not be taken into account in making the grant determination.

(d) If the assistance unit's eligibility is based on the *non-exempt* principal earner's unemployment and the principal earner fails or refuses without good cause to participate or to accept or *continue* employment, the entire assistance unit is ineligible for benefits under sections 256.72 to 256.87, *if the family is subject to requirements of the work incentive program. Otherwise, the nonexempt principal wage earner's failure or refusal to participate or to accept employment will result only in that person's needs not being taken into account in making the grant determination.*

Subd. 5. [EXTENSION OF (WORK INCENTIVE) EMPLOYMENT AND TRAINING OPPORTUNITIES.] The commissioner of human services shall cooperate with the commissioner of (ECONOMIC SECURITY) *jobs and training* to (PROMOTE) *extend* the availability of training and employment opportunities on a state wide basis.

Subd. 6. [PROTECTION FROM GARNISHMENT.] Earnings of a recipient while participating in full or part-time employment or training shall be protected from garnishment. This protection shall extend for a period of six months from the date of termination of a recipient's grant of assistance.

Subd. 7. [(COMPLIANCE WITH FEDERAL CHANGES) RULEMAKING.] The commissioner of human services (IS) *and the commissioner of jobs and training* are authorized to promulgate such *coordinated* rules (AND REGULATIONS) as are necessary to qualify for any federal funds available under this section *and to carry out the provisions of this section.*

Subd. 8. *The commissioner of human services shall amend the state plan for aid to families with dependent children to provide as special needs payments funds for the costs of day care, transportation, tuition, and items associated with education or seeking employment to the extent allowed under federal regulations and state appropriations.*

Subd. 9. [CHANGES IN STATE PLAN AND RULES; WAIVERS.] *The commissioner of human services shall make changes in the state plan and rules or seek any waivers or demonstration authority necessary to minimize barriers to participation*

*in the jobs and training programs or to employment. Changes shall be sought in at least the following areas: allowances, child care, work expenses, the amount and duration of earnings incentives, medical care coverage, limitations on the hours of employment, and administrative standards and procedures. The commissioner shall implement each change as soon as possible.*

Sec. 49. Minnesota Statutes 1984, section 256.737, is amended to read:

**256.737 [COMMUNITY WORK EXPERIENCE PROGRAM.]**

In order that persons receiving aid under this chapter may be assisted in achieving self-sufficiency by enhancing their employability through meaningful work experience and training and the development of job search skills, the commissioner of (HUMAN SERVICES MAY CONTINUE THE PILOT) *jobs and training shall, at the request of any county, establish community work experience (DEMONSTRATION) programs (THAT WERE APPROVED BY JANUARY 1, 1984. NO NEW PILOT COMMUNITY WORK EXPERIENCE DEMONSTRATION PROGRAMS MAY BE ESTABLISHED).* The commissioner shall: (a) assist counties in the design, implementation, and evaluation of these (DEMONSTRATION) programs; (b) promulgate, in accordance with chapter 14, emergency rules necessary for the implementation of this section, except that the time restrictions of section 14.35 shall not apply and the rules may be in effect until the termination of the demonstration programs; and (c) seek any federal waivers necessary for proper implementation of this section in accordance with federal law. (THE COMMISSIONER SHALL PROHIBIT USE OF PARTICIPANTS IN THE PROGRAMS TO DO WORK THAT WAS PART OR ALL OF THE DUTIES OR RESPONSIBILITIES OF AN AUTHORIZED PUBLIC EMPLOYEE POSITION ESTABLISHED AS OF JANUARY 1, 1983. THE EXCLUSIVE BARGAINING REPRESENTATIVE SHALL BE NOTIFIED NO LESS THAN 14 DAYS IN ADVANCE OF ANY PLACEMENT BY THE COMMUNITY WORK EXPERIENCE PROGRAM. CONCURRENCE WITH RESPECT TO JOB DUTIES OF PERSONS PLACED UNDER THE COMMUNITY WORK EXPERIENCE PROGRAM SHALL BE OBTAINED FROM THE APPROPRIATE EXCLUSIVE BARGAINING REPRESENTATIVE. THE APPROPRIATE OVERSIGHT COMMITTEE SHALL BE GIVEN MONTHLY LISTS OF ALL JOB PLACEMENTS UNDER A COMMUNITY WORK EXPERIENCE PROGRAM.)

(PROJECTS SHALL END NO LATER THAN JUNE 30, 1985, AND A PRELIMINARY REPORT SHALL BE MADE TO THE LEGISLATURE BY FEBRUARY 15, 1985, ON THE FEASIBILITY OF PERMANENT IMPLEMENTATION AND ON THE COST EFFECTIVENESS OF EACH OF THE DEMONSTRATION PROGRAMS.)



Sec. 50. Minnesota Statutes 1984, section 256C.24, is amended to read:

256C.24 [REGIONAL SERVICE CENTERS.]

Subdivision 1. [LOCATION.] The commissioner of (ECONOMIC SECURITY) *human services* shall establish up to eight regional service centers for hearing impaired persons. The centers shall be distributed regionally to provide access for hearing impaired persons in all parts of the state. The center shall maintain a current registry of those persons having or suspected of having a hearing impairment who live in that region. A special task of the registry is to assure that referrals and follow-up services are completed with respect to persons in the register.

Subd. 2. [RESPONSIBILITIES.] The regional service center shall:

(a) Serve as the central entry point for hearing impaired persons in need of human services and make referrals to the services needed;

(b) Employ staff trained to work with hearing impaired persons;

(c) Provide to all hearing impaired persons interpreter services which are necessary to help them obtain human services;

(d) Serve as the regional interpreter referral center for hearing impaired persons and human services agencies;

(e) Loan equipment and resource materials to hearing impaired persons; and

(f) Cooperate with the department of (HUMAN SERVICES) *jobs and training* to provide access for hearing impaired persons to services provided by state, county and regional human services agencies.

Subd. 3. [ADVISORY COMMITTEE.] The commissioner of (ECONOMIC SECURITY, IN CONSULTATION WITH THE COMMISSIONER OF) human services shall appoint an advisory committee of eight persons for each regional service center. Members shall include four persons who are hearing impaired persons or who are the parents of a hearing impaired child and four representatives of county and regional human services, including representatives of private service providers. Members shall serve without payment by the state of per diem or expense. The commissioner of (ECONOMIC SECURITY) *human services* shall designate one member as chairperson. The (COMMISSIONERS OF ECONOMIC SECURITY AND) *com-*

*missioner of human services shall assign staff to serve as ex officio members of the committee.*

Sec. 51. Minnesota Statutes 1984, section 256C.25, is amended to read:

256C.25 [INTERPRETER SERVICES.]

Subdivision 1. [ESTABLISHMENT.] The commissioner of (ECONOMIC SECURITY) *human services* shall supervise the development and implementation of a statewide interpreter referral service. The commissioner of (ECONOMIC SECURITY) *human services* shall contract with appropriate organizations to provide this centralized service.

Subd. 2. [DUTIES.] The central interpreter referral service shall:

(a) Establish and maintain a statewide directory of interpreters who have received appropriate training and certification;

(b) Provide technical assistance to the regional service centers in implementing the interpreter referral service; and

(c) Assess the present and projected supply and demand for interpreting services statewide.

Sec. 52. Minnesota Statutes 1984, section 256C.26, is amended to read:

256C.26 [EMPLOYMENT SERVICES.]

The commissioner of (ECONOMIC SECURITY) *jobs and training* shall (DEVELOP AND IMPLEMENT A) *include in the biennial plan under section 34, subdivision 3, clause (12), a method* to deal with the underemployment of hearing impaired persons. The plan shall provide for training regarding the nature of hearing handicaps for department staff who consult with prospective employers or who provide job placement services.

Sec. 53. Minnesota Statutes 1984, section 256D.01, subdivision 1a, is amended to read:

Subd. 1a. [STANDARDS.] A principal objective in providing general assistance is to provide for persons ineligible for federal programs who are unable to provide for themselves. To achieve these aims, the commissioner shall establish minimum standards of assistance for general assistance. The minimum standard of assistance determines the total amount of the gen-

eral assistance grant without separate standards for shelter, utilities, or other needs and shall not be less than the combined total of the minimum standards of assistance for shelter and basic needs in effect on February 1, 1983. The standards of assistance shall not be lower for a recipient sharing a residence with another person unless that person is a responsible relative. The standards shall be lowered for recipients who share a residence with a responsible relative who also receives general assistance or who receives AFDC. If the responsible relative is receiving AFDC, then the amount payable to the general assistance recipient must not exceed the amount that would be attributable to him if he were included in the AFDC grant. (FOR RECIPIENTS WHO ARE NOT EXEMPT FROM REGISTRATION WITH THE DEPARTMENT OF ECONOMIC SECURITY PURSUANT TO SECTION 256D.111, SUBDIVISION 2, CLAUSES (A), (F), (G), AND (H), AND WHO SHARE A RESIDENCE WITH A RESPONSIBLE RELATIVE WHO IS NOT ELIGIBLE FOR GENERAL ASSISTANCE, THE STANDARDS SHALL BE LOWERED, SUBJECT TO THESE LIMITATIONS:)

((A) THE GENERAL ASSISTANCE GRANT SHALL BE IN AN AMOUNT SUCH THAT TOTAL HOUSEHOLD INCOME IS EQUAL TO THE AFDC STANDARD FOR A HOUSEHOLD OF LIKE SIZE AND COMPOSITION, EXCEPT THAT THE GRANT SHALL NOT EXCEED THAT PAID TO A GENERAL ASSISTANCE RECIPIENT LIVING INDEPENDENTLY.)

((B) BENEFITS RECEIVED BY A RESPONSIBLE RELATIVE UNDER THE SUPPLEMENTAL SECURITY INCOME PROGRAM, THE SOCIAL SECURITY DISABILITY PROGRAM, A WORKERS' COMPENSATION PROGRAM, THE MINNESOTA SUPPLEMENTAL AID PROGRAM, OR ON THE BASIS OF THE RELATIVE'S DISABILITY, MUST NOT BE INCLUDED IN THE HOUSEHOLD INCOME CALCULATION.)

Sec. 54. Minnesota Statutes 1984, section 256D.02, subdivision 13, is amended to read:

Subd. 13. "Suitable employment" means an appropriate income producing job including, but not limited to, all (PUBLIC) *publicly* subsidized jobs procured through the (WORK EQUITY PROGRAM) *Minnesota emergency employment development act in sections 268.671 to 268.686, or other programs administered by or coordinated with the commissioner of jobs and training.*

Sec. 55. Minnesota Statutes 1984, section 256D.05, subdivision 1, is amended to read:

Subdivision 1. [STANDARDS.] Each person or family whose income and resources are less than the standard of assis-

tance established by the commissioner shall be eligible for and entitled to general assistance; (PROVIDED THAT NO INDIVIDUAL SHALL BE ELIGIBLE FOR GENERAL ASSISTANCE IF THE INDIVIDUAL IS ELIGIBLE FOR ANY OF THE FOLLOWING FEDERALLY AIDED ASSISTANCE PROGRAMS: EMERGENCY ASSISTANCE, AID TO FAMILIES WITH DEPENDENT CHILDREN, OR ANY SUCCESSOR TO THE ABOVE) *if the person or family 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, 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, or in an approved chemical dependency domiciliary facility, 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 who is or may be eligible for displaced homemaker services, programs, or assistance under section 4.40, but only if that person is enrolled as a full-time student;*

(f) *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, and that condition prevents the person from obtaining or retaining employment;*

(g) *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;*

(h) *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;*

(i) *a person completing a secondary education program;*

(j) *an adult member of a household with children under the age of six 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;*

*(k) a person who has substantial barriers to employment, including but not limited to factors relating to work or training history, as determined by the local agency in accordance with permanent or emergency rules adopted by the commissioner after consultation with the commissioner of economic security;*

*(l) a person who is certified by the commissioner of economic security as lacking work skills or training or as being unable to obtain work skills or training necessary to secure employment, as defined in a permanent or emergency rule adopted by the commissioner of economic security in consultation with the commissioner; or*

*(m) a person who, after working with the department of jobs and training for a minimum of six months, is certified by the commissioner as being unable to obtain employment.*

*The exemption of a person described in clause (k) or (l) shall be reassessed annually.*

*A person or family whose income and resources are less than the standard of assistance established by the commissioner, but who are not eligible for assistance under clauses (a) to (m), shall be eligible for assistance for one month out of any consecutive six month period.*

**Sec. 56. [256D.1111]**

*An adult who is a recipient of general assistance, and who is not employed, is required to register for employment services with the department of jobs and training, and shall be available for work and comply with reasonable reporting and job search requirements as established by the commissioner of human services by rule, and accept any offer of suitable employment unless exempted by section 60. The department of economic security shall promptly verify the names of persons registered under this section for the local agencies.*

**Sec. 57. Minnesota Statutes 1984, section 268.31, is amended to read:**

**268.31 [DEVELOPMENT OF YOUTH EMPLOYMENT OPPORTUNITIES.]**

*To the extent of available funding, the commissioner of (ECONOMIC SECURITY) jobs and training shall (HIRE) establish a program to employ individuals from the ages of 14 years up to 22 years from families with household incomes of less than 125 percent of the poverty guidelines established by the federal office*

*of management and budget* for a maximum of 12 weeks, not to exceed 40 hours per week per individual, during the summer for the purpose of placing such individuals in service (WITH THE DEPARTMENT OF ECONOMIC SECURITY AND) *in community investment programs under section 37 or with other departments, agencies and instrumentalities of the state, county, local governments, school districts and with nonprofit organizations. Priority for employment shall be given to those young individuals between the ages of 16 years up to 22 years.*

Sec. 58. Minnesota Statutes 1984, section 268.32, is amended to read:

268.32 [RATE OF PAY.]

Persons (HIRED) *employed pursuant to sections 268.31 to 268.36 shall be compensated at the federal minimum wage rate. Persons hired in a supervisory capacity shall be compensated (AT A RATE) according to criteria established by the commissioner in rules.*

Sec. 59. Minnesota Statutes 1984, section 268.33, is amended to read:

268.33 [ELIGIBILITY FOR EMPLOYMENT AND PLACEMENT.]

(SUBDIVISION 1.) The (DEPARTMENT OF ECONOMIC SECURITY) *commissioner of jobs and training shall promulgate rules determining the priority and eligibility for employment and placement pursuant to sections 268.31 to 268.36. The (DEPARTMENT) commissioner shall have emergency powers and permanent rulemaking authority to implement rules for carrying out sections 268.31 to 268.36.*

(SUBD. 2.) The (DEPARTMENT OF ECONOMIC SECURITY) *commissioner of jobs and training shall, for the purpose of sections 268.31 to 268.36, be exempt from complying with any law relating to hiring by departments, agencies or instrumentalities of the state.*

Sec. 60. Minnesota Statutes 1984, section 268.34, is amended to read:

268.34 [EMPLOYMENT CONTRACTS.]

The commissioner (MAY) *shall enter into arrangements with existing public and private nonprofit organizations and agencies with experience in administering (SUMMER) youth employment programs for the purpose of providing employment opportunities in furtherance of sections 268.31 to 268.36 and to advance up to 20 percent of a summer youth employment contract*

to any participating organization or agency. The department of (ECONOMIC SECURITY) *jobs and training* shall retain ultimate responsibility for the administration of this employment program, including but not limited to, approval of summer job opportunities, (REVIEW) *eligibility* of applicants therefor, placement of youth in jobs and the disbursement of funds.

Sec. 61. Minnesota Statutes 1984, section 268.35, is amended to read:

268.35 [ALLOCATION OF FUNDS.]

The commissioner shall allocate funds to recipient organizations and agencies throughout the state (TAKING INTO ACCOUNT IN MAKING SUCH ALLOCATIONS THE YOUTH POPULATION OF THE COUNTY ADJUSTED TO ELIMINATE THE INFLUENCE OF POST-SECONDARY EDUCATIONAL INSTITUTIONS LOCATED IN THE COUNTY,) *on the basis of the number of unemployed in the county (UNEMPLOYMENT RATE) and the number of families living below 125 percent of the poverty level in the county in which the recipient organization or agency is located, as determined by the most recent special census.*

Sec. 62. Minnesota Statutes 1984, section 268.36, is amended to read:

268.36 [REPORT TO THE GOVERNOR AND THE LEGISLATURE.]

The commissioner, after consultation with the (CETA PRIME SPONSORS) *counties and providers of employment and training services*, shall evaluate the effectiveness of (THE) youth employment (PROGRAM) *programs*, taking into account the extent of (OTHER) *all programs* which are providing summer employment opportunities for youth (COVERED UNDER SECTIONS 268.31 TO 268.36), and shall report to the governor and the legislature no later than January 15 of each (EVEN) *odd-numbered year* with an evaluation of (THE PROGRAM) *this and other programs* and any recommendations for improvements.

Sec. 63. Minnesota Statutes 1984, section 268.673, subdivision 1, is amended to read:

Subdivision 1. [APPOINTMENT.] *When the program is operating*, the governor shall appoint a Minnesota emergency employment development coordinator to administer the provisions of sections 268.671 to 268.686. The coordinator shall be within the department of (ECONOMIC SECURITY) *jobs and training*, but shall be responsible directly to the governor. The coordinator shall have the powers necessary to carry out the purposes of the program.

Sec. 64. Minnesota Statutes 1984, section 268.673, subdivision 3, is amended to read:

Subd. 3. [DEPARTMENT OF (ECONOMIC SECURITY) JOBS AND TRAINING.] (a) The coordinator shall administer the program within the department of (ECONOMIC SECURITY) *jobs and training*. The commissioner of (ECONOMIC SECURITY) *jobs and training* shall provide administrative support services to the coordinator for the purposes of the program.

(b) *The commissioner of jobs and training shall monitor the state's unemployment rates. When statewide unemployment rates have increased substantially for a significant period of time, the commissioner shall notify the governor who shall consider the need for emergency employment, training, food, or shelter and the need to activate the Minnesota emergency employment program. Any funds appropriated may be used as the state share of costs of any federal programs available for emergency employment, training, food, or shelter.*

Sec. 65. Minnesota Statutes 1984, section 268.676, subdivision 1, is amended to read:

Subdivision 1. [AMONG JOB APPLICANTS.] Allocation of funds among eligible job applicants within a service delivery area shall be determined by the employment administrator in each service delivery area. The employment administrator shall give priority to:

(1) applicants living in households with no other income source; (AND)

(2) applicants who would otherwise be eligible to receive general assistance;

(3) *applicants who are eligible for aid to families with dependent children; and*

(4) *applicants who live in a farm household who demonstrate severe household financial need.*

(IN SERVICE DELIVERY AREAS WHERE THE UNEMPLOYMENT RATE FOR THE 12 MONTH PERIOD ENDING THE MOST RECENT MARCH 31 IS BELOW THE STATEWIDE UNEMPLOYMENT RATE AT THAT TIME, THE EMPLOYMENT ADMINISTRATOR SHALL GIVE HIGHER PRIORITY TO APPLICANTS DESCRIBED IN CLAUSE (2) THAN TO THOSE DESCRIBED IN CLAUSE (1).)

Sec. 66. Minnesota Statutes 1984, section 268.676, subdivision 2, is amended to read:

Subd. 2. [AMONG EMPLOYERS.] Allocation of funds among eligible employers within a service area shall be deter-



mined by the employment administrator within each service delivery area according to the priorities in sections 268.68 and 268.681. The employment administrator shall give priority to funding private sector jobs to the extent that eligible businesses apply for funds. If possible, no more than (40) 25 percent of the funds may be allocated for jobs with eligible government and nonprofit agencies during the biennium.

Sec. 67. Minnesota Statutes 1984, section 268.683, subdivision 3, is amended to read:

Subd. 3. [REFERRALS.] Persons required to register for the work incentive program *or jobs and training* under section 256.736 or to register with job services shall be referred to the program (FOR THE REQUIRED ORIENTATION, APPRAISAL, AND JOB SEARCH ACTIVITIES).

Sec. 68. Minnesota Statutes 1984, section 268.685, is amended to read:

268.685 [TERMINATION; NOTIFICATION.]

The commissioner of (ECONOMIC SECURITY) *jobs and training* shall immediately terminate the Minnesota emergency employment development program if and when none of the money appropriated (UNDER LAWS 1983, CHAPTER 312, ARTICLE 1, SECTION 3 OR UNDER THIS ACT) remains. The commissioner of (ECONOMIC SECURITY) *jobs and training* shall immediately notify the commissioner of human services (OF THE PROGRAM'S TERMINATION. THE COMMISSIONER OF HUMAN SERVICES SHALL IMMEDIATELY NOTIFY) *and* each local agency referring *public assistance* recipients (UNDER SECTION 256D.112) of the program's termination and require the local agency to cease (TRANSFERRING) *referring* recipients.

On the date the program is terminated, any balance remaining in the Minnesota emergency employment development account established under section 268.681, subdivision 4 shall cancel to the general fund. Any payments received under section 268.681, subdivisions 3 and 4 on or after that date shall be deposited in the general fund.

Sec. 69. Minnesota Statutes 1984, section 268.82, is amended to read:

268.82 [APPEAL PROCEDURE.]

A person aggrieved by a determination issued pursuant to section 268.80 that the person is not able to successfully perform a job available through the Minnesota emergency employment development 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 268.81, THE PERSON SHALL RECEIVE THE ALLOWANCE PRESCRIBED BY SECTION 268.81 UNTIL A FINAL DECISION ON THE APPEAL IS RENDERED.)

Sec. 70. [268A.01] [CREATION.]

*Subdivision 1. There is created the department of jobs and training with broad responsibility to increase the economic independence of Minnesotans with special effort toward those who are currently unemployed or who face special disadvantages in the labor market.*

*The department shall develop employment policies and shall link training and employment-related services with temporary income replacement and income maintenance programs, veterans' programs, workers' compensation, vocational and post-secondary education, federal income insurance programs, and economic development programs.*

*Subd. 2. The department shall be supervised and controlled by the commissioner, appointed by the governor with the advice and consent of the senate under section 15.06. The commissioner must be selected on the basis of ability and experience without regard to political affiliations. The commissioner serves at the pleasure of the governor.*

*Subd. 3. (a) The commissioner may establish positions in the unclassified service in accordance with section 43A.08. The commissioner shall appoint a deputy commissioner and may appoint and define the duties of other subordinate officers and employees as he or she deems necessary to discharge the functions of the department.*

*(b) The commissioner may delegate, in written orders filed with the secretary of state, any powers or duties subject to his or her control to officers and employees in the department. Notwithstanding any other law, the commissioner may delegate the execution of specific contracts or specific types of contracts to his deputies, an assistant commissioner, or a program director if the delegation has been approved by the commissioner of administration and filed with the secretary of state.*

*(c) The commissioner may accept gifts, bequests, grants, payments for services, and other public and private funds to help finance the activities of the department.*

Sec. 71. [268A.02] [POWERS AND DUTIES.]

*Subdivision 1. [STATE AGENCY.] The commissioner of jobs and training is designated the "state agency" as defined by*

*United States Code 1976, title 29, sections 49 et seq., the Wagner-Peyser Act of the United States, as amended and the laws of this state.*

*Subd. 2. [SPECIFIC POWERS.] The commissioner of jobs and training shall:*

*(1) administer and supervise all forms of unemployment insurance provided for by federal and state laws that are vested in the commissioner;*

*(2) administer and supervise all employment and training programs assigned to the department of jobs and training by federal or state law;*

*(3) promote the enforcement of laws protecting handicapped, disadvantaged, or protected individuals in gaining access to employment or training opportunities;*

*(4) coordinate employment and training programs and services with each federal and state agency involved in education, employment, or training activities;*

*(5) act as the agent of and cooperate with the federal government in matters of mutual concern, including the administration of any federal funds granted to the state to aid in the performance of functions of the commissioner;*

*(6) adopt emergency and permanent rules, which shall be binding upon the counties and providers of services, to make services uniformly available and to prescribe standards of administration;*

*(7) establish and maintain any administrative units reasonably necessary for the performance of administrative functions common to all divisions of the department;*

*(8) supervise the county boards of commissioners and any other units of government designated in federal or state law as responsible for employment and training programs;*

*(9) establish administrative standards and payment conditions and limitations for providers of employment and training services;*

*(10) have authority to conduct and administer demonstration projects to test methods and procedures for providing employment and training services. The demonstration must provide alternative methods and procedures of administration and must not conflict with the basic purposes, coverage, or benefits pro-*

*vided by law. No demonstration project authorized by this section shall become effective until the following conditions have been met:*

*(a) A comprehensive plan, including the estimated project costs, must be filed with the secretary of the senate and the chief clerk of the house of representatives at least 60 days prior to its effective date.*

*(b) Any required approval by a federal agency must be obtained.*

*(c) The comprehensive plan, including the estimated project costs, must be approved by the legislative advisory commission and filed with the commissioner of administration; and*

*(11) develop and administer policies to provide an effective public labor exchange service for all employees and individuals.*

*Subd. 3. [DUTIES AS A STATE AGENCY.] The commissioner shall:*

*(1) administer the unemployment insurance laws and related programs;*

*(2) administer those aspects of the aid to families with dependent children, general assistance, and food stamp programs which are related to providing employment and training services, subject to the limitations of federal regulations;*

*(3) administer a national system of public employment offices as prescribed by United States Code 1976, title 29, sections 49 et seq., the Wagner-Peyser Act, as amended and other federal employment and training programs;*

*(4) cooperate with the federal government and its employment and training agencies in any reasonable manner as may be necessary to qualify for federal aid for employment and training programs and funds;*

*(5) enter into agreements with other departments of the state and local units of government as necessary;*

*(6) administer all programs for which it is responsible or for which it coordinates with other state agencies so that the state provides consistent, integrated employment and training services across the state;*

*(7) identify, define, and prescribe the services and standards used for all employment and training services that it administers or supervises;*

(8) *develop and administer a method for providing current state and substate labor market information and forecasts, in cooperation with other agencies;*

(9) *develop and administer with the cooperation of other state and local agencies and the private sector, a system of employer services designed to increase the number, quality, and variety of employment opportunities available to the department's clients;*

(10) *develop and administer a uniform system of evaluations and service results across programs, including responses by clients and employers;*

(11) *develop a plan, in conjunction with the commissioner of human services and other affected agencies, an integrated information system, encompassing employment and training and income support programs, client information, service availability, and funding;*

(12) *prepare and submit a biennial plan to the governor on or before July 1 of each even-numbered year for the succeeding biennium, and consult with the commissioners of human services, energy and economic development, finance, and education, and with the chancellor of the community college system and director of the vocational technical education board in developing this plan;*

(13) *identify underserved populations, unmet service needs, and funding requirements;*

(14) *use the biennial plan to establish the direction and parameters for required plans for individual programs administered or supervised by or coordinated with the department;*

(15) *in consultation with the commissioners of education and energy and economic development and with the president of the state university system, the chancellor of the community college system, the director of the vocational education board, and representatives of the business and labor communities to determine on a statewide and regional basis the occupations: (i) for which there is a present and continuing demand; (ii) which are forecast to pay wages in excess of the poverty level; and (iii) which will be approved as part of training plans developed for individuals served by programs administered or supervised by the department;*

(16) *submit to the governor, the commissioners of human services and finance, and the chairs of the senate finance and house appropriations committees a semi-annual report which:*

(a) reports by client type, an unduplicated count of the types and number of services furnished through each program administered or supervised by the department or coordinated with it;

(b) reports on the number of job openings listed, developed, available, and obtained by clients of the department;

(c) identifies the number of cooperative agreements in place and the number of individuals being served and the types of service;

(d) evaluates the performance of special state programs, such as the Minnesota emergency employment programs and community investment programs, and the number of clients in grant diversion and wage subsidy jobs;

(e) explains the effects of current employment levels, unemployment rates, and program performance on the unemployment insurance fund and general assistance and aid to families with dependent children caseloads and program expenditures; and

(17) prescribe the form, nature, and method of information collected by counties and providers of service.

**Sec. 72. [268A.03] [EMPLOYMENT AND TRAINING PROGRAMS FOR APPLICANTS FOR AND RECIPIENTS OF AID TO FAMILIES WITH DEPENDENT CHILDREN, GENERAL ASSISTANCE, AND FOOD STAMPS.]**

*Subdivision 1. Under agreements necessary to comply with federal regulations, the commissioner shall administer employment and training services and programs for applicants for and recipients of aid to families with dependent children and food stamps on behalf of the commissioner of human services. The commissioner shall administer employment and training services and programs for persons whose income and resources are less than the standard of assistance described in section 256D.05, subdivision 1.*

*Subd. 2. The programs referred to in subdivision 1 shall have as their objective improving clients' opportunities for economic independence through full-time, permanent employment at wages in excess of public assistance benefits, through support services needed to gain or maintain employment, and through education that will increase their earnings capacity.*

*Subd. 3. To the extent that the state has the authority to establish priority groups to be served under these programs, greatest consideration must be given to client groups identified as experiencing the most severe disadvantages to employment.*

*Individuals volunteering for employment, regardless of whether or not they are required to register, must also be given preference to avoid the effects of long-term dependence on public assistance.*

*Subd. 4. (a) The priority for services to be provided is:*

*(1) permanent, unsubsidized, full-time private sector employment, in conjunction with targeted jobs tax credits as defined at 26 U.S.C. section 44B, and amended by Pub. L. 98-369.*

*(2) permanent, subsidized, full-time private sector employment;*

*(3) permanent, subsidized, full-time nonprofit sector employment;*

*(4) training or relocation; and*

*(5) part-time, temporary, subsidized, nonprofit, or public employment with continued employment assistance.*

*(b) Individuals receiving any of the priority services in paragraph (a) must be provided day care, transportation, or other support services as appropriate and available.*

*Subd. 5. The commissioner shall establish, by rule, the conditions under which individuals are required to participate in programs, their rights and responsibilities while participating, and the standards by which the programs must be administered, and shall provide fair hearings procedure governing participation.*

*Subd. 6. The commissioner shall, by rule or contract, establish the responsibilities and standards for counties and other providers of service. In administering the jobs and training program for recipients of aid to families with dependent children, the commissioner shall require each county to maintain at least 25 percent of nonexempt recipients in either a grant diversion or a training program.*

*Subd. 7. In administering the work incentive program under section 256.736, the commissioner shall assure that no later than July 1, 1986, at least 25 percent of all state and federal funds appropriated to that program must be spent for direct client services, including day care, transportation, institutional training, and on-the-job training. Seventy-five percent or less of the funds must be spent for services provided directly by state or county staff.*

*Subd. 8. In developing employment and training programs and services, the commissioner shall identify and incorporate, to*

*the extent possible, funding from both federal and state income maintenance, employment and training, and educational programs.*

*Subd. 9. The commissioner shall develop a grant diversion process for aid to families with dependent children. In selecting employers, priorities shall be given to small businesses, businesses which have the potential for offering new jobs on a long-term basis, and businesses which make use of Minnesota resources and which operate primarily in Minnesota. Businesses shall be subject to the terms and conditions of sections 268.68 to 268.682.*

*Subd. 10 (a) The department shall register clients within time limits necessary to avoid delaying a client's receipt of assistance, denying benefits, or reducing the amounts of benefits.*

*(b) The department shall consult with the local agency and with the recipient in preparing an employment appraisal and a written employability development plan for each participating recipient. The employment appraisal shall be prepared within 30 days of the referral from the local agency, and the employability development plan within 90 days of said referral. The plan must be prepared by a qualified person who, where feasible, is collocated with other income maintenance and employment and training staffs. The plan must identify the specific conditions applicable to the recipient which limit his or her ability to seek or secure suitable employment, must include reasonable reporting and job search requirements, and must be consistent with local labor force conditions and demands taking into account the recipient's skills, knowledge, and abilities, as well as educational attainment and association with the work force.*

*The plan must be designed to aid the recipient in obtaining suitable permanent employment, training, or work skills necessary to secure suitable employment, and may include an arrangement with another service provider or agency for specialized employment, education, training, or support services.*

*A copy of the plan must be given to the recipient at the time it is prepared; an additional copy must be given to the local agency for its files.*

*(c) If as a result of developing the employability plan, the qualified staff determines that the recipient is unable to meet minimal employer requirements or expectations based on a review of the recipient's work history and work habits or the recipient's exhibition of a mental or emotional disability, chemical dependency, or of severely diminished functioning in areas of daily living, such as personal hygiene, social skills, or personal relations, the recipient must be referred back to the local agency.*



*If either the recipient or the local agency disagrees with the determination pertaining to the individual's work skills or training, the individual or the county may appeal the decision to the commissioner of jobs and training.*

*Subd. 11. [RULEMAKING.] The commissioner shall have emergency and permanent rulemaking authority to implement this section.*

**Sec. 73. [268A.04] [JOBS TRAINING PARTNERSHIP ACT; ADMINISTRATION.]**

*Subdivision 1. [COORDINATION OF STATE AND FEDERAL PROGRAMS.] The commissioner shall act as the governor's agent in administering the federal jobs training partnership act. To the extent permitted under federal regulation, this program shall be administered in conjunction with a comprehensive state employment and training strategy and its resources used in coordination with state programs and to further state objectives.*

*Subd. 2. The commissioner shall recommend to the governor the priorities, performance standards, and special projects which are consistent with the commissioner's biennial plan.*

*Subd. 3. Priority for income maintenance recipients must be included in the goals, objectives, and criteria of the governor's coordination and special services plan under section 121 of Public Law 97-300. Local service delivery area plans and job service plans must describe methods of complying with the coordination criteria under the governor's coordination and special services plan as required under section 104 of Public Law 97-300 and under United States Code 1976, title 29, as amended.*

**Sec. 74. [268A.06] [LOCAL CONTRACTS FOR EMPLOYMENT AND TRAINING SERVICES FOR PUBLIC ASSISTANCE RECIPIENTS.]**

*Subdivision 1. Counties may contract with an established public, nonprofit, or private employment and training agency or capable post-secondary education institution to provide employment and training services to eligible public assistance recipients.*

*Subd. 2. In establishing a contract, the county shall agree to out-station income maintenance and social service staff as necessary to accept applications and determine eligibility, monitor ongoing client eligibility, and authorize services and grants available under programs administered by the county social service or income maintenance agencies which are related to employment and training or the client's successful participation in employment and training activities.*

*Subd. 3. The commissioner of jobs and training shall furnish sufficient out-stationed staff as are necessary to make the services provided through the department of jobs and training and the programs it administers or supervises available to clients being served by the contract agency.*

*Subd. 4. The commissioner of jobs and training shall assist in obtaining certification of individuals and employers for targeted job tax credits available under 26 U.S.C.A. section 44B, as amended at Public Law 98-369, and shall assist local agencies or their contractors in publicizing to employers the availability of such credits.*

*Subd. 5. The commissioner shall have emergency and permanent rulemaking authority as needed to implement this section.*

**Sec. 75. [268A.07] [OFFICE OF INDIVIDUAL ENTERPRISES.]**

*Subdivision 1. The commissioner shall establish an office of individual enterprise that shall be responsible for coordinating state activities related to self-employment enterprises, including, but not limited to, home-based businesses, individual self-employment initiatives, and collective and cooperative efforts as involve individual entrepreneurs.*

*Subd. 2. The commissioner shall undertake activities to expand the marketing of goods or services produced by the state's independent entrepreneurs in public facilities and in conjunction with other state-funded activities and may establish a council or committee to select products and services to be included.*

*Subd. 3. The commissioner shall provide or arrange information, technical assistance, and support as necessary to help individuals determine whether they wish to become self-employed, to obtain needed training, to develop business plans and financing, and to sustain the initiatives.*

*Subd. 4. The commissioner of energy and economic development shall develop resources for a pilot program, in cooperation with the commissioners of jobs and training and human services to enable low-income persons to start or expand self-employment opportunities or home-based businesses which are designed to make the individual entrepreneurs economically independent. The commissioner of human services shall seek necessary waivers from federal regulations to allow recipients of aid to families with dependent children to participate and retain eligibility while establishing a business.*

*Subd. 5. The commissioner shall conduct a study of the needs of individual entrepreneurs and beginning businesses and recommend to the governor how state programs and resources can provide further assistance.*

*Subd. 6. [RULEMAKING.] The commissioner shall have emergency and permanent rulemaking authority to implement this section.*

**Sec. 76. [268A.08] [FIRST SOURCE AGREEMENTS.]**

*Subdivision 1. Any business or private enterprise receiving grants or loans from the state in amounts over \$50,000 per year, shall as part of the grant or loan agree to list any vacant or new positions with the job services of the department of jobs and training. An agreement obligates the employer to consider qualified applicants but does not establish an obligation to hire individuals referred by the department.*

*Subd. 2. The commissioner of energy and economic development shall incorporate the provisions of this section into grant and loan instruments and assist the commissioner of jobs and training in promoting private sector listings with job services and in evaluating their effect on employers and individuals who are referred.*

*Subd. 3. [RULEMAKING.] The commissioner shall have emergency and permanent rulemaking authority to implement this section.*

**Sec. 77. [268A.040] [SLIDING FEE DAY CARE.]**

*Subdivision 1. In this section, the terms "child care services," "child," and "interim financing" have the meanings given them in section 245.83.*

**Subd. 2. [ALLOCATION, ELIGIBILITY, SLIDING FEE.]**  
*(a) Within the limit of appropriations available and subject to the allocation requirements of subdivision 3, the commissioner shall establish a program to allocate available appropriations among 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 August 1 of each odd-numbered year, the commissioner shall notify all county boards of the allocation and the procedures used for the sliding fee program. If the appropriation is insufficient to meet the needs in all counties, the amount shall be prorated among the counties. The commissioner shall require collection of data and periodic reports as the commissioner deems necessary to evaluate 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.*

(b) *In addition to payments from parents, contributions to the cost of the program shall be made by counties as follows: five percent in the first year, and 15 percent in the second and subsequent years. By rule, the commissioner may require each county to pay to the state treasurer the portion of sliding fee allocations paid by the state for which the county is responsible. The county shall advance its portion of sliding fee costs, based upon allocations made by the commissioner for that county for expenditures in the succeeding month. Adjustments of any overestimate or underestimate based on actual expenditures shall be made by the state agency by adjusting the estimate for any succeeding month.*

(c) *Families receiving child care services under this subdivision on July 1, 1983, are entitled to child care services under this paragraph. 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, the county board shall to the extent practical 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 to 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:*

(1) *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*

(2) *whose household income is within the income range established by the commissioner. Child care services to these families shall be made available on a sliding fee. The minimum income the commissioner may establish is the aid to families with dependent children eligibility limit and the maximum is household income of less than 70 percent of the state median income for a family of four adjusted for family size.*

(d) *In setting the sliding fee schedule, the commissioner shall exclude 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.*

(e) *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 com-*

*missioner for the purposes of ascertaining the median charge, the state's payment shall be limited to the difference between 125 percent of the median charge for like care arrangements in the geographic area and the parents' fee.*

*The commissioner of human services shall collect, analyze, and supply to the commissioner the information necessary to establish these payment standards.*

*(f) The county board shall ensure that child care services are available to county residents entitled to them under paragraph (c), that the availability of services is well-advertised, and that all recipients of and applicants for aid to families with dependent children are informed of any availability of child care services under paragraph (c) and all other programs.*

*(g) The commissioner shall adopt emergency and permanent rules in accordance with sections 14.05 to 14.36 to implement this section. No more than seven percent of any allocation shall be used for administration expenses.*

*Subd. 3. [ALLOCATIONS.] For the purposes of this section, the commissioner shall allocate money appropriated between the metropolitan area, comprising the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington, and the area outside the metropolitan area so that no more than 55 percent of the total fund goes to either area after excluding allocations for statewide administrative costs. The commissioner shall allocate 50 percent of the funds among counties on the basis of the number of families below poverty, as determined from the most recent special census and 50 percent on the basis of case-loads of aid to families with dependent children for the preceding fiscal year as determined by the commissioner of human services.*

#### Sec. 78. [TRANSFER OF POWERS.]

*The department of economic security as now constituted is abolished. The responsibilities of the department of economic security are transferred to the department of jobs and training and the department of human services as specified in sections 41 to 78. Minnesota Statutes, section 15.039 governs the transfer of powers, except that positions in the unclassified service established under Minnesota Statutes, section 268.011, subdivision 2, are abolished.*

#### Sec. 79. [INCREASE LIMITED.]

*For the biennium ending June 30, 1987, the commissioner of human services shall not allow any adjustment factor increase to the non-direct care related items in the operating costs reimbursed to nursing homes under Minnesota Statutes, section*

256B.431. *In addition, the commissioner shall limit the efficiency incentive to a \$1 maximum.*

Sec. 80. [REVISOR'S INSTRUCTION; NAME CHANGES.]

*In Minnesota Statutes 1986 and later editions of the statutes, the revisor shall change the words "economic security" to "jobs and training," except as otherwise specified by sections 41 to 78.*

Sec. 81. [REVISOR'S INSTRUCTION; NAME AND NUMBERING CHANGES.]

*In Minnesota Statutes 1986 and later editions of the statutes, the revisor shall renumber each section listed in column A with the number in column B. The revisor shall also make necessary cross-reference changes consistent with renumbering.*

*In the renumbered sections, the revisor shall change the words "commissioner of economic security" to "commissioner of human services" and the words "department of economic security" to "department of human services."*

A	B
268.37	256.992
268.38	256.993
268.52	256.994
268.53	256.995
268.54	256.996

Sec. 82. [REVISOR'S INSTRUCTION; RENUMBERING.]

*In Minnesota Statutes 1986 and later editions of the statutes, the revisor shall renumber each section listed in column A with the number in column B. The revisor shall also make necessary cross-reference changes consistent with renumbering. In the renumbered sections, the revisor shall change the words "economic security" to "jobs and training."*

A	B
268.014	268A.009
268.021	268A.010
268.026	268A.011
268.03	268A.012

268.04	268A.013
268.05	268A.014
268.06	268A.015
268.061	268A.016
268.07	268A.017
268.071	268A.018
268.072	268A.019
268.08	268A.020
268.081	268A.021
268.09	268A.022
268.10	268A.023
268.11	268A.024
268.12	268A.025
268.121	268A.026
268.13	268A.027
268.14	268A.028
268.15	268A.029
268.16	268A.030
268.17	268A.031
268.18	268A.032
268.20	268A.033
268.21	268A.034
268.22	268A.035
268.23	268A.036
268.231	268A.037

268.24	268A.038
268.25	268A.039
268.31	268A.040, subdivision 1
268.32	268A.040, subdivision 2
268.33	268A.040, subdivision 3
268.34	268A.040, subdivision 4
268.35	268A.040, subdivision 5
268.36	268A.040, subdivision 6
268.60	268A.042
268.61	268A.043
268.62	268A.044
268.63	268A.045
268.64	268A.046
268.671	268A.047
268.672	268A.048
268.673	268A.049
268.674	268A.050
268.675	268A.051
268.676	268A.052
268.677	268A.053
268.678	268A.054
268.679	268A.055
268.68	268A.056
268.681	268A.057
268.682	268A.058



268.683	268A.059
268.685	268A.060
268.82	268A.061
268.83	268A.062
268.84	268A.063

Sec. 83. [POLICY STATEMENT.]

*It is the policy of the state of Minnesota to encourage employers to hire members of targeted groups as defined in section 51(d) of the Internal Revenue Code of 1954, and to take advantage of the federal targeted jobs credit for employment of certain new employees computed under sections 51 to 53 of the Internal Revenue Code of 1954.*

Sec. 84. [REPEALER.]

*Minnesota Statutes 1984, sections 129A.02, subdivision 4; 245.84, subdivision 2; 256D.02, subdivision 8a; 256D.111; 256D.112; 257.62, subdivision 4; 268.011; 268.012; 268.013; 268.12, subdivisions 1 and 1a; 268.683, subdivision 2; 268.684; 268.685; 268.686; 268.80; and 268.81 are repealed.*

Sec. 85. [EFFECTIVE DATE.]

*Sections 1 to 8, and 14 to 19 of this article are effective the day following final enactment. Sections 9 to 13 are effective July 1, 1985."*

Delete the title and insert:

"A bill for an act relating to health and human services; providing for maternal and child health grant distribution; requiring parent contribution; providing day care program rates; abolishing state share of Title IV-E foster care payments; creating permanency planning grants to counties; providing services for the elderly; creating a consolidated chemical dependency services fund; clarifying case management services for the mentally retarded; changing the health maintenance organization provisions; requiring a health care market report; expanding duties of the interagency board for quality assurance; expanding the duties of the legislative commission on long-term care; requiring a study of home health care, services for mentally retarded persons, and services for mentally ill persons; requiring a study of guardianship; requiring a home equity conversion study; establishing prepaid health plans; changing nursing home provisions; expanding medical assistance for prenatal services; increasing incentives for enforcing child support payments; creating a

statewide jobs and training plan; appropriating money; amending Minnesota Statutes 1984, sections 116L.03, subdivision 7; 166L.04, by adding a subdivision; 129A.02, subdivision 2; 144.50, subdivision 2; 144.695; 144.70; 144A.01, subdivision 5; 144A.071, subdivisions 1, 2, and 3; 145.882; 145.883, subdivision 8; 145.884, subdivision 1; 145.885; 145.886; 178.03, by adding a subdivision; 245.73, by adding a subdivision; 245.783, by adding a subdivision; 245.84; 245.87; 246.04; 246.18; 246.23; 246.50, by adding a subdivision; 246.51, subdivision 1; 246.54; 248.07; 248.08; 256.045, subdivision 3, and by adding a subdivision; 256.736; 256.737; 256.74, subdivisions 1 and 5; 256.82, subdivision 2; 256.87, subdivisions 1, 1a, and 3; 256.969, subdivisions 1, 2, and by adding a subdivision; 256.99; 256B.02, subdivisions 2, 3, 8, and by adding a subdivision; 256B.04, subdivision 14; 256B.042, by adding subdivisions; 256B.06, subdivision 1; 256B.062; 256B.091, subdivisions 1, 2, 4, 5, and 8; 256B.092, subdivision 7, and by adding subdivisions; 256B.17, subdivision 6; 256B.19, subdivision 1; 256B.431, subdivisions 2b, 3, and 4; 256B.50; 256B.504; 256B.70; 256C.24; 256C.25; 256C.26; 256D.01, subdivision 1a; 256D.02, subdivision 13; 256D.03, subdivisions 4 and 6; 256D.04; 256D.05, subdivision 1; 256E.12, subdivision 1; 257.58, subdivision 1; 260.38; 268.31; 268.32; 268.33; 268.34; 268.35; 268.36; 268.673, subdivisions 1 and 3; 268.676, subdivisions 1 and 2; 268.683, subdivision 3; 268.685; 268.82; 393.07, by adding a subdivision; 474.01, subdivisions 7a and 9; 518.551, subdivision 7; 518.611, subdivisions 2, 3, 4, 6, and by adding subdivisions; 518.645; 543.20; proposing coding for new law in Minnesota Statutes, chapters 62D; 144; 246; 256; 256B; 256D; 256F; and 268A; proposing coding for new law as Minnesota Statutes, chapter 254B; repealing Minnesota Statutes 1984, sections 62D.25; 62D.26; 62D.28; 62D.29; 62E.17; 129A.02, subdivision 4; 145.884, subdivision 2; 245.84, subdivision 2; 256.045, subdivision 2; 256.966, subdivision 2; 256.968; 256D.02, subdivision 8a; 256D.111; 256D.112; 257.62, subdivision 4; 259.405; 268.011; 268.012; 268.013; 268.12, subdivisions 1 and 1a; 268.683, subdivision 2; 268.684; 268.685; 268.686; 268.80; and 268.81."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Neuenschwander was excused for the remainder of today's session.

## MOTIONS AND RESOLUTIONS

Anderson, R., moved that the name of Fjoslien be added as an author on H. F. No. 694. The motion prevailed.

Fjoslien moved that the name of Uphus be stricken and the name of Clark be added as an author on H. F. No. 1016. The motion prevailed.

Carlson, L., moved that the names of Bennett and Rest be added as authors on H. F. No. 1225. The motion prevailed.

Gutknecht moved that the names of Knuth, Waltman and Vanasek be added as authors on H. F. No. 1267. The motion prevailed.

Bishop moved that the name of Clark be added as an author on H. F. No. 1391. The motion prevailed.

Pappas moved that the name of Segal be added as an author on H. F. No. 1403. The motion prevailed.

Segal moved that the name of Cohen be added as an author on H. F. No. 245. The motion prevailed.

Rose moved that H. F. No. 1056 be recalled from the Committee on Environment and Natural Resources and be re-referred to the Committee on Transportation. The motion prevailed.

Carlson, D., moved that H. F. No. 624 be returned to its author. The motion prevailed.

Uphus introduced:

House Resolution No. 20, A house resolution congratulating the Lakers boys basketball team from Glenwood High School for winning the consolation championship at the 1985 Class A Boys State High School Basketball Championship.

The resolution was referred to the Committee on Education.

House Resolution No. 6 was reported to the House.

#### HOUSE RESOLUTION NO. 6

A house resolution recognizing the outstanding Parents are Teachers program and Family Oriented Structured Preschool Activity program achievements at the St. Cloud Area Vocational Technical Institute.

*Whereas*, family education is an important factor in maintaining the quality of life in Minnesota and is being recognized as an important phase of education in the United States; and

*Whereas*, the St. Cloud Area Vocational Technical Institute's parent-child development programs, Parents are Teachers and Family Oriented Structured Preschool Activity, were developed in conjunction with the American Vocational Association and the W. K. Kellogg Foundation as a response to increased recognition of family problems; and

*Whereas*, both programs have been replicated in two foreign countries and 22 states with a total of 170 community-based programs in Minnesota and the nation; and

*Whereas*, this program emphasizes the self-esteem, uniqueness, and importance of the child and helps parents gain confidence in interaction with their children; and

*Whereas*, these programs are positive steps toward the prevention of child abuse and other family problems; and

*Whereas*, these programs received a national award and recognition at the 1984 American Vocational Association Conference; and

*Whereas*, Minnesota's vocational technical education programs received 25 percent of all national awards given by the American Vocational Association in November, 1984; *Now, Therefore*,

*Be It Resolved* by the House of Representatives of the State of Minnesota that it commends the St. Cloud Area Vocational Technical Institute and the Parents are Teachers and Family Oriented Structured Preschool Activity instructional staff for program innovation and excellence in meeting the needs of Minnesota's families.

*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 by his signature and that of the Speaker, and present them to representatives of the St. Cloud Area Vocational Technical Institute and the Parents are Teachers and Family Oriented Structured Preschool Activity programs.

Gruenes moved that House Resolution No. 6 be now adopted. The motion prevailed and House Resolution No. 6 was adopted.

House Resolution No. 18 was reported to the House.

#### HOUSE RESOLUTION NO. 18

A house resolution congratulating the Flyers girls basketball team from Little Falls High School for winning the 1985 Class AA Girls State High School Basketball Championship.

*Whereas*, high school athletics in Minnesota contribute to the welfare of the state by teaching students the principles of fair competition and cooperation, by promoting good health among players, and by delighting fans; and

*Whereas*, the Flyers from Little Falls High School took part in the 1985 Class AA Girls State Basketball Tournament as one

of just 16 teams from among 491 teams originally participating; and

*Whereas*, the Flyers won the 1985 Region 8AA Championship and the Class AA State Championship by defeating Mankato East High School in an exciting final game; and

*Whereas*, the Flyers finished the year with an outstanding win-loss record of 22 and 4; and

*Whereas*, this is the third state title for the Little Falls girls basketball team; and

*Whereas*, the Flyers have distinguished themselves throughout the season by their talent, sportsmanship, and style; *Now, Therefore*,

*Be It Resolved* that the House of Representatives of the State of Minnesota congratulates the Little Falls High School Flyers girls basketball team not only on winning the state championship but on its achievements throughout the year. In particular, congratulations are extended to: Maarja Aalgaard, Jodi Anderson, Sandy Copa, Kris Jackson, Diane Kempenich, Sandy Larson, Sue Lies, Mary Lukasavitz, Kari Norton, Kathy Peine, LaRae Pelzer, Barb Poissant, Paula Quinn, Maria Simonet, Sherry Tillman, Sandy Vosen, as team members; Jodi Christianson, the student manager; Frances O'Toole, the statistician; Ron Hinnenkamp, John Haas, and Ron Koski, assistant coaches; and Jerry Cool, the head coach.

*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 the principal of Little Falls High School.

Wenzel moved that House Resolution No. 18 be now adopted. The motion prevailed and House Resolution No. 18 was adopted.

Halberg was excused for the remainder of today's session.

Pursuant to rule 1.15, Piper moved that S. F. No. 85 be recalled from the Committee on Financial Institutions and Insurance, be given its second reading and be advanced to General Orders.

A roll call was requested and properly seconded.

The question was taken on the Piper motion and the roll was called. There were 63 yeas and 67 nays as follows:

## Those who voted in the affirmative were:

Anderson, G.	Greenfield	Metzen	Piper	Solberg
Battaglia	Jacobs	Minne	Price	Sparby
Beard	Jaros	Munger	Quinn	Staten
Begich	Jennings, L.	Nelson, D.	Rest	Tomlinson
Brandl	Kahn	Nelson, K.	Rice	Tunheim
Brinkman	Kalis	Norton	Riveness	Vanasek
Brown	Kelly	O'Connor	Rodosovich	Vellenga
Carlson, D.	Knuth	Ogren	Sarna	Voss
Carlson, L.	Krueger	Olson, E.	Scheid	Welle
Clark	Lieder	Osthoff	Schoenfeld	Wenzel
Cohen	Long	Otis	Segal	Wynia
Elioff	McEachern	Pappas	Simoneau	
Ellingson	McLaughlin	Peterson	Skoglund	

## Those who voted in the negative were:

Anderson, R.	Dyke	Johnson	Pauly	Sviggum
Backlund	Erickson	Kiffmeyer	Piepho	Thiede
Becklin	Fjoslien	Knickerbocker	Poppenhagen	Thorson
Bennett	Forsythe	Kvam	Quist	Tjornhom
Bishop	Frederick	Levi	Redalen	Tompkins
Blatz	Frederickson	Marsh	Rees	Uphus
Boerboom	Frerichs	McDonald	Richter	Valan
Boo	Gruenes	McKasy	Rose	Valento
Burger	Gutknecht	McPherson	Schafer	Waltman
Carlson, J.	Hartinger	Miller	Schreiber	Zaffke
Clausnitzer	Hartle	Olsen, S.	Seaberg	Spk. Jennings, D.
Dempsey	Haukoos	Omann	Shaver	
DenOuden	Heap	Onnen	Sherman	
Dimler	Hirle	Ozment	Stanius	

The motion did not prevail.

## POINT OF ORDER

Levi raised a point of order pursuant to section 114, paragraph 4, of "Mason's Manual of Legislative Procedure" relating to asking questions of members. The Speaker ruled the point of order not well taken.

## ADJOURNMENT

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, April 8, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

