

VOLUME 3
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OF THE
LEGISLATURE
STATE OF MINNESOTA
1985

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STATE OF MINNESOTA

SEVENTY-FOURTH SESSION - 1985

FIFTY-THIRD DAY

SAINT PAUL, MINNESOTA, MONDAY, MAY 6, 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 Gerard Rowan, St. Rita's Church, Cottage Grove, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Ogren was excused.

Brandl was excused until 8:45 p.m.

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. 1457, 782 and 1280 and S. F. No. 547 have been placed in the members' files.

S. F. No. 581 and H. F. No. 605, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Knickerbocker moved that the rules be so far suspended that S. F. No. 581 be substituted for H. F. No. 605 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 675 and H. F. No. 723, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Johnson moved that the rules be so far suspended that S. F. No. 675 be substituted for H. F. No. 723 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received :

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 30, 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. 151, relating to education ; prohibiting a school district from commencing the school year prior to Labor Day ; amending Minnesota Statutes 1984, section 126.12.

Sincerely,

RUDY PERPICH
Governor

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 1, 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 Files:

H. F. No. 953, relating to the city of Hermantown; permitting the city to fix the size of its public utilities commission.

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

H. F. No. 511, relating to crimes; clarifying the elements of the crime of assault in the second degree; amending Minnesota Statutes 1984, section 609.222.

H. F. No. 928, relating to recreational vehicles; requiring registration of snowmobiles; exemption; abolishing special registration requirements for collector's snowmobiles; amending Minnesota Statutes 1984, section 84.82, subdivision 6, and by adding a subdivision; repealing Minnesota Statutes 1984, section 84.82, subdivision 9.

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.

H. F. No. 1254, 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.

H. F. No. 183, relating to commerce; modifying the finance charge on certain open end credit sales; providing for notice of increased interest rates; amending Minnesota Statutes 1984, section 334.16, subdivision 1.

Sincerely,

RUDY PERPICH
Governor

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

May 1, 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>
	151	51	April 30	April 30
	158	52	May 1	May 1
	511	53	May 1	May 1
	928	54	May 1	May 1
	953	55	May 1	May 1
	1254	56	May 1	May 1
	886	Resolution No. 3	May 1	May 1

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

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

May 2, 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>
	183	57	May 1	May 1

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Schreiber from the Committee on Taxes to which was referred:

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.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 168.125, subdivision 1, is amended to read:

Subdivision 1. [SPECIAL PLATES; APPLICATION; FEE; TRANSFER.] The registrar shall issue special license plates bearing the inscription “EX-POW” to any applicant who is both a former prisoner of war and an owner or joint owner of a motor vehicle upon the applicant’s compliance with all the laws of this state relating to the registration and licensing of motor vehicles and drivers. The special license plates shall be of a design and size to be determined by the commissioner. Plates bearing the “EX-POW” inscription may be issued for only one motor vehicle per applicant.

Application for issuance of these plates shall be made at the time of renewal or first application for registration. The application shall include a certification by the commissioner of veterans’ affairs that the applicant was a member of the military forces of the United States who was captured, separated, and incarcerated by an enemy of the United States during a period of armed conflict.

The applicant shall pay (, IN ADDITION TO) *only* the registration tax required by law (, A FEE OF \$10) for the special license plates issued under this section. (THE ADDITIONAL FEE IS PAYABLE ONLY WHEN THE PLATES ARE IS-

SUED AND NO ADDITIONAL FEE IS PAYABLE IN ANY YEAR IN WHICH TABS OR STICKERS ARE ISSUED IN LIEU OF NUMBER PLATES. ALL FEES FROM THE SALE OF THE SPECIAL LICENSE PLATES SHALL BE PAID INTO THE STATE TREASURY AND CREDITED TO THE HIGHWAY USER TAX DISTRIBUTION FUND.)

Notwithstanding the provisions of section 168.12, subdivision 1, the special license plates issued under this section may be transferred to another motor vehicle owned or jointly owned by the former prisoner of war upon (THE PAYMENT OF A FEE OF \$5. THIS FEE SHALL BE PAID INTO THE STATE TREASURY AND CREDITED TO THE HIGHWAY USER TAX DISTRIBUTION FUND) *notification to the registrar.*

For purposes of this section, "motor vehicle" means a passenger automobile, station wagon, pickup truck, motorcycle, or recreational vehicle."

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.

Schreiber from the Committee on Taxes to which was referred :

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.

Reported the same back with the following amendments :

Delete everything after the enacting clause and insert :

"Section 1. Minnesota Statutes 1984, section 297B.03, is amended to read :

297B.03 [EXEMPTIONS.]

There is specifically exempted from the provisions of this chapter and from computation of the amount of tax imposed by it the following :

(1) Purchase or use, including use under a lease purchase agreement or installment sales contract made pursuant to section 465.71, of any motor vehicle by any person described in and sub-

ject to the conditions provided in section 297A.25, subdivision 1, clauses (j), (p) and (r).

(2) Purchase or use of any motor vehicle by any person who was a resident of another state at the time of the purchase and who subsequently becomes a resident of Minnesota, provided the purchase occurred more than 60 days prior to the date such person moved his residence to the state of Minnesota.

(3) Purchase or use of any motor vehicle by any person making a valid election to be taxed under the provisions of section 297A.211.

(4) Purchase or use of any motor vehicle previously registered in the state of Minnesota by any corporation or partnership when such transfer constitutes a transfer within the meaning of sections 351 or 721 of the Internal Revenue Code of 1954, as amended through December 31, 1974.

(5) Purchase or use of any vehicle owned by a resident of another state and leased to a Minnesota based private or for hire carrier for regular use in the transportation of persons or property in interstate commerce provided the vehicle is titled in the state of the owner or secured party, and that state does not impose a sales or motor vehicle excise tax on motor vehicles used in interstate commerce.

(6) *Purchase or use of a passenger automobile as defined in section 168.011, subdivision 7, if the passenger automobile is in the tenth or subsequent year of vehicle life and is currently registered in Minnesota other than registration under section 168.10, subdivisions 1a, 1b, 1c, and 1d.*

Sec. 2. Minnesota Statutes 1984, section 115A.908, is amended by adding a subdivision to read:

Subd. 1a. [ADDITIONAL FEE.] The fee imposed in subdivision 1 is increased by \$10 for a transfer of title within the state, other than transfers for resale purposes, of every passenger automobile described in section 297B.03, clause (6). This fee is in lieu of the motor vehicle excise tax from which those passenger automobiles are exempt. Notwithstanding subdivision 2, revenue from the fee imposed by this subdivision shall be allocated as provided in section 297B.09.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective for sales and transfers made after June 30, 1985."

Amend the title as follows:

Page 1, line 3, after "cars;" insert "imposing a fee in lieu of the tax;"

Page 1, line 4, delete "section" and insert "sections 115A.908, by adding a subdivision; and"

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. 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.

Reported the same back with the following amendments:

Page 2, line 26, after "*finance*" insert a comma

Page 2, line 26, delete "*general*" and after "*fund*" insert "*or account*"

Page 2, line 27, after "*treasury*" insert "*to which the money was credited,*"

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. 630, A bill for an act relating to transportation; motor carriers; increasing certain vehicle gross weight registration taxes; prescribing length and weight restrictions; revising gross weight vehicle zone; providing for ten percent overweight movement of potatoes and sugar beets; allocating funds to certain highway improvements; prescribing requirements for special permits for certain overweight vehicles; providing that counties may challenge seasonal weight restrictions imposed by commissioner; accelerating distribution of motor vehicle excise tax revenue; requiring plan to upgrade market arteries and a report to the legislature; prescribing a fee; amending Minnesota Statutes 1984, sections 168.013, subdivision 1e; 169.81, subdivision 2; 169.825, subdivisions 8, 10, 11, and by adding a subdivision; 169.-

833; 169.86, subdivisions 1a, 2, and by adding a subdivision; 169.87, subdivision 1, and by adding a subdivision; and 297B.09, subdivision 2.

Reported the same back with the following amendments:

Page 16, after line 2, insert:

"Sec. 11. Minnesota Statutes 1984, section 169.862, is amended to read:

169.862 [PERMITS FOR WIDE LOADS OF BALED (HAY) AGRICULTURAL PRODUCTS.]

The commissioner of transportation with respect to highways under the commissioner's jurisdiction, and local authorities with respect to highways under their jurisdiction, may issue an annual permit to enable a vehicle carrying round (BALED HAY) *bales of agricultural products*, with a total outside width of the vehicle or the load not exceeding 11-1/2 feet, to be operated on public streets and highways. Permits issued under this section are governed by the applicable provisions of section 169.86 except as otherwise provided herein and, in addition, carry the following restrictions:

(a) The vehicles may not be operated between sunset and sunrise, when visibility is impaired by weather, fog, or other conditions rendering persons and vehicles not clearly visible at a distance of 500 feet, or on (SATURDAYS, SUNDAYS, AND) *Sunday from noon until sunset, or on the days the following holidays are observed: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.*

(b) The vehicles may not be operated on interstate highways.

(c) The vehicles may not be operated on a trunk highway with a pavement less than 24 feet wide.

(d) A vehicle operated under the permit must be equipped with a retractable or removable mirror on the left side so located that it will reflect to the driver a clear view of the highway for a distance of at least 200 feet to the rear of the vehicle. (SIMULTANEOUS FLASHING AMBER LIGHTS, AS PROVIDED IN SECTION 169.59, SUBDIVISION 4, MUST BE DISPLAYED TO THE FRONT AND REAR OF THE VEHICLE. THE FLASHING AMBER LIGHTS MUST BE LIGHTED ONLY WHEN THE WIDTH OF THE LOAD EXCEEDS 102 INCHES. THE FLASHING AMBER LIGHT SYSTEM IS IN ADDITION TO AND SEPARATE FROM THE TURN SIGNAL SYSTEM AND THE HAZARD WARNING LIGHT SYSTEM.)

(e) A vehicle operated under the permit must display red, orange, or yellow flags, (12) 18 inches square, as markers at the

front and rear and on both sides of the load. The load must be securely bound to the transporting vehicle.

The fee for the permit is \$24."

Page 18, line 16 to page 19, line 19, delete section 13

Page 20, delete lines 13 and 14

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, after the semicolon insert "allowing wide loads of baled agricultural products to travel certain roads at certain times by annual permit; removing a requirement that wide loads be marked by flashing amber lights;"

Page 1, line 11, delete everything after the semicolon

Page 1, line 12, delete everything through the semicolon

Page 1, line 18, after the semicolon insert "169.862;"

Page 1, line 19, delete everything after the first "subdivision" and insert a period

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. 687, A bill for an act relating to agriculture; establishing a trade office promotional fund and statistical services account; clarifying membership of the soil and water conservation board; defining terms, extending a tax credit to dealers or distributors, and prescribing reports in connection with agricultural alcohol gasoline; establishing courses and appropriating money for alcohol fuel courses; amending Minnesota Statutes 1984, sections 17.101, by adding a subdivision; 40.03, subdivision 1; 296.01, subdivisions 7 and 24; 296.02, subdivision 7; and 296.14, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 17.

Reported the same back with the following amendments:

Page 2, line 36 to page 3, line 11, delete section 4 and insert:

"Sec. 4. Minnesota Statutes 1984, section 296.01, subdivision 6, is amended to read:

Subd. 6. [SPECIAL FUEL.] "Special fuel" means (1) all combustible gases and liquid petroleum products or substitutes therefor, except gasoline, which are delivered into the supply tank of a licensed motor vehicle or into storage tanks maintained by an owner or operator of a licensed motor vehicle as a source of supply for such vehicle; or (2) all combustible gases and liquid petroleum products or substitutes therefor, except gasoline, when delivered to a licensed special fuel dealer or to the retail service station storage of a distributor who has elected to pay the special fuel excise tax as provided in section 296.12, subdivision 3; or (3) all combustible gases and liquid petroleum products or substitutes therefor, except gasoline, which are used as aviation fuel; or (4) *an alcohol which is agriculturally derived fermentation alcohol of a purity of at least 55 percent and designed to be used in conjunction with diesel fuel in a diesel engine's internal combustion process, determined without regard to any added denaturants, denatured in conformity with one of the approved methods set forth by the United States Department of Treasury, Bureau of Alcohol, Tobacco and Firearms, and derived from agricultural products such as cereal grains, cheese whey, sugar beets, or forest products.*"

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

Page 3, line 18, delete everything after "percent,"

Page 3, delete lines 19 to 21

Page 4, lines 7 to 9, delete the new language and insert "*A distributor shall be allowed a credit on each gallon of fuel grade alcohol commercially blended with gasoline or blended in a tank trunk with gasoline on which the tax imposed by subdivision 1 is due and*"

Page 4, line 11, delete "unleaded"

Page 4, line 15, delete "or dealer"

Page 4, line 16, delete "Any credit that would"

Page 4, lines 17 to 22, delete the new language and insert "*The tax credit received by a distributor on alcohol blended with motor fuels shall be passed on to the retailer*"

Page 4, line 23, to page 6, line 1, delete section 7 and insert:

"Sec. 7. Minnesota Statutes 1984, section 296.02, subdivision 8, is amended to read:

Subd. 8. [TAX REDUCTION FOR AGRICULTURAL ALCOHOL GASOLINE SOLD IN BULK TO GOVERNMENT OR FOR SCHOOL TRANSPORTATION.] (THE TAX ON GASOLINE IMPOSED BY SUBDIVISION 1 SHALL BE REDUCED BY EIGHT CENTS PER GALLON BEGINNING JANUARY 1, 1984, AND CONTINUING THROUGH JUNE 30, 1992, FOR GASOLINE WHICH IS AGRICULTURAL ALCOHOL GASOLINE AS DEFINED IN SECTION 296.01, SUBDIVISION 24, MEETS THE CRITERIA ESTABLISHED IN SUBDIVISION 7, AND) *A distributor shall be allowed a credit of 80 cents for every gallon of fuel grade alcohol blended with gasoline to produce agricultural alcohol gasoline which is sold in bulk to the state, local units of government, or for use in the transportation of pupils to and from (SCHOOL OR) school-related events in school (BUSES) vehicles. This reduction is in lieu of the reductions provided in subdivision 7.*

Page 6, after line 16, insert:

“Sec. 10. [EFFECTIVE DATE.]

Sections 4, 5, 6, and 7 are effective July 1, 1986. Sections 1, 2, 3, and 8 are effective August 1, 1985.”

Amend the title as follows:

Page 1, line 6, delete “dealers or”

Page 1, line 11, delete “7” and insert “6” and before “296.02” insert “and”

Page 1, line 12, delete “subdivision” and insert “subdivisions” and after “7” insert “and 8”

Page 1, line 12, delete “and 296.14, subdivision 1;”

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

The report was adopted.

Schreiber from the Committee on Taxes 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 following amendments:

Page 1, after line 13, insert:

"Sec. 2. [SPECIAL LEVY AUTHORITY; COUNTY AGRICULTURAL FAIRS.]

Hubbard county may levy a property tax not greater than \$20,000 annually and disburse its proceeds to operate county agricultural fairs and maintain buildings and grounds used for county agricultural fairs. This section supersedes any inconsistent provision of Minnesota Statutes, sections 38.17, 375.18, subdivision 8, or other law. The tax provided by this act shall be disregarded in the calculation of any other levy or limit on levies provided by Minnesota Statutes, sections 275.50 to 275.56 or other law. The authority allowed by this section is provided at the request of the board of county commissioners of Hubbard county."

Page 1, line 16, after "1" insert "or 2"

Page 2, after line 15, insert:

"Sec. 4. [CASS COUNTY; TOURISM AND AGRICULTURE PROMOTION.]

The Cass county board may annually levy not more than \$70,000 on taxable property in the county and disburse the proceeds of the levy to promote tourism and agriculture in the county. A levy under this section shall be disregarded in the calculation of any other levies or limits on levies provided by Minnesota Statutes, sections 275.50 to 275.56 or other law.

Sec. 5. [REVERSE REFERENDUM.]

If the Cass county board intends to exercise the authority provided by section 4 in subsequent years, it shall pass a resolution stating the fact before January 1, 1986. Thereafter, the resolution shall be published for two successive weeks in the official newspaper of the county or, if there is no official newspaper, in a newspaper of general circulation in the county, together with a notice fixing a date for a public hearing on the matter. The hearing shall be held not less than two weeks nor more than four weeks after the first publication of the resolution. Following the public hearing, the county may determine to take no further action or, in the alternative, adopt a resolution confirming its intention to exercise the authority. That resolution shall also be published in the official newspaper of the county or, if there is no official newspaper, in a newspaper of general circulation in the county. If within 30 days thereafter a petition signed by voters equal in number to five percent of the votes cast in the county in the last general election requesting a vote on the proposed resolution is filed with the clerk, the resolution shall not be effective until it has been submitted to the

voters at a general or special election and a majority of votes cast on the question of approving the resolution are in the affirmative. The commissioner of revenue shall prepare a suggested form of question to be presented at the election. The referendum must be held at a special or general election prior to December 1, 1986."

Page 2, line 17, delete "*This act is*" and insert "*Sections 1 to 3 are*"

Page 2, line 19, after the period insert "*Sections 4 and 5 are effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of Cass county.*"

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "county" and insert "and Cass counties"

Page 1, line 2, delete "a" and delete "levy" and insert "levies"

Page 1, line 3, before the semicolon insert ", county agricultural societies, and tourism and agricultural promotions"

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. 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.

Reported the same back with the following amendments:

Page 1, line 12, before "*There*" insert "*(a)*"

Page 1, delete lines 16 to 25 and insert "*means the excess, if any, of*

(1) interest received or accrued by the taxpayer on qualified obligations for the taxable year, over the sum of

(2) *the additional state tax that was paid by the taxpayer for the taxable year because the interest was subject to tax under Laws 1983, chapter 213, and*

(3) *the interest that would have been received or accrued on the qualified obligations for the taxable year, if the interest rate had not been increased, less*

(4) *product of (i) the additional amount of state income tax, if any, deducted by the taxpayer in computing its federal income tax liability for the tax year because the interest was subject to tax under Laws 1983, chapter 213, and (ii) the taxpayer's marginal federal income tax rate."*

Page 1, line 26, delete "1983, chapter 213."

Page 1, after line 27, insert:

"(b) For purposes of this section, the following terms have the meanings given:

(1) *"Qualified obligation" means an obligation, the interest on which became taxable under this chapter pursuant to Laws 1983, chapter 213, and the obligation was subject to an agreement providing for an increase in the interest rate if the obligation became subject to state taxation. An obligation is a qualified obligation only if the agreement provided and the taxpayer or another person exercised a right to increase or otherwise permitted the interest rate on the obligations to increase to a rate greater than the otherwise applicable rate divided by .88.*

(2) *"Marginal federal income tax rate" means the highest federal income tax rate imposed on the taxpayer's taxable income for the taxable year."*

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. 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.

Reported the same back with the following amendments :

Page 1, after line 11, insert :

“Section 1. Minnesota Statutes 1984, section 60B.44, subdivision 1, is amended to read :

Subdivision 1. [DEDUCTIBLE PROVISION.] The (ORDER OF) distribution of claims from the insurer's estate shall be (AS) *in the order* stated in this section *with a descending degree of preference for each subdivision*. The first \$50 of the amount allowed on each claim in the classes under subdivisions 3 to 7 shall be deducted from the claim and included in the class under subdivision 9. Claims may not be cumulated by assignment to avoid application of the \$50 deductible provision. Subject to the \$50 deductible provision, every claim in each class shall be paid in full or adequate funds retained for the payment before the members of the next class receive any payment. No subclasses shall be established within any class.”

Page 2, line 10, after “state” insert “*or as soon thereafter as is practical,*”

Page 5, line 18, before the period insert “; *provided that the aggregate amount of offsets by all member insurers in any one calendar year for prior assessments shall not exceed \$1,000,000*”

Page 6, line 2, before the period insert “; *provided that the aggregate amount of offsets by all member insurers in any one calendar year for prior assessments shall not exceed \$1,000,000*”

Renumber the sections in sequence

Amend the title as follows :

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.

Schreiber from the Committee on Taxes to which was referred :

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.

Reported the same back with the following amendments:

Page 10, line 30, delete “; REFUNDS”

Page 10, delete lines 31 to 35 and insert: “*Section 1 is effective for sales made after June 30, 1985.*”

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. 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.

Reported the same back with the following amendments:

Page 1, line 20, delete “*establish a procedure*” and insert “*adopt permanent and emergency rules,*”

Page 1, line 21, after “*application*” insert a comma

Page 1, line 22, delete “*desires*” and insert “*selects*”

Page 1, line 23, after “*collect*” insert “*a \$5 fee and*”

Page 1, line 25, delete “*The*”

Page 1, delete lines 26 to 28

Page 2, line 11, delete “, *subdivision 1a,*”

Page 2, after line 20, insert:

“Sec. 4. Minnesota Statutes 1984, section 27.03, is amended to read:

27.03 [DEALER (LICENSED) REGULATION.]

Subdivision 1. [LICENSE.] No person except a wool dealer shall engage in, or purport to be engaged in, or hold himself out as being engaged in, the business of a dealer at wholesale, or as being a dealer at wholesale, unless he shall be licensed and bonded to carry on such business by the commissioner.

Subd. 2. [REGISTRATION.] *The commissioner shall adopt permanent and emergency rules in conjunction with the license application to register wholesale produce dealers under section 386.42 in counties where the dealer selects to be registered. The commissioner shall collect a \$5 fee and the county registration fee from the dealer, register the dealer, and pay the county registration fee within ten days after the license is issued."*

Page 2, line 24, delete "*establish a procedure*" and insert "*adopt permanent and emergency rules,*"

Page 2, line 25, after "*application*" insert a comma

Page 2, line 27, after "*collect*" insert "*a \$5 fee and*"

Page 2, line 28, after "*fee*" insert "*from the buyer*"

Page 2, line 29, delete "*The*"

Page 2, delete lines 30 to 32

Page 3, line 22, delete "*crop products,*"

Page 3, line 23, delete "*livestock, or other*"

Page 3, line 25, delete "*valid*" and insert "*effective upon receipt*"

Page 3, line 27, delete "*valid*" and insert "*effective*"

Page 3, line 29, delete "*verifiable*" and after "*method*" insert "*by which receipt can be verified*"

Page 8, lines 35 and 36, reinstate the stricken language and delete the underscored language

Page 12, delete lines 12 to 18

Page 12, after line 18, insert:

"Sec. 10. Minnesota Statutes 1984, section 336.9-404, is amended to read:

336.9-404 [TERMINATION STATEMENT.]

(1) If a financing statement covering consumer goods is filed on or after January 1, 1977, then within one month or within ten days following written demand by the debtor after there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must file with each filing officer with whom the financing statement was filed, a termination statement to the effect that he no longer claims a security interest under the financing statement. The termination statement must set forth the name and address of the debtor and secured party as those items appear on the original financing statement or the most recently filed amendment; identify the original financing statement by file number and filing date; and be signed by the secured party. In other cases whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations, or otherwise give value, the secured party must (ON WRITTEN DEMAND BY THE DEBTOR) *not later than 30 days after the secured obligation has been satisfied* send the debtor, for each filing officer with whom the financing statement was filed, a termination statement to the effect that he no longer claims a security interest under the financing statement, which shall be identified by file number. A termination statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of section 336.9-405, including payment of the required fee. If the affected secured party fails to file such a termination statement as required by this subsection, or to send such a termination statement within ten days after proper demand therefor he shall be liable to the debtor for \$100, and in addition for any loss caused to the debtor by such failure.

(2) On presentation to the filing officer of such a termination statement he must note it in the index. If he has received the termination statement in duplicate, he shall return one copy of the termination statement to the secured party stamped to show the time of receipt thereof. If the filing officer has a microfilm or other photographic record of the financing statement, and of any related continuation statement, statement of assignment and statement of release, he may remove the originals from the files at any time after receipt of the termination statement, or if he has no such record, he may remove them from the files at any time after one year after receipt of the termination statement.

(3) There shall be no fee collected for the filing of a termination if the termination statement is in the standard form prescribed by the secretary of state and otherwise shall be \$5, plus in each case, if the original financing statement was subject to subsection (5) of section 336.9-402, the fee prescribed by section 357.18, subdivision 1, clause (1)."

Page 12, line 35, delete "*establish and*"

Page 12, line 36, delete everything before "*separate*"

Page 13, line 1, delete "*must be maintained*"

Page 13, line 2, after "(3)" delete "*buyers of other farm*" and insert "*wholesale produce dealers*"

Page 13, line 3, delete "*products*"

Page 13, line 5, delete everything after "*buyers*"

Page 13, line 6, delete "*registration fee*"

Page 13, line 10, delete "*for crop products,*"

Page 13, line 11, delete everything before "*to*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "*agriculture*" and insert "*commerce*"

Page 1, line 3, after "*buyers*" insert "*and wholesale produce dealers*"

Page 1, line 7, delete everything after the semicolon

Page 1, delete line 8

Page 1, line 9, delete "*crops*" and insert "*requiring secured parties to send termination statements to debtors under certain circumstances*"

Page 1, line 11, after the first semicolon insert "*27.03;*"

Page 1, line 12, after "*336.9-403;*" insert "*336.9-404;*"

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. 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.

Reported the same back with the following amendments:

Page 9, after line 33, insert:

"Sec. 11. Minnesota Statutes 1984, section 41A.04, subdivision 4, is amended to read:

Subd. 4. [RULE-MAKING AUTHORITY.] In order to effectuate the purposes of sections 41A.01 to 41A.07, the board shall adopt rules which are subject to the provisions of chapter 14. The board may adopt emergency rules which may be effective until December 31, (1985) 1986."

Page 10, line 35, delete "(1) Subject to section 16A.80," and insert "(a)"

Page 11, line 8, delete "Section" and insert "Sections 16A.80 and"

Page 11, line 8, delete "does" and insert "do"

Page 11, line 11, delete "subaccount" and insert "account"

Page 11, line 22, delete "(a)" and insert "(1)"

Page 11, line 24, delete "(b)" and insert "(2)" and delete "are" and insert "shall be"

Page 11, line 27, delete "(2)" and insert "(b)"

Page 11, line 35, delete "(3)" and insert "(c)"

Page 13, line 31, delete "agriculture" and insert "energy and economic development"

Page 13, after line 36, insert:

"Sec. 19. Minnesota Statutes 1984, section 273.1312, subdivision 3, is amended to read:

Subd. 3. [DURATION.] Except for designations under subdivision 4, paragraph (c), clause (5), which shall be effective for five years, the designation of an area as an enterprise zone shall be effective for seven years after the date of designation.

Sec. 20. Minnesota Statutes 1984, section 273.1312, subdivision 4, is amended to read:

Subd. 4. [ELIGIBILITY REQUIREMENTS.] An area is eligible for designation if the following requirements are met:

(a) The boundary of the zone or each subdivision of the zone is continuous and includes vacant or underutilized lands or buildings.

(b) The area of the zone is less than 400 acres. The total market value of the taxable property contained in the zone at the time of application is less than \$100,000 per acre or \$300,000 per acre for an area located wholly within a first class city. A zone which is located in a city of the third or fourth class may be divided into two to four separate subdivisions which need not be contiguous with each other. Each subdivision must contain not less than 100 acres. The restrictions provided by this paragraph shall not apply to areas designated pursuant to paragraph (c), clause (2) or (3).

(c) (1) The proposed zone is located within an economic hardship area, as established by meeting two or more of the following criteria:

(A) the number of residential housing units within the area which are substandard is 15 percent or greater under criteria prescribed by the commissioner using data collected by the bureau of the census or data submitted by the municipality and approved by the commissioner;

(B) the percentage of households within the area that fall below the poverty level, as determined by the United States census bureau, is 20 percent or greater;

(C) (i) the total market value of commercial and industrial property in the area has declined over three of the preceding five years, or (ii) the total market value of all property in the area has declined or it has increased less than 10.5 percent over the preceding three-year period;

(D) for the last full year for which data is available, the per capita income in the area was 90 percent or less of the per capita income for the state, excluding standard metropolitan statistical areas, or for the standard metropolitan statistical area if the area is located in a standard metropolitan statistical area;

(E) (i) the current rate of unemployment in the area is 120 percent of the statewide average unemployment for the last 12-month period for which verifiable figures are available, or (ii) the total number of employment positions has declined by ten percent during the last 18 months; or

(2) The area is so designated under federal legislation providing for federal tax benefits to investors, employers or employees in enterprise zones; or

(3) The area consists of a statutory or home rule charter city with a contiguous border with a city in another state or with a contiguous border with a city in Minnesota which has a contiguous border with a city in another state and the area is determined by the commissioner to be economically or fiscally distressed; or

(4) *The area is an economic opportunity enterprise zone. An economic opportunity zone is an area in which a specific investment is proposed for a project that will create jobs; or*

(5) *The area is in a distressed county. A distressed county is a county which:*

(A) *has ten percent or more of the work force in the county employed in agriculture for the preceding period of May 1 to April 30 using the most current data available from the state demographer; or*

(B) *has an average unemployment rate of ten percent or more for the preceding period from May 1 to April 30. The annual and monthly unemployment rates of the counties shall be determined using data supplied by the department of economic security.*

Areas designated pursuant to paragraph (c), clause (4) or (5) need not meet the requirements of either paragraph (a) or (b) in order to qualify for designation.

For purposes of this subdivision, an economic hardship area must have a population under the most recent federal decennial census of at least (i) 4,000 if any of the area is located wholly or partly within a standard metropolitan statistical area, or (ii) 2,500 for an area located outside of a standard metropolitan statistical area, or (iii) no minimum in the case of an area located in an Indian reservation; except that, in the case of two or more cities seeking designation of an enterprise zone under a joint exercise of power pursuant to section 471.59, the minimum population required by this provision shall not exceed the sum of the populations of those cities.

Sec. 21. Minnesota Statutes 1984, section 273.1312, subdivision 5, is amended to read:

Subd. 5. [LIMITATION.] *Except as otherwise specifically provided by law, no area may be designated as an enterprise zone after December 31, 1986. No area may be designated as an enterprise zone which qualifies pursuant to section 273.1312, subdivision 4, paragraph (c), clause (3), after December 31, 1983.*

Sec. 22. Minnesota Statutes 1984, section 273.1313, subdivision 2, is amended to read :

Subd. 2. [PROGRAM.] (a) The governing body of any municipality which contains a designated enterprise zone as provided by section 273.1312 shall by resolution establish a program for classification of new property or improvements to existing property as employment property pursuant to the provisions of this section. Applications for classification under the program shall be filed with the municipal clerk or auditor in a form prescribed by the commissioner, with additions as may be prescribed by the municipal governing body. The application shall contain, where appropriate, a legal description of the parcel of land on which the facility is to be situated or improved; a general description of the facility or improvement and its proposed use, the probable time schedule for undertaking any construction or improvement, and information regarding the matters referred to in paragraph (d); the market value and the assessed value of the land and of all other taxable property then situated on it, according to the most recent assessment; and if the property is to be improved or expanded, an estimate of the probable cost of the new construction or improvement and the market value of the new or improved facility (excluding land) when completed.

(b) Upon receipt of an application the municipal clerk or auditor, subject to any prior approval required by the resolution establishing the program, shall furnish a copy to the assessor for the property and to the governing body of each school district and other public body authorized to levy taxes on the property, and shall publish a notice in the official newspaper of the time and place of a hearing to be held by the governing body on the application, not less than 30 days after the notice is published, stating that the applicant, the assessor, representatives of the affected taxing authorities, and any taxpayer of the municipality may be heard or may present their views in writing at or before the hearing. The hearing may be adjourned from time to time, but the governing body shall take action on the application by resolution within 30 days after the hearing. If disapproved, the reasons shall be set forth in the resolution, and the applicant may appeal to the commissioner within 30 days thereafter, but only on the ground that the determination is arbitrary, in relation to prior determinations as to classification under the program, or based upon a mistake of law. If approved, the resolution shall include determinations as to the matters set forth in paragraph (d), and the clerk or auditor shall transmit it to the commissioner.

(c) Within 60 days after receipt of an approved application or an appeal from the disapproval of an application, the commissioner shall take action on it. The commissioner shall approve each application approved by the governing body if he finds that it complies with the provisions of this section. If he disapproves the application, or finds grounds exist for appeal of a disap-

proved application, he shall transmit the finding to the governing body and the applicant. When grounds for appeal have been determined to exist, the governing body shall reconsider and take further action on the application within 30 days after receipt of the commissioner's notice and serve written notice of the action upon the applicant. The applicant, within 30 days after receipt of notice of final disapproval by the commissioner or the governing body, may appeal from the disapproval to a court of competent jurisdiction.

(d) In the case of enterprise zones qualifying pursuant to section 273.1312, subdivision 4, paragraph (c), clause (1), an application shall not be approved unless the governing body finds and determines that the construction or improvement of the facility:

(1) Is reasonably likely to create new employment or prevent a loss of employment in the municipality;

(2) Is not likely to have the effect of transferring existing employment from one or more other municipalities within the state;

(3) Is not likely to cause the total market value of employment property within the municipality to exceed five percent of the total market value of all taxable property within the municipality; or if it will, the resulting limitation upon the increase of the assessed value of all taxable property within the municipality, considering the amount of additional municipal services likely to be required for the employment property, is not likely to substantially impede the operation or the financial integrity of the municipality or any other public body levying taxes on property in the municipality; and

(4) Will not result in the reduction of the assessed value of existing property within the municipality owned by the applicant, through abandonment, demolition, or otherwise, without provision for the restoration of the existing property within a reasonable time in a manner sufficient to restore the assessed valuation.

(e) In the case of enterprise zones qualifying pursuant to section 273.1312, subdivision 4, paragraph (c), clause (3), (4), or (5), an application for assessment as employment property under section 273.13, subdivision 9, (OR) for a tax reduction pursuant to section 273.1314, subdivision 9, or for a tax abatement under subdivision 2a or section 273.1314, subdivision 9, may not be approved unless the (GOVERNING BODY) commissioner finds and determines that the construction or improvement of the facility is not likely to have the effect of transferring existing employment from one or more other municipalities within the state.

Sec. 23. Minnesota Statutes 1984, section 273.1313, is amended by adding a subdivision to read:

Subd. 2a. [DISTRESSED COUNTIES.] Employment property in an enterprise zone designated under section 273.1312, subdivision 4, paragraph (c), clause (5), shall not be reclassified but shall have the property tax on it abated for five years using the calculation prescribed in section 273.1314, subdivision 4b, paragraph (b).

Sec. 24. Minnesota Statutes 1984, section 273.1314, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given.

(a) "City" means a statutory or home rule charter city.

(b) "Commissioner" means the commissioner of energy and economic development.

(c) "Expanding business" means a business that adds at least 25 full-time employees, or increases its employment level by at least ten percent, over its base level of employment. A base employment level of a business shall be the highest average annual employment level of the business for the three calendar years preceding the year in which an expansion occurred. A business that purchases an existing Minnesota business, and does not increase the full-time employment level over the sum of the full-time employment levels of the two separate businesses, shall not qualify as an expanding business. The commissioner may determine that a business is not an expanding business if the commissioner finds that a business has manipulated its number of employees for the purpose of qualifying as an expanding business under this section.

(d) "Legislative advisory commission" means the legislative advisory commission established under section 3.30.

(e) "Manufacturing business" means a business whose principal activity is assembling, fabricating, manufacturing, mixing, or processing of products of agriculture, forestry, mining, or manufacture. Manufacturing includes conducting research and development activity to develop or improve products, production processes, or materials and the production of information and directions which dictate the functions to be performed by data processing equipment, commonly called computer software.

((D)) (f) "Municipality" means a city or a county for an area located outside the boundaries of a city. If an area lies in two or more cities or in both incorporated and unincorporated areas, municipality shall include an entity formed pursuant to

section 471.59 by the governing bodies of the cities with jurisdiction over the incorporated area and the counties with jurisdiction over the unincorporated area.

Sec. 25. Minnesota Statutes 1984, section 273.1314, is amended by adding a subdivision to read:

Subd. 1a. [DISTRESSED COUNTY.] The commissioner shall on July 31, 1985, and June 1 of every subsequent year designate counties which are distressed under section 273.1312, subdivision 4, paragraph (c), clause (5). The designation of a county as distressed is effective through May 31 of the following calendar year. A county may be designated as distressed as often as it so qualifies. Property and businesses in an enterprise zone designated according to section 273.1312, subdivision 4, paragraph (c), clause (5), are eligible for property tax abatements upon approval by the commissioner of a joint application of a municipality and a business. A municipality may not submit an application for an enterprise zone designation authorized by section 273.1312, subdivision 4, paragraph (c), clause (5), unless it finds that the project would not be undertaken but for the availability of the tax abatements. The findings must be adopted by a resolution of the governing body. A municipality may include in its application a request that the tax abatement for the business be less than that authorized by section 273.1314, subdivision 4b.

Sec. 26. Minnesota Statutes 1984, section 273.1314, subdivision 2, is amended to read:

Subd. 2. [SUBMISSION OF APPLICATIONS.] Except for applications for designation under section 273.1312, subdivision 4, paragraph (c), clause (4) or (5), which may be submitted any time, on or before August 31 of each year, a municipality seeking designation of an area as an enterprise zone shall submit an application to the commissioner. The commissioner shall establish procedures and forms for the submission of applications for enterprise zone designation.

Sec. 27. Minnesota Statutes 1984, section 273.1314, subdivision 4, is amended to read:

Subd. 4. [EVALUATION OF APPLICATIONS.] The commissioner shall review and evaluate the applications submitted pursuant to subdivision 3 and shall determine whether each area is eligible for designation as an enterprise zone. If the department of energy and economic development no longer exists as presently constituted, the commissioner shall consult with the successor to the responsibilities of the planning division of that department in making this determination. In determining whether an area is eligible under section 273.1312, subdivision 4, paragraph (c), if unemployment, employment, income or other necessary data are not available for the area from the federal

departments of labor or commerce or the state demographer, the commissioner may rely upon other data submitted by the municipality if he determines it is statistically reliable or accurate. The commissioner, in conjunction with the commissioner of revenue, shall prepare an estimate of the amount of state tax revenue which will be foregone for each application if the area is designated as a zone.

Except for enterprise zones eligible under section 273.1312, subdivision 4, paragraph (c), clause (4) or (5), which are not to be submitted to the commission, on or before October 1 of each year, the commissioner shall submit to the legislative advisory commission a list of the areas eligible for designation as enterprise zones, along with his recommendations for designation and supporting documentation. In making recommendations for designation, the commissioner shall consider and evaluate the applications pursuant to the following criteria:

(a) the pervasiveness of poverty, unemployment, and general distress in the area;

(b) the extent of chronic abandonment, deterioration or reduction in value of commercial, industrial or residential structures in the area and the extent of property tax arrearages in the area;

(c) the prospects for new investment and economic development in the area with the tax reductions proposed in the application relative to the state and local tax revenue which would be foregone;

(d) the competing needs of other areas of the state;

(e) the municipality's proposed use of other state and federal development funds or programs to increase the probability of new investment and development occurring;

(f) the extent to which the projected development in the zone will provide employment to residents of the economic hardship area, and particularly individuals who are unemployed or who are economically disadvantaged as defined in the federal Job Training Partnership Act of 1982, 96 Statutes at Large 1322;

(g) the funds available pursuant to subdivision 8; and

(h) other relevant factors which he specifies in his recommendations.

The commissioner shall submit a separate list of the areas entitled to designation as enterprise zones under section 273.1312, subdivision 4, paragraph (c), clauses (2) and (3), along

with his recommendations for the amount of funds to be allocated to each area.

Sec. 28. Minnesota Statutes 1984, section 273.1314, is amended by adding a subdivision to read:

Subd. 4a. [ECONOMIC OPPORTUNITY ZONES.] In evaluating an application for designation as an economic opportunity zone, the commissioner shall consider the number of new jobs a project will create, the investment in the project, and the number and degree of hardship factors listed in section 273.1312, subdivision 4, paragraph (c), clause (1)(A) to (E), which are present in the area where the proposed project is located.

The commissioner may not designate an economic opportunity zone if the project involves an investment in a restaurant, hotel, motel, or retail business unless the retail business is a catalog sales or distribution facility located in the opportunity zone and at least 70 percent of the business's sales originate outside of the state.

The commissioner may not approve any application unless the commissioner determines the project will provide a net economic benefit to the state over the life of the economic opportunity zone.

Sec. 29. Minnesota Statutes 1984, section 273.1314, is amended by adding a subdivision to read:

Subd. 4b. [DISTRESSED COUNTY ENTERPRISE ZONES.] (a) In evaluating an application from a business and municipality seeking tax abatements because it is in an enterprise zone eligible under section 273.1312, subdivision 4, paragraph (c), clause (5), the commissioner shall consider the number of new jobs or investments the abatements will help generate. Only applications submitted jointly by and for manufacturing businesses which are either new businesses to the state, expanding businesses in the municipality, or businesses which moved from another municipality in Minnesota shall be approved by the commissioner. On approval, the manufacturing business shall have property taxes in connection with its business in the enterprise zone abated for five years pursuant to paragraph (b). If an existing manufacturing business in an enterprise zone expands at its current location, the abatement of taxes shall be only for that portion of the business representing the expansion. If a manufacturing business moves employees or production to the enterprise zone from other areas of the state, the abatement of taxes shall be only for that proportion of the business in the enterprise zone representing an expansion over that moved from the other area. The commissioner may approve an application only upon determining that the project will provide a net economic benefit to the state over the life of the tax abatement.

(b) *The amount of the property tax abatements any approved business will receive shall be calculated in the following manner. The annual property tax liability for an approved manufacturing business shall be determined by dividing the annual average number of employees of the business in the distressed county on January 1, of the year in which the application is approved by the commissioner by the annual average number of employees of the business in the county on August 31, of the property tax assessment year for which the abatement is being calculated. The product of this quotient and the market value of the property shall be the new market value from which the business's ad valorem property tax liability is calculated. For applications approved in 1985, the annual property tax liability shall be determined by dividing the annual average number of employees of the business in the distressed county on July 1, 1985, by the annual average number of employees of the business in the distressed county on August 31, of the assessment year for which the abatement is being calculated. The product of this quotient and the market value of the property shall be the new market value from which the business's ad valorem property tax liability is calculated. The property tax abatement shall apply to the five property tax payable years immediately succeeding the year in which the application is approved.*

Sec. 30. Minnesota Statutes 1984, section 273.1314, subdivision 5, is amended to read:

Subd. 5. [LAC RECOMMENDATIONS.] On or before October 15, the legislative advisory commission shall submit to the commissioner its advisory recommendations regarding the designation of enterprise zones. By October 30 of each year the commissioner shall make the final designation of the areas as enterprise zones, pursuant to section 273.1312, subdivision 2. *Designations made pursuant to section 273.1312, subdivision 4, paragraph (c), clause (4) or (5), may be made at any time of the year.* In making the designation, the commissioner may make modifications in the design of or limitations on the tax reductions contained in the application necessary because of the funding limitations under subdivision 8.

Sec. 31. Minnesota Statutes 1984, section 273.1314, subdivision 7, is amended to read:

Subd. 7. [LIMITATIONS; NUMBER OF DESIGNATIONS.] (a) In each of the years 1983 and 1984, the commissioner shall designate at least two but not more than five areas as enterprise zones. No designations shall be made after December 31, 1984.

(b) No more than one area may be designated as an enterprise zone in any county, except that two areas may be designated in a county containing a city of the first class.

(c) No more than two areas in a congressional district may be designated as an enterprise zone in 1984.

(THIS SUBDIVISION) *Paragraphs (a) to (c)* shall not apply to enterprise zones designated pursuant to section 273.1312, subdivision 4, paragraph (c), clause (2) (OR), (3), (4), or (5).

The commissioner may make designations according to section 273.1312, subdivision 4, paragraph (c), clause (4), until December 31, 1987, and in a number that the commissioner determines is reasonable in relation to available funds. Designations of enterprise zones authorized by section 273.1312, subdivision 4, paragraph (c), clause (5), may be made until December 31, 1987, and in a number that the commissioner believes is reasonable in relation to available funds.

Sec. 32. Minnesota Statutes 1984, section 273.1314, subdivision 8, is amended to read:

Subd. 8. [FUNDING LIMITATIONS.] The maximum amount of the tax reductions which may be authorized pursuant to designations of enterprise zones under section 273.1312, subdivision 4, paragraph (c), clauses (1), (2), and (3) and this section is limited to \$35,600,000. The maximum amount of tax reductions which may be authorized pursuant to designations of enterprise zones under section 273.1312, subdivision 4, paragraph (c), clause (4), is \$7,500,000. A maximum of \$2,500,000 of tax reductions may be authorized for each of the fiscal years 1986, 1987, and 1988. The maximum amount of this total which may be authorized by the commissioner for tax reductions pursuant to subdivision 9 that will reduce tax revenues which otherwise would have been received during fiscal years 1984 and 1985 is limited to \$9,000,000. Of the total limitation and the 1984-1985 biennial limitation the commissioner shall allocate to enterprise zones designated under section 273.1312, subdivision 4, paragraph (c), clause (3), an amount equal to \$16,610,940 and \$5,000,000 respectively. These funds shall be allocated among such zones on a per capita basis except that the maximum allocation to any one city is \$6,610,940 and no city's allocation shall exceed \$210 on a per capita basis. An amount sufficient to fund the state funded property tax credits, the refundable income tax credits, and the sales tax exemption, as authorized pursuant to this section is appropriated to the commissioner of revenue. Upon designation of an enterprise zone the commissioner shall certify the total amount available for tax reductions in the zone for its duration. The amount certified shall reduce the amount available for tax reductions in other enterprise zones. If subsequent estimates indicate or actual experience shows that the approved tax reductions will result in amounts of tax reductions in excess of the amount certified for the zone, the commissioner shall implement a plan to reduce the available tax reductions in the zone to an amount within the sum certified for the zone. If subsequent estimates indicate or actual experience shows that the approved tax reductions will result in amounts of tax reductions below the amount certified, the difference shall be available for certification in other zones or used in connection with an amend-

ed plan of tax reductions for the zone as the commissioner determines appropriate. If the tax reductions authorized result in reduced revenues for a dedicated fund, the commissioner of finance shall transfer equivalent amounts to the dedicated fund from the general fund as necessary.

There is no maximum for the total amount of property tax abatements which may be authorized pursuant to designations of enterprise zones under section 273.1312, subdivision 4, paragraph (c), clause (5), however, the commissioner must not allow the net cost to the state and local taxing authorities of all enterprise zones designated pursuant to section 273.1312, subdivision (4), paragraph (c), clause (5), to exceed \$10,000,000 during any biennium. If the commissioner determines the designation of an additional enterprise zone authorized by section 273.1312, subdivision 4, paragraph (c), clause (5), will result in a total net cost to the state and local taxing authorities in excess of \$10,000,000, during any biennium, the commissioner shall deny that application or adjust the amount of the tax abatement so as to stay within the \$10,000,000 net cost limit. The net cost of enterprise zones designated according to section 273.1312, subdivision 4, paragraph (c), clause (5), shall be determined by calculating the projected total amount of property taxes abated during each biennium for which the abatement will be in effect and subtracting from that total the additional projected income, property, and sales tax revenue directly and indirectly attributable to the business expansion that will be generated during each biennium for which the abatement will be in effect.

Sec. 33. Minnesota Statutes 1984, section 273.1314, subdivision 9, is amended to read:

Subd. 9. [AUTHORIZED FORMS OF STATE TAX REDUCTIONS.] (a) The following types of tax reductions may be approved by the commissioner for businesses located in an enterprise zone:

(1) An exemption from the general sales tax imposed by chapter 297A for purchases of construction materials or equipment for use in the zone if the purchase was made after the date of application for the zone;

(2) A credit against the income tax of an employer for additional workers employed in the zone, other than workers employed in construction, up to a maximum of \$3,000 per employee per year;

(3) An income tax credit for a percentage of the cost of debt financing to construct new or expanded facilities in the zone;

(4) A state paid property tax credit for a portion of the property taxes paid by a new commercial or industrial facility

or the additional property taxes paid by an expansion of an existing commercial or industrial facility in the zone.

(b) The municipality shall specify in its application for designation the types of tax reductions it seeks to be made available in the zone and the percentage rates and other appropriate limitations on the reductions.

(c) Upon designation of an enterprise zone and approval by the commissioner of the tax reductions to be made available therein, the commissioner of revenue shall take the steps necessary to implement the tax reductions.

(d) The tax reductions provided by this subdivision shall not apply to any facility described in section 103(b)(6)(O) of the Internal Revenue Code of 1954, as amended through January 15, 1983, or to any regulated public utility.

(e) The commissioner shall approve tax reductions authorized by paragraph (a) within an enterprise zone designated pursuant to section 273.1312, subdivision 4, paragraph (c), clause (3), only after the governing body of a city designated as an enterprise zone has designated an area or areas, each consisting of at least 100 acres, of the city not in excess of 400 acres in which the tax reductions may be provided.

(f) In addition to the tax reductions authorized by paragraph (a), for an enterprise zone designated under section 273.1312, subdivision 4, paragraph (c), clause (3), the following types of tax reductions may be approved:

(1) A credit against income tax for workers employed in the zone and not qualifying for a credit under paragraph (a), clause (2), subject to a maximum of \$1,500 per employee per year;

(2) A state paid property tax credit for a portion of the property taxes paid by a commercial or industrial facility located in the zone. Notwithstanding paragraph (d), the credits provided by this paragraph may be provided to the businesses described in section 103(b)(6)(O)(i) of the Internal Revenue Code of 1954, as amended through December 31, 1983.

(g) Each tax reduction provided to a business pursuant to this subdivision shall terminate not longer than five years after the effective date of the tax reduction for the business. Subject to the five year limitation, the tax reductions may be provided after expiration of the zone's designation.

(h) The income tax credits provided pursuant to (CLAUSES) *paragraphs* (a) and (f) may be refundable.

(i) *For an enterprise zone designated under section 273.1312, subdivision 4, paragraph (c), clause (5), the provisions of paragraphs (a) to (h) do not apply and the commissioner may only approve the abatement of property tax as authorized by section 273.1314, subdivision 4b. The commissioner may reduce the abatement authorized by section 273.1314, subdivision 4b, upon determining that a reduction is necessary for the project to provide a net economic benefit to the state over the life of the tax abatement.*

The commissioner shall not award any tax reductions under this subdivision or tax abatements under subdivision 4b if the commissioner of energy and economic development determines that the business receiving the tax reductions or abatement will cause undue hardship on existing Minnesota business."

Page 14, line 2, after "of" insert "paying or securing bonds issued by"

Page 14, line 3, delete "program, \$5,850,000" and insert "guaranty board, \$5,000,000"

Page 14, line 7, delete "\$75,000 is appropriated from the" and insert "An additional \$1,000,000 is appropriated from the general fund for purposes of the agricultural resource loan guaranty fund for fiscal years 1986 and 1987. Of this total, \$300,000 is appropriated to the commissioner of energy and economic development for the costs of administering the program, and \$700,000 is appropriated to the board and shall be deposited in the agricultural resource loan guaranty fund and may be used to provide loan guaranties or other authorized purposes of the fund."

Page 14, delete lines 8 to 11

Page 14, delete lines 13 to 15 and insert:

"The commissioner of energy and economic development shall provide staff and space for the general operations of the agricultural resource loan guaranty board. The department of energy and economic development's complement is increased by three for purposes of administering the program."

Page 14, line 19, delete "20" and insert "18 and 34 to 36"

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to economic development; agricultural resource loan guaranty program; modifying the terms of the state guaranty; repealing the authority to issue state general obligation bonds; authorizing the issuance of revenue bonds;

restricting the use of tax increments; authorizing the designation of new enterprise zones; 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, 3, and 4; 41A.05, subdivisions 1, 2, 3, and by adding a subdivision; 41A.06, subdivisions 1 and 5; 273.1312, subdivisions 3, 4, and 5; 273.1313, subdivision 2, and by adding a subdivision; and 273.1314, subdivisions 1, 2, 4, 5, 7, 8, 9, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 41A; repealing Laws 1984, chapter 502, article 10, section 12.”

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

The report was adopted.

Schreiber from the Committee on Taxes to which was referred:

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.

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. 1552, A bill for an act relating to taxation; 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; amending Minnesota Statutes 1984, sections 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; 298.225; 298.24, subdivision 4; 298.27; 298.28, subdivisions 1 and 2; and 298.282, subdivisions 1, 4, and 5; repealing Minnesota Statutes 1984, sections 273.136, subdivision 3; 287.27; 287.29, subdivision 3; and 287.32.

Reported the same back with the following amendments:

Page 13, lines 34 to 36, delete the new language

Page 16, at the end of line 36, add *“For purposes of the deduction required in this section, the total amount deducted for fiscal year 1986 shall become the base amount to be deducted from the report with the department of human services as*

required by section 256.82 for each successive fiscal year. If the amount collected by any county in any fiscal year under section 287.05 or 287.29 shall fall below the amount collected in fiscal year 1986 by that county, the deduction shall be reduced accordingly. Any increases in the amounts collected by any county under sections 287.05 or 287.29 that exceed the amount collected by that county in fiscal year 1986 shall be retained in the county treasury."

Page 17, lines 6 to 9, delete section 6

Page 19, line 9, delete "13" and insert "12"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, delete ", and by"

Page 1, line 10, delete "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.

Schreiber from the Committee on Taxes to which was referred:

H. F. No. 1596, A bill for an act relating to taxation; sales tax; providing for elimination of double taxation in sale and leaseback transactions; appropriating money; amending Minnesota Statutes 1984, sections 297A.01, subdivision 4; and 297A.15, by adding a subdivision.

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. 1607, A bill for an act relating to Goodhue county; permitting the county to levy a tax for the county historical society.

Reported the same back with the following amendments:

Page 1, delete lines 7 to 11 and insert:

"Subdivision 1. Goodhue county may levy an ad valorem tax of one-third mill per year on property in the county and use the proceeds of the levy for the county historical society. The levy is not subject to levy limits and must be disregarded in the calculation of the levy limits provided by Minnesota Statutes, chapter 275, or other law."

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. 1623, A bill for an act relating to taxation; limiting tax on certain sales of horses; amending Minnesota Statutes 1984, section 297A.01, subdivision 3.

Reported the same back with the following amendments:

Page 3, line 25, delete "*a claim*"

Page 3, line 26, delete "*under*"

Page 3, line 31, delete "*July*" and insert "*January*"

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. 1645, A bill for an act relating to economic development; creating a special enterprise zone for a large manufacturing facility; providing for the taxation of the facility; authorizing the issuance of bonds; providing assistance to locate a large manufacturing facility in the state; appropriating money; amending Minnesota Statutes 1984, sections 273.1312, subdivisions 3 and 4; and 273.1314, subdivisions 3, 4, 6, 7, 8, 9, and by adding a subdivision.

Reported the same back with the following amendments:

Page 6, line 19, delete "*at any time prior to*" and insert "*no later than*"

Page 10, line 9, delete "*municipalities and other local*"

Page 10, line 13, delete "*municipality*" and insert "*local taxing authority*"

Page 10, line 14, delete "*the*" and insert "*its budget.*"

Page 10, delete line 15

Page 10, line 18, delete "*municipality and other*"

Page 10, line 19, delete "*authorities*" and insert "*authority*" and after "*increase*" insert "*in equalized assessed property values as determined by the commissioner of revenue, multiplied by the mill rate of the local taxing authority for taxes payable in the current year,*"

Page 10, line 21, delete "*municipality's and other*" and insert "*local*" and delete "*authorities' budgets*" and insert "*authority's budget for the current year*"

Page 10, line 24, delete "*municipality's and other*" and delete "*authorities'*" and insert "*authority's*"

Page 10, line 26, delete "*municipality*" and insert "*local taxing authority*"

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:

S. F. No. 302, A bill for an act relating to commerce; providing for deposits of public funds in thrift institutions; amending Minnesota Statutes 1984, section 118.005.

Reported the same back with the following amendments:

Delete the amendment adopted by the House of Representatives on May 1, 1985.

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. 1190, A bill for an act relating to housing; providing for local and regional review and comment on housing programs; extending interest reduction program; ratifying the Minneapolis/St. Paul housing finance board established under a joint powers agreement; clarifying tax status of public housing property managed by a housing redevelopment authority or public housing agency; amending Minnesota Statutes 1984, sections 462C.02, by adding subdivisions; 462C.03, subdivision 1, and by adding a subdivision; 462C.04, subdivision 2; 462C.09, subdivisions 2a and 3, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 272 and 462C; repealing Minnesota Statutes 1984, sections 462.445, subdivision 13; and 462C.09, subdivision 2.

Reported the same back with the following amendments:

Page 1, after line 18, insert:

“Section 1. Minnesota Statutes 1984, section 273.75, subdivision 4, is amended to read:

Subd. 4. [LIMITATION ON USE OF TAX INCREMENT.] All revenues derived from tax increment shall be used in accordance with the tax increment financing plan. The revenues shall be used solely for the following purposes: (a) to pay the principal of and interest on bonds issued to finance a project; (b) by a rural development financing authority for the purposes stated in section 362A.01, subdivision 2, by a port authority or municipality exercising the powers of a port authority to finance or otherwise pay the cost of redevelopment pursuant to chapter 458, by a housing and redevelopment authority to finance or otherwise pay public redevelopment costs pursuant to chapter 462, by a municipality to finance or otherwise pay the capital and administration costs of a development district pursuant to chapter 472A, by a municipality or redevelopment agency to finance or otherwise pay premiums for insurance or other security guaranteeing the payment when due of principal of and interest on the bonds pursuant to chapters 462C, 474, or both chapters, or to accumulate and maintain a reserve securing the payment when due of the principal of and interest on the bonds pursuant to chapters 462C, 474, or both chapters, which revenues in the reserve shall not exceed, subsequent to the fifth anniversary of the date of issue of the first bond issue secured by the reserve, an amount equal to 20 percent of the aggregate principal amount of the outstanding and nondefeased bonds secured by the reserve. *Revenues derived from tax increment may be used to finance the costs of an interest reduction program operated pursuant to section 462.445, subdivisions 10 to 13 or pursuant to other law granting interest reduction authority and power by reference to those subdivisions only under*

the following conditions: (a) tax increments may not be collected for a program for a period in excess of 12 years after the date of the first interest rate reduction payment for the program, (b) tax increments may not be used for an interest reduction program, if the proceeds of bonds issued pursuant to section 273.77 after December 31, 1985, have been or will be used to provide financial assistance to the specific project which would receive the benefit of the interest reduction program, and (c) not more than 50 percent of the estimated tax increment derived from a project may be used to finance an interest reduction program for owner-occupied single-family dwellings unless a project is located in an area which would qualify as a redevelopment district. These revenues shall not be used to circumvent existing levy limit law. No revenues derived from tax increment shall be used for the construction or renovation of a municipally owned building used primarily and regularly for conducting the business of the municipality; this provision shall not prohibit the use of revenues derived from tax increments for the construction or renovation of a parking structure, a commons area used as a public park or a facility used for social, recreational or conference purposes and not primarily for conducting the business of the municipality."

Page 12, line 7, before "*Sections*" insert "*Section 1 is effective for all interest rate reduction programs established after December 31, 1985.*"

Page 12, line 7, delete "*3 to 5*" and insert "*4 to 6*"

Page 12, line 9, delete "*10*" and insert "*11*"

Page 12, line 12, delete "*11*" and insert "*12*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, after "*sections*" insert "*273.75, subdivision 4;*"

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1642, 5, 130, 757, 856, 857, 969, 1490, 1596, 1607 and 1623 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 581, 675, 302 and 1190 were read for the second time.

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

The following House Files were introduced :

Dempsey, Schafer, Quist, McEachern and Waltman introduced :

H. F. No. 1646, A bill for an act relating to school buses; excluding certain vehicles from the definition of school bus; amending Minnesota Statutes 1984, sections 169.01, subdivision 6; and 171.01, subdivision 21.

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

Clausnitzer, Schreiber, Knickerbocker and Scheid introduced :

H. F. No. 1647, A bill for an act relating to public employees; authorizing governmental subdivisions to make certain contributions on behalf of employees; amending Minnesota Statutes 1984, sections 352.96, subdivision 2; 356.24; and 356.25.

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

Kelly introduced :

H. F. No. 1648, A bill for an act relating to education; allowing certain teachers serving in the Peace Corps to be granted life licenses.

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

Pappas, Simoneau, Ozment and Clausnitzer introduced :

H. F. No. 1649, A bill for an act relating to state government; establishing a recycling program for state government; 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.

HOUSE ADVISORIES

The following House Advisory was introduced:

Kelly, Long, Halberg, Minne and McKasy introduced:

H. A. No. 37, A proposal to study sale by the state of lists derived from license and registration information.

The advisory was referred to the Committee on Judiciary.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

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; changing certain eligibility criteria; providing for earlier payments; amending Laws 1985, chapter 4, sections 3, subdivision 8; and 6.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 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 Senate has appointed as such Committee Mr. Samuelson, Mrs. Kronebusch and Mr. Dicklich.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 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 Senate has appointed as such Committee Mr. Pogemiller; Ms. Berglin and Mr. Johnson, D. E.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 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 Senate has appointed as such Committee Messrs. Frank, Wegscheid and Johnson, D. E.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 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 Senate has appointed as such Committee Mrs. Adkins, Messrs. Chmielewski and Gustafson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 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 Senate has appointed as such Committee Mrs. Adkins, Messrs. Petty and Benson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1235, A bill for an act relating to state lands; authorizing conveyance of certain state trail lands no longer needed for trails; repealing a prior land conveyance; amending Laws 1981, chapter 190, section 3; repealing Laws 1984, chapter 502, article 13, section 15.

The Senate has appointed as such Committee Messrs. Willet, Merriam and Bernhagen.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 756, A bill for an act relating to taxation; simplifying Minnesota income tax law by increasing conformity to federal income tax law; changing income tax rates, rate brackets, credits, and deductions; providing for computation of interest on overpayments; providing for timely payment of certain taxes; changing the estate tax; changing corporate income tax provisions; rescheduling payments and reducing the budget reserve; reducing sales tax rates and providing sales tax exemptions; authorizing lodging taxes for towns; reducing the basic maintenance mill rate; changing the computation of or eliminating certain property tax credits; changing property tax exemptions, classes, and classification ratios; changing the taxation of telephone companies; providing for studies; imposing duties on the commissioner of revenue and commissioner of natural resources; providing for changes in the levy limit base; changing property tax provisions relating to collection of property tax, confessions of judgment, and sale of tax forfeit lands; changing property tax refund benefit schedules, eligible claimants, and definition of property taxes payable; changing local government aids; appropriating money; amending Minnesota Statutes 1984, sections 10A.31, subdivisions 1 and 3; 13.04, subdivision 2; 16A.15, subdivision 6; 41.55; 60A.15, subdivision 12; 60A.199, subdivision 8; 92.46, subdivision 1; 117.55; 124.2137, subdivision 1; 124A.02, subdivision 7; 270A.07, subdivision 5; 271.12; 272.02, subdivision 1; 272.03, subdivision 1; 273.111, subdivision 11; 273.115, subdivisions 2 and 3; 273.116, subdivisions 2 and 3; 273.13, subdivisions 4, 5a, 6, 6a, 7, 7b, 7c, 7d, 8a, 9, 14a, 16, 17, 17b, 17c, 17d, 19, 20, and 21; 273.133, by adding a subdivision; 273.135, subdivisions 1, 2, and 5; 273.1391, subdivisions 1, 2, and 4; 273.1392; 273.40; 273.42, subdivision 2; 275.50, by adding a subdivision; 275.51, subdivision 3h; 277.03; 277.10; 279.37, subdivisions 1, 3, 4, 8, and by adding a subdivision; 281.23, subdivision 1; 281.29; 282.01, subdivision 7a; 282.021; 282.261, by adding a subdivision; 290.01, subdivisions 20, 20a, 20b, 20d, 20e, and 20f; 290.032, subdivision 2; 290.05, subdivision 3; 290.06, subdivisions 2c, 2d, 3f, 3g, 11, and by adding a subdivision; 290.067, subdivision 1; 290.069, subdivision 4; 290.07, subdivision 1; 290.08, subdivision 26, and by adding a subdivision; 290.089, subdivision 2; 290.09, subdivisions 1 and 7; 290.091; 290.095, subdivisions 3, 7, 9, and 11; 290.10; 290.12, subdivision 2; 290.14; 290.17, subdivision 2; 290.175; 290.18, subdivision 2; 290.21, subdivisions 3 and 4; 290.34, subdivision 1, and by adding a subdivision; 290.37, subdivision 1; 290.38; 290.39, subdivision 1a; 290.41, subdivision 2; 290.50, subdivisions 1, 5, and 6; 290.92, subdivisions 2a, 6, 11, 13, and 19; 290.93, subdivision 9; 290.932, subdivision 1;

290.933, subdivision 1; 290.936; 290A.03, subdivisions 3 and 13; 290A.04, subdivisions 1, 2, 3, and by adding a subdivision; 290A.06; 290A.07, subdivisions 2a and 3; 290A.10; 290A.19; 291.005, subdivision 1; 291.03, subdivision 1; 291.075; 291.09, subdivisions 1a, 2a, and 3a; 291.11, subdivision 1; 291.15, subdivisions 1 and 3; 291.18; 291.215, subdivision 1; 291.32; 294.09, subdivision 1; 295.34, subdivision 1; 297A.01, subdivisions 15 and 16; 297A.02, subdivisions 1, 2, and 3; 297A.03, subdivision 2; 297A.14; 297A.25, subdivision 1; 297A.26, subdivision 1, and by adding a subdivision; 297A.27, subdivision 1; 297A.35, subdivision 1; 298.09, subdivision 4; 298.40, by adding a subdivision; 299.05; 299F.26, subdivision 1; 473.556, subdivision 4; 477A.011, subdivision 3, and by adding subdivisions; 477A.013; 477A.018; 524.3-1202; amending Laws 1984, chapter 644, section 85; proposing coding for new law in Minnesota Statutes, chapters 16A; 124A; 270; 290; and 297A; repealing Minnesota Statutes 1984, sections 41.58, subdivision 3; 41.59, subdivisions 2 and 3; 55.10, subdivision 2; 62E.03, subdivision 2; 270.75, subdivision 7; 273.115, subdivisions 1, 5, 6, and 7; 273.116, subdivisions 1, 5, 6, and 7; 273.1311; 273.1315; 290.01, subdivisions 20c and 26; 290.012; 290.06, subdivisions 2f, 3d, 3e, 14, 15, 16, 17, 18, and 19; 290.067, subdivisions 2 and 4; 290.068, subdivision 6; 290.077, subdivision 4; 290.08, subdivisions 23 and 24; 290.089, subdivisions 1, 3, 4, 5, and 6; 290.09, subdivision 29; 290.101; 290.18, subdivision 4; 290.21, subdivision 8; 290.34, subdivision 2; 290.39, subdivision 2; 290.41, subdivision 5; 290A.04, subdivisions 2a and 2b; 291.015; 291.03, subdivisions 3, 4, 5, 6, and 7; 291.05; 291.051; 291.06; 291.065; 291.07; 291.08; 291.09, subdivision 5; 291.111; 291.131, subdivisions 5 and 6; 291.132; 291.15, subdivision 2; 291.18; 291.20; 291.29, subdivision 5; 295.34, subdivision 2; 297A.15, subdivision 5; 297A.26, subdivision 3; 297A.275; 385.36; 477A.011, subdivision 10; and 477A.0131; repealing Laws 1982, chapter 523, article 7, section 3.

PATRICK E. FLAHAVER, Secretary of the Senate

Levi moved that the House refuse to concur in the Senate amendments to H. F. No. 756, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker :

I hereby announce that the Senate refuses to concur in the House amendment to :

S. F. No. 459, 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; 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, sections 257.34, subdivision 1; 525.13; 525.145; and 525.703; 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.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such Committee Messrs. Spear, Merriam and Sieloff.

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

Vanasek 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. 459. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 919.

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. 1525.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 919, A bill for an act relating to agriculture; limiting security interests in farm product proceeds; protecting buyers when subject to a security interest; amending Minnesota Statutes 1984, sections 336.9-306; and 336.9-307.

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

S. F. No. 1525, A bill for an act relating to the organization and operation of state government; authorizing cost containment pro-

grams in medical assistance and general assistance medical care programs; establishing a permanency planning program for children at risk of out-of-home placement; appropriating money for human services, corrections, health, and other purposes with certain conditions; amending Minnesota Statutes 1984, sections 62D.12, by adding a subdivision; 62E.06, subdivision 1; 129A.03; 214.06, subdivision 1; 241.01, subdivision 7; 241.71; 252.025, subdivision 1; 254.05; 256.045, subdivision 3, and by adding a subdivision; 256.737; 256.82, subdivision 2; 256.87, subdivision 1; 256.969, subdivisions 1, 2, and by adding a subdivision; 256B.02, by adding a subdivision; 256B.04, subdivision 14; 256B.062; 256B.19, subdivision 1; 256B.48, by adding a subdivision; 256B.69, subdivision 4; 256D.01, subdivisions 1a and 1b; 256D.03, subdivisions 4 and 6; 256D.37, subdivisions 1 and 2; 256E.08, subdivision 1; 260.311, subdivision 5; 260.38; 268.38, subdivisions 2, 10, and 11; 268.685; 290.089, subdivision 2; 363.03, by adding a subdivision; 390.11, by adding a subdivision; 393.07, subdivision 2; 401.01, subdivision 1; 401.13; 517.08, subdivisions 1b and 1c; 611A.22; and 611A.34, subdivision 1; Laws 1984, chapter 616, section 1; proposing coding for new law in Minnesota Statutes, chapters 62A; 144; 256; and 256B; proposing coding for new law as Minnesota Statutes, chapter 256F; repealing Minnesota Statutes 1984, sections 256.045, subdivision 2; 256.966, subdivision 2; 256.967; 259.405; and 268.686.

The bill was read for the first time.

Forsythe moved that S. F. No. 1525 and H. F. No. 1640, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Forsythe requested immediate consideration of H. F. Nos. 1639 and 1641.

H. F. No. 1639 was reported to the House.

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.	Brown	Dyke	Halberg	Kostohryz
Backlund	Burger	Elioff	Hartinger	Krueger
Battaglia	Carlson, D.	Erickson	Hartle	Kvam
Becklin	Carlson, J.	Fjoslien	Haukoos	Levi
Begich	Carlson, L.	Forsythe	Himle	Lieder
Bennett	Clark	Frederick	Jennings, L.	Marsh
Bishop	Clausnitzer	Frederickson	Johnson	McDonald
Blatz	Cohen	Frerichs	Kalis	McEachern
Boerboom	Dempsey	Greenfield	Kiffmeyer	McKasy
Boo	DenOuden	Gruenes	Knickerbocker	McLaughlin
Brinkman	Dimler	Cutknecht	Knuth	McPherson

Metzen	Pappas	Richter	Simoneau	Uphus
Minne	Pauly	Rodosovich	Skoglund	Valan
Munger	Peterson	Rose	Solberg	Valento
Murphy	Piepho	Sarna	Sparby	Vanasek
Nelson, D.	Piper	Schafer	Stanius	Vellenga
Nelson, K.	Poppenhagen	Scheid	Staten	Voss
Neuenschwander	Price	Schoenfeld	Sviggum	Waltman
O'Connor	Quinn	Schreiber	Thorson	Welle
Olsen, S.	Rcdalen	Seaberg	Tjornhom	Wenzel
Osthoff	Rees	Segal	Tomlinson	Zaffke
Otis	Rest	Shaver	Tompkins	Spk. Jennings, D.
Ozment	Rice	Sherman	Tunheim	

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.

McLaughlin moved to amend H. F. No. 1639, as follows:

Page 78, line 6, delete "3"

A roll call was requested and properly seconded.

The Speaker called Halberg to the Chair.

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

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

There were 56 yeas and 71 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, R.	Boo	Dimler	Frerichs	Heap
Backlund	Burger	Dyke	Gruenes	Himle
Becklin	Carlson, D.	Erickson	Gutknecht	Jacobs
Bennett	Carlson, J.	Fjoslien	Halberg	Johnson
Bishop	Clausnitzer	Forsythe	Hartinger	Kalis
Blatz	Dempsey	Frederick	Hartle	Kiffmeyer
Boerboom	DenOuden	Frederickson	Haukoos	Knickerbocker

Krueger	Murphy	Quist	Seaberg	Tjornhom
Kvam	Omann	Redalen	Shaver	Tompkins
Levi	Onnen	Rees	Sherman	Uphus
Marsh	Ozment	Richter	Stanius	Valan
McDonald	Pauly	Rose	Svigium	Valento
McKasy	Piepho	Schafer	Thiede	Waltman
McPherson	Poppenhagen	Schreiber	Thorson	Spk. Jennings, D.
Miller				

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

Rice and Carlson, D., moved to amend H. F. No. 1639, as follows:

Page 4, after line 1, insert:

“The commissioner of transportation shall complete the lime sludge recycling and site restoration project on I-94 in North Minneapolis with state money appropriated from the trunk highway fund in this act, to the extent that the project is not fully funded by the federal highway administration. The amount expended from all funds must not exceed \$2,300,000.

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, Itaska, and Koochiching.”

The motion prevailed and the amendment was adopted.

Krueger, Vanasek and Brown moved to amend H. F. No. 1639, as amended, as follows:

Page 27, after line 36, insert a new section to read:

“Sec. 27. [APPROPRIATION TRANSFER.] *The commissioner of finance shall reduce the general fund appropriations in sections 2 to 26 by \$160,000 the first year and \$160,000 the second year apportioning this reduction according to the percentage*

each department or agency represents to the total general fund budget concurrent with the transfer of such funds to the commissioner of agriculture for the purpose of providing farm financial crisis assistance programs."

A roll call was requested and properly seconded.

The question was taken on the Krueger et al. amendment and the roll was called.

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

There were 62 yeas and 65 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	Tomlinson
Begich	Kalis	Nelson, D.	Rest	Tunheim
Brinkman	Kelly	Nelson, K.	Rice	Vanasek
Brown	Knuth	Neuenschwander	Riveness	Vellenga
Carlson, L.	Kostohryz	Norton	Rodosovich	Voss
Clark	Krueger	O'Connor	Sarna	Welle
Cohen	Lieder	Olson, E.	Scheid	Wenzel
Elioff	Long	Osthoff	Schoenfeld	Wynia
Ellingson	McEachern	Otis	Simoneau	
Greenfield	McLaughlin	Pappas	Skoglund	
Jacobs	Metzen	Peterson	Solberg	

Those who voted in the negative were:

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

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

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

Valento; Carlson, J.; Sparby; O'Connor; Carlson, L.; Valan; Lieder; Sviggum; Dempsey; Bishop; Jennings, L.; Welle; Anderson, R.; Rodosovich; Elioff; Solberg; Jaros; Krueger; Beard; Quinn; Piepho; Peterson; Neuenschwander; McPherson; Clausnitzer; Pappas; Levi; Metzen; Frederickson; Begich; Green-

field; Brown; Anderson, G.; Brinkman; Thorson; Staten; Sherman; Tunheim; Olson, E.; Munger; Minne; Waltman; Battaglia; Kelly; Boerboom; Schoenfeld; Uphus; Norton; Kalis; Kostohryz; Voss; Piper and Stanius moved to amend H. F. No. 1639, as amended, as follows:

Page 42, line 16, place a period at the end of the line

Page 42, delete lines 17 through 27

Page 42, line 28, delete "served or consumed in the room."

A roll call was requested and properly seconded.

POINT OF ORDER

Gutknecht raised a point of order pursuant to article XIII, section 5, of the Minnesota Constitution and section 242, paragraph 1, of "Mason's Manual of Legislative Procedure" that the Valento et al. amendment was not in order.

The Speaker pro tempore Halberg submitted the following question to the House: "Is it the judgment of the House that the Gutknecht point of order is well taken?"

A roll call was requested and properly seconded.

The question was taken on the Gutknecht point of order and the roll was called.

Pursuant to rule 2.5, Rodosovich requested that he be excused from voting on the Gutknecht point of order relating to the Valento et al. amendment to H. F. No. 1639, as amended. The request was granted.

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

There were 34 yeas and 92 nays as follows:

Those who voted in the affirmative were:

Burger	Gutknecht	Miller	Richter	Tjornhom
DenOuden	Hartinger	Onnen	Rose	Tompkins
Dimler	Heap	Osthoff	Sarna	Vellenga
Erickson	Kiffmeyer	Poppenhagen	Seaberg	Waltman
Fjoslien	Kvam	Quist	Shaver	Wenzel
Forsythe	Marsh	Redalen	Sviggum	Zaffke
Frerichs	McDonald	Rice	Thiede	

Those who voted in the negative were :

Anderson, G.	Dyke	Knuth	Olsen, S.	Segal
Anderson, R.	Elioff	Kostohryz	Olsen, E.	Sherman
Backlund	Ellingson	Krueger	Omann	Simoneau
Battaglia	Frederick	Levi	Otis	Skoglund
Beard	Frederickson	Lieder	Ozment	Solberg
Becklin	Greenfield	Long	Pappas	Sparby
Begich	Gruenes	McEachern	Pauly	Stanius
Bennett	Halberg	McKasy	Peterson	Thorson
Bishop	Hartle	McLaughlin	Piepho	Tomlinson
Blatz	Haukoos	McPherson	Piper	Tunheim
Boo	Himle	Metzen	Price	Uphus
Brinkman	Jacobs	Minne	Quinn	Valan
Brown	Jaros	Munger	Rees	Valento
Carlson, D.	Jennings, L.	Murphy	Rest	Voss
Carlson, J.	Johnson	Nelson, D.	Riveness	Welle
Carlson, L.	Kahn	Nelson, K.	Schafer	Spk. Jennings, D.
Clausnitzer	Kalis	Neuenschwander	Scheid	
Cohen	Kelly	Norton	Schoenfeld	
Dempsey	Knickerbocker	O'Connor	Schreiber	

So it was the judgment of the House that the Gutknecht point of order was not well taken.

The Speaker resumed the Chair.

The question recurred on the Valento et al. amendment and the roll was called.

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

There were 56 yeas and 69 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Dempsey	Krueger	Otis	Sparby
Anderson, R.	Elioff	Lieder	Pappas	Stanius
Battaglia	Frederickson	McLaughlin	Peterson	Thorson
Beard	Greenfield	Metzen	Piepho	Tunheim
Begich	Halberg	Minne	Piper	Valan
Bennett	Jaros	Munger	Price	Valento
Bishop	Jennings, L.	Murphy	Quinn	Voss
Boerboom	Kahn	Nelson, K.	Riveness	Welle
Brinkman	Kalis	Neuenschwander	Rodosovich	
Brown	Kelly	Norton	Schoenfeld	
Carlson, J.	Knuth	O'Connor	Simoneau	
Cohen	Kostohryz	Omann	Solberg	

Those who voted in the negative were :

Backlund	Dyke	Gutknecht	Kiffmeyer	McKasy
Becklin	Ellingson	Hartinger	Knickerbocker	McPherson
Blatz	Erickson	Hartle	Kvam	Miller
Burger	Fjoslien	Haukoos	Levi	Nelson, D.
Carlson, D.	Forsythe	Heap	Long	Olsen, S.
Clark	Frederick	Himle	Marsh	Olson, E.
DenOuden	Frerichs	Jacobs	McDonald	Onnen
Dimler	Gruenes	Johnson	McEachern	Osthoff

Ozment	Rest	Scheid	Sviggum	Vellenga
Pauly	Rice	Schreiber	Thiede	Waltman
Poppenhagen	Richter	Seaberg	Tjornhom	Wenzel
Quist	Rose	Shaver	Tomlinson	Zaffke
Redalen	Sarna	Sherman	Tompkins	Spk. Jennings, D.
Rees	Schafer	Skoglund	Uphus	

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

Olson, E., was excused for the remainder of today's session.

Olsen, S., moved to amend H. F. No. 1639, as amended, as follows:

Page 11, line 6, delete everything after "1985"

Page 11, line 7, delete "portion is" and insert ", and are"

Page 11, line 9, delete everything after "expenditure"

Page 11, delete lines 10 to 12

Page 11, line 13, delete "the biennium,"

Page 11, line 14, delete "and this section"

Page 11, after line 14, insert:

"Of this appropriation, \$4,000,000 is appropriated to the regional transit board for purposes of predesign and pre-engineering for a light rail transit system for the three corridors of University Avenue, the Southwest corridor and the Hiawatha corridor."

Page 68, delete lines 31 to 36

Page 69, delete lines 1 to 36

Page 70, delete lines 1 to 19

Renumber sections and correct internal references

A roll call was requested and properly seconded.

The question was taken on the Olsen, S., amendment and the roll was called.

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

There were 15 yeas and 108 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Jaros	Nelson, K.	Osthoff	Scheid
Bishop	Kalis	Norton	Pappas	Segal
Elioff	Kostohryz	Olsen, S.	Piper	Vellenga

Those who voted in the negative were :

Anderson, R.	Dyke	Knuth	Peterson	Solberg
Backlund	Ellingson	Krueger	Picpho	Sparby
Battaglia	Erickson	Kvam	Poppenhagen	Stanius
Beard	Fjoslien	Levi	Price	Staten
Becklin	Forsythe	Lieder	Quinn	Sviggum
Begich	Frederick	Long	Quist	Thiede
Bennett	Frederickson	Marsh	Redalen	Thorson
Blatz	Greenfield	McDonald	Rees	Tjornhom
Boerboom	Gruenes	McEachern	Rest	Tomlinson
Boo	Gutknecht	McLaughlin	Rice	Tompkins
Brinkman	Halberg	McPherson	Richter	Tunheim
Brown	Hartering	Metzen	Rivness	Valan
Burger	Haukoos	Miller	Rodosovich	Valento
Carlson, D.	Heap	Minne	Sarna	Voss
Carlson, J.	Himle	Murphy	Schafer	Waltman
Carlson, L.	Jacobs	Nelson, D.	Schoenfeld	Welle
Clark	Jennings, L.	Neuenschwander	Schreiber	Wenzel
Clausnitzer	Johnson	O'Connor	Seaberg	Wynia
Cohen	Kahn	Onnen	Shaver	Zafke
Dempsey	Kelly	Otis	Sherman	Spk. Jennings, D.
DenOuden	Kiffmeyer	Ozment	Simoneau	
Dimler	Knickerbocker	Pauly	Skoglund	

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

Osthoff and O'Connor moved to amend H. F. No. 1639, as amended, as follows :

Add a section to read :

“Sec. 32. [OPINION DIRECTED.]

The attorney general is directed to issue to the speaker of the house and the president of the senate, not later than January 15, 1986, his opinion on the following question: “Does Minnesota Statutes 1984, sections 349.12 to 349.22, as amended by article 2, sections 30 to 53, violate article XIII, section 5 of the Minnesota Constitution?”

Renumber the remaining sections

Correct internal references

The motion prevailed and the amendment was adopted.

H. F. No. 1639, A bill for an act relating to state government; appropriating money to the department of transportation and other agencies with certain conditions; modifying agencies and responsibilities; providing for regulation of certain activities and practices; prescribing funds, accounts, bonding, and fees; amending Minnesota Statutes 1984, sections 15.0591, subdivision 2; 17.101, subdivision 2; 17.717, by adding a subdivision; 17A.10, subdivision 2; 17A.11; 25.39, subdivision 4; 138.94; 168.12, subdivisions 1 and 5; 174.32, subdivisions 1, 2, 3, and by adding a subdivision; 299A.01, subdivision 6; 340.14, subdivision 2; 349.12, subdivisions 11, 13, 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, 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; 352D.02, subdivision 1; 360.024; 473.373, subdivision 4; 473.375, subdivision 4, and by adding a subdivision; 473.38, subdivision 2; 473.384, subdivision 6; 473.386, subdivision 2; 473.388; 473.39; 473.404, subdivision 7; 473.405, subdivision 12; 473.408, subdivision 4, and by adding a subdivision; 473.435, subdivision 2; 473.446, subdivisions 1, 1a, 2a, and 3; 609.75, subdivision 3; 609.761; proposing coding for new law in Minnesota Statutes, chapters 219; and 473; proposing coding for new law as Minnesota Statutes, chapter 297C; repealing Minnesota Statutes 1984, sections 17.717, subdivision 6; 349.19, subdivision 4; 349.212; 349.213, subdivision 2; 473.373, subdivisions 2 and 7; 473.384, subdivision 7; 473.408, subdivisions 3, 3A, 3B, and 5; 473.436; 473.438; and 473.446, 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.

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

There were 105 yeas and 25 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Carlson, D.	Frerichs	Kiffmeyer	Munger
Anderson, R.	Carlson, J.	Gruenes	Knickerbocker	Nelson, K.
Backlund	Carlson, L.	Gutknecht	Knuth	Neuenschwander
Battaglia	Clark	Halberg	Krueger	O'Connor
Beard	Clausnitzer	Hartinger	Kvam	Olsen, S.
Becklin	Dempsey	Hartle	Levi	Omann
Begich	DenOuden	Haukoos	Lieder	Onnen
Bennett	Dimler	Heap	Marsh	Otis
Bishop	Dyke	Himle	McDonald	Ozment
Blatz	Erickson	Jacobs	McEachern	Pauly
Boerboom	Fjoslien	Jaros	McKasy	Peterson
Boo	Forsythe	Jennings, L.	McPherson	Piepho
Brown	Frederick	Johnson	Metzen	Piper
Burger	Frederickson	Kalis	Miller	Poppenhagen

Quinn	Rodosovich	Seaberg	Svigum	Valan
Quist	Rose	Segal	Thiede	Valento
Redalen	Sarna	Shaver	Thorson	Vellenga
Rees	Schafer	Sherman	Tjornhom	Waltman
Rest	Scheid	Solberg	Tompkins	Wenzel
Rice	Schoenfeld	Sparby	Tunheim	Zaffke
Richter	Schreiber	Stanius	Uphus	Spk. Jennings, D.

Those who voted in the negative were :

Brinkman	Kahn	Minne	Pappas	Staten
Cohen	Kelly	Murphy	Price	Tomlinson
Elioff	Kostohryz	Nelson, D.	Riveness	Voss
Ellingson	Long	Norton	Simoneau	Welle
Greenfield	McLaughlin	Osthoff	Skoglund	Wynia

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

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 78 :

Staten, McLaughlin and Clark.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 459 :

Vanasek, Bishop and Seaberg.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 674 :

Clausnitzer, Skoglund and Seaberg.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 756 :

Schreiber, Dempsey, McKasy, Kvam and Himle.

The Speaker called Halberg to the Chair.

H. F. No. 1641 was reported to the House.

DenOuden moved to amend H. F. No. 1641, as follows :

Page 2, line 21, delete "\$6,195,000" and insert "\$3,435,000"

Page 2, line 22, delete "31,894,000" and insert "31,227,300" and delete "31,841,800" and insert "31,175,100" and delete "63,735,800" and insert "62,402,400"

Page 2, line 25, before "8,148,200" and under the column headed "1985" insert "650,000"

Page 2, line 32, delete "\$6,195,000 \$546,173,600 \$562,336,-100 \$1,108,509,700" and insert "\$4,085,000 \$545,506,900 \$561,-669,400 \$1,107,176,300"

The motion prevailed and the amendment was adopted.

DenOuden moved to amend to H. F. No. 1641, as amended, as follows:

Page 22, line 23, after the period insert "The 911 implementation fund is established in the state treasury. \$1,600,000 is transferred to the 911 implementation fund from unencumbered money in the economic development fund created by Minnesota Statutes, section 116M.06, subdivision 4."

The motion prevailed and the amendment was adopted.

Carlson, D., and Neuenschwander moved to amend H. F. No. 1641, as amended, as follows:

Page 82, line 16, after the period insert a sentence to read as follows:

"Jobs involving the harvesting of raw timber to be processed or utilized by a facility are considered to be directly connected with the facility."

The motion prevailed and the amendment was adopted.

Olsen, S.; Burger; Dimler and Kostohryz moved to amend H. F. No. 1641, as amended, as follows:

Page 39, delete lines 48 through 55

Page 40, delete lines 1 and 2

The motion prevailed and the amendment was adopted.

Rees, Valento, Knickerbocker, Voss, Dimler, Clausnitzer, Ozment and McDonald moved to amend H. F. No. 1641, as amended, as follows:

Page 112, after line 16, insert:

"Sec. 168. Minnesota Statutes 1984, section 473.123, subdivision 5, is amended to read:

Subd. 5. [METROPOLITAN COUNCIL; DUTIES AND COMPENSATION.] The metropolitan council shall elect such officers as it deems necessary for the conduct of its affairs other than the chairman. A secretary and treasurer need not be members of the metropolitan council. Meeting times and places shall be fixed by the metropolitan council and special meetings may be called by a majority of the members of the metropolitan council or by the chairman thereof. Each metropolitan council member other than the chairman shall be paid a per diem compensation of \$50 for each meeting and for such other services as authorized by the metropolitan council, and shall be reimbursed for his reasonable expenses. *The annual budget of the council shall provide as a separate account anticipated expenditures for per diem, travel and associated expenses for the chairman and members, and compensation or reimbursement shall be made to the chairman and members only when budgeted.*

In the performance of its duties the metropolitan council may promulgate rules governing its operation, establish committees, divisions, departments and bureaus and staff the same as necessary to carry out its duties and when specifically authorized by law make appointments to other governmental agencies and districts. All officers and employees of the metropolitan council shall serve at the pleasure of the appointing authority in the unclassified service of the state civil service. Rules promulgated by the metropolitan council shall be in accordance with the administrative procedure provisions contained in chapter 14.

Sec. 169. Minnesota Statutes 1984, section 473.129, subdivision 2, is amended to read:

Subd. 2. [OFFICERS AND EMPLOYEES.] The metropolitan council may prescribe (ALL) terms and conditions for the employment of its officers, employees, and agents including but not limited to the fixing of compensation, their classification, benefits, and the filing of performance and fidelity bonds and such policies of insurance as it may deem advisable, the premium for which, however, shall be paid for by the district. *Compensation and benefits prescribed for officers and employees shall be comparable to the compensation and benefits prescribed for state employees pursuant to chapter 43A.* Officers and employees of the metropolitan council, however, are public employees. (THE COMPENSATION AND OTHER CONDITIONS OF EMPLOYMENT OF SUCH OFFICERS AND EMPLOYEES SHALL NOT BE GOVERNED BY ANY RULE APPLICABLE TO STATE EMPLOYEES IN THE CLASSIFIED SERVICE NOR TO ANY OF THE PROVISIONS OF CHAPTER 15A, UNLESS THE COUNCIL SO PROVIDES.) Those employed

by the metropolitan council are members of the Minnesota state retirement system. Those employed by a predecessor of the metropolitan council and transferred to it may at their option become members of the Minnesota state retirement system or may continue as members of the public retirement association to which they belonged as employees of the predecessor of the metropolitan council. The metropolitan council shall make the employer's contributions to pension funds of its employees.

Sec. 170. Minnesota Statutes 1984, section 473.141, subdivision 7, is amended to read:

Subd. 7. [COMPENSATION.] Each commission member shall be paid a per diem compensation of \$50 for each meeting and for such other services as authorized by the commission, and shall be reimbursed for all actual and necessary expenses incurred in the performance of his duties in the same manner and amount as state employees. The chairman shall receive a salary in an amount fixed by section 15A.081 and shall be reimbursed for reasonable expenses to the same extent as a member; provided that the chairman of the metropolitan sports facilities commission shall receive, unless otherwise provided by other law, a salary in an amount fixed by the members of the commission and shall be reimbursed for reasonable expenses to the same extent as a member. *The annual budget of each commission shall provide as a separate account anticipated expenditures for per diem, travel and associated expenses for the chairman and members, and compensation or reimbursement shall be made to the chairman and members only when budgeted.*

Sec. 171. Minnesota Statutes 1984, section 473.141, subdivision 12, is amended to read:

Subd. 12. [PUBLIC EMPLOYEES.] All persons employed by the chief administrator shall be public employees, and shall have all rights and duties conferred on public employees under sections 179A.01 to 179A.25. The compensation and (OTHER CONDITIONS OF EMPLOYMENT OF SUCH EMPLOYEES SHALL NOT BE GOVERNED BY ANY RULE APPLICABLE TO STATE EMPLOYEES IN THE CLASSIFIED SERVICE NOR TO ANY OF THE PROVISIONS OF CHAPTER 15A, UNLESS THE COUNCIL SO PROVIDES) *benefits of all employees of the commission shall be comparable to the compensation and benefits prescribed for state employees pursuant to chapter 43A.* All employees of the commission shall be members of the Minnesota state retirement system, except that employees, who by reason of their prior employment belonged to another public retirement association in the state of Minnesota, may at their option continue membership in that public retirement association, and all other rights to which they are entitled by contract or law. Tradesmen employed by the metropolitan waste control commission with trade union pension coverage

pursuant to a collective bargaining agreement who elected exclusion from coverage pursuant to section 473.512 or who are first employed after July 1, 1977 shall not be covered by the Minnesota state retirement system. The commission shall make the employer's contributions to pension funds of its employees. Employees shall perform such duties as may be prescribed by the commission. Nothing in Laws 1974, Chapter 422 shall impair the rights of any commission or employee under sections 473.405 and 473.415.

Sec. 172. Minnesota Statutes 1984, section 473.605, subdivision 2, is amended to read:

Subd. 2. Each commission member shall be paid a per diem compensation of \$50 for each meeting of the commission, one of its committees, and attendance and participation at a meeting or hearing as a representative of the commission pursuant to state law or rule. Members shall be reimbursed for all actual and necessary expenses incurred in the performance of their duties in the same manner and amount as state employees. The chairman shall receive compensation as determined by the commission and shall be reimbursed for reasonable expenses to the same extent as a member. The mayors and members of the city councils of Minneapolis and St. Paul shall not be eligible for per diem compensation. *The annual budget of the commission shall provide as a separate account anticipated expenditures for per diem, travel and associated expenses for the chairman and members, and compensation or reimbursement shall be made to the chairman and members only when budgeted.*"

Page 112, after line 26, insert:

"Sec. 174. Minnesota Statutes 1984, section 473.606, subdivision 5, is amended to read:

Subd. 5. The corporation shall have the power to appoint engineers and other consultants, attorneys, and such other officers, agents, and employees as it may see fit, who shall perform such duties and receive such compensation as the corporation may determine, and be removable at the pleasure of the corporation. *The compensation and benefits for all employees of the commission shall be comparable to the compensation or benefits prescribed for state employees pursuant to chapter 43A.* The corporation shall adopt an affirmative action plan, which shall be submitted to the appropriate agency or office of the state for review and approval. The plan shall include a yearly progress report to the agency or office. Officers and employees of the corporation who cannot qualify and participate in the municipal employees retirement fund under chapter 422A, shall be separated from service at the retirement age applicable to officers or employees of the state of Minnesota in the classified service of the state civil service as provided in section 43A.34, or as the same may from time to time be

amended, regardless of the provisions of the veteran's preference act. Whenever the corporation performs any work within the limits of a city of the first class, or establishes a minimum wage for skilled or unskilled labor in the specifications or any contract for work within one of the cities, the rate of pay to such skilled and unskilled labor shall be the prevailing rate of wage for such labor in that city.

Sec. 175. Minnesota Statutes 1984, section 473.704, is amended by adding a subdivision to read:

Subd. 18. The compensation and benefits for all employees of the commission shall be comparable to the compensation and benefits prescribed for state employees pursuant to chapter 43A.

Sec. 176. Minnesota Statutes 1984, section 473.714, is amended to read:

473.714 [COMPENSATION OF COMMISSIONERS.]

Each commissioner, including the officers of the commission shall be reimbursed for his actual and necessary expenses incurred in the performance of his duties. The chairman shall be paid a per diem for attending meetings, monthly, executive, and special, and each commissioner shall be paid a per diem for attending meetings, monthly, executive, and special, which per diem shall be established by the commission, such expense reimbursement and per diem notwithstanding any other funds which such commissioners may receive from any other public body. *The annual budget of the commission shall provide as a separate account anticipated expenditures for per diem, travel and associated expenses for the chairman and members, and compensation or reimbursement shall be made to the chairman or members only when budgeted.*"

Page 118, after line 34, insert:

"Sec. 184. [APPLICATION.]

Sections 168 to 172 and 174 to 176 are effective the day following final enactment in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Renumber the sections in sequence

Correct internal cross references

Amend the title as follows:

Page 1, line 7, after the second semicolon insert "providing for the compensation of metropolitan government personnel;"

Page 1, line 37, after the semicolon insert "473.123, subdivision 5; 473.129, subdivision 2; 473.141, subdivisions 7 and 12; 473.605, subdivision 2;"

Page 1, line 38, delete the first "subdivision" and insert "subdivisions" and after "1" insert "and 5"

Page 1, line 38, after the first semicolon insert "473.704, by adding a subdivision; 473.714;"

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

McDonald, Rees and Tunheim moved to amend H. F. No. 1641, as amended, as follows:

Page 20, delete lines 3 to 7

Page 76, delete lines 11 to 15 and insert:

"Sec. 116. Minnesota Statutes 1984, section 115A.21, subdivision 1, is amended to read:

Subdivision 1. [SELECTION.] *Unless the board determines that all sites are unacceptable*, the board shall select more than one location in the state, no more than one site per county, as candidate sites for commercial disposal facilities for hazardous waste. Candidate sites must be reviewed pursuant to sections 115A.22 to 115A.30. No location shall be selected as a candidate site unless the agency certifies its intrinsic suitability for the use intended pursuant to subdivision 2a.

Sec. 117. Minnesota Statutes 1984, section 115A.24, subdivision 1, is amended to read:

Subdivision 1. [ESTIMATE OF NEED FOR DISPOSAL FACILITIES.] The board (SHALL) *may* develop an estimate of the number, types, capacity, and function or use of any hazardous waste disposal facilities needed in the state.

In developing its estimate the board shall:

(1) prepare a preliminary estimate of the types and quantities of waste generated in the state for which disposal will be needed through the year 2000 based to the extent practical on data obtained from generators who are likely to use the facility;

(2) estimate the disposal capacity located outside of the state, taking into account the status of facility permits, current

and planned capacity, and prospective restrictions on expansion of capacity;

(3) estimate the prospects for the continued availability of capacity outside of the state for disposal of waste generated in the state;

(4) estimate the types and quantities of waste likely to be generated as residuals of the commercial hazardous waste processing facilities recommended by the board for development in the state and for which disposal will be needed, taking into account the likely users of the facilities; and

(5) compare the indirect costs and benefits of developing disposal facilities in the state or relying on facilities outside the state to dispose of hazardous waste generated in the state, taking into account the effects on business, employment, economic development, public health and safety, the environment, and the development of collection and processing facilities and services in the state.

In preparing the estimate, the board may identify need for disposal only to the extent that the board has determined that there are no feasible and prudent alternatives, including waste reduction, separation, pretreatment, processing, and resource recovery, which would minimize adverse impact upon air, water, land and all other natural resources. Economic considerations alone may not justify an estimate of need for disposal nor the rejection of alternatives. Alternatives that are speculative and conjectural are not feasible and prudent. The board shall consider all technologies being developed in other countries as well as in the United States when it considers the alternatives to hazardous waste disposal."

Page 119, line 4, delete "115A.05,"

Page 119, delete line 5

Renumber the sections in sequence and correct internal cross-references

Amend the title as follows:

Page 1, line 25, delete "115.03,"

Page 1, line 26, delete "by adding a subdivision;" and after "1;" insert "115A.21, subdivision 1; 115A.24, subdivision 1;"

Page 2, line 1, delete everything after the second semicolon

Page 2, delete line 2

A roll call was requested and properly seconded.

The question was taken on the McDonald et al. amendment and the roll was called.

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

There were 44 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Battaglia	Elioff	Krueger	Pauly	Tjornhom
Begich	Ellingson	Marsh	Quist	Tunheim
Boerboom	Erickson	McDonald	Redalen	Uphus
Burger	Fjoslien	Metzen	Rees	Valan
Carlson, J.	Gutknecht	Minne	Richter	Valento
Clark	Halberg	Neuenschwander	Sarna	Voas
Clausnitzer	Hartle	O'Connor	Schafer	Waltman
Dimler	Johnson	Onnen	Solberg	Wenzel
Dyke	Kiffmeyer	Ozment	Sparby	

Those who voted in the negative were:

Anderson, G.	Frederick	Levi	Peterson	Sherman
Anderson, R.	Frederickson	Lieder	Piepho	Simoneau
Backlund	Frerichs	Long	Piper	Skoglund
Beard	Greenfield	McEachern	Poppenhagen	Stanius
Becklin	Gruenes	McKasy	Price	Staten
Bennett	Harteringer	McLaughlin	Quinn	Thiede
Bishop	Haukoos	McPherson	Rest	Thorson
Blatz	Himle	Miller	Rice	Tomlinson
Boo	Jacobs	Munger	Riveness	Tompkins
Brinkman	Jennings, L.	Murphy	Rodosovich	Vellenga
Brown	Kahn	Nelson, D.	Rose	Welle
Carlson, D.	Kalis	Nelson, K.	Scheid	Wynia
Carlson, L.	Kelly	Norton	Schoenfeld	Zaffke
Cohen	Knickerbocker	Omann	Schreiber	
Dempsey	Knuth	Osthoff	Seaberg	
DenOuden	Kostohryz	Otis	Segal	
Forsythe	Kvam	Pappas	Shaver	

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

Kahn moved to amend H. F. No. 1641, as amended, as follows:

Page 110, after line 30, insert:

"Sec. 164. Minnesota Statutes 1984, section 403.11, is amended to read:

403.11 [SYSTEM COSTS.]

Subdivision 1. [(ANNUAL RECURRING COSTS) EMERGENCY TELEPHONE SERVICE FUND.] (ALL ANNUAL

RECURRING COSTS OF A PUBLIC UTILITY INCURRED IN THE MAINTENANCE OF TRUNKING AND CENTRAL OFFICE OUTSWITCHING EQUIPMENT FOR MINIMUM 911 SERVICE SHALL BE PAID FROM THE GENERAL FUND OF THE STATE TREASURY BY APPROPRIATIONS FOR THAT PURPOSE.) *A special revenue fund to be known as the 911 emergency telephone service fund is created. The fund must be used to pay for: (1) ongoing maintenance costs and related improvements for trunking and central office switching equipment for minimum 911 emergency telephone service; (2) administrative and staffing costs of the department of administration related to managing the 911 emergency telephone service program; and (3) state costs related to administering the emergency telephone service fund. Fund receipts must be submitted to the department of administration as provided in this section, deposited in the state treasury, credited to the 911 emergency telephone service fund, and appropriated annually to the commissioner of administration for the purposes of this section. Any amount remaining in the 911 emergency telephone service fund at the end of a fiscal year does not cancel, but is available for the next fiscal year.*

Subd. 2. [MODIFICATION COSTS.] The costs of a public utility incurred in the modification of central office switching equipment for minimum 911 service shall be paid from the general fund of the state treasury by appropriations for that purpose. *Any remaining unexpended appropriation from the general fund for this purpose does not cancel but remains available until expended.*

Subd. 3. [METHOD OF PAYMENT; CERTIFICATION.] A public utility incurring reimbursable costs under subdivision 1 or 2 shall certify those costs to the commissioner of administration. The certification shall be in a form as prescribed by the commissioner after consultation with the public utilities commission. If the commissioner and the commission approve the certified costs as appropriate and accurate, the commissioner shall pay the certified costs from *the 911 emergency telephone service fund or from money appropriated for that purpose within 90 days following receipt by the commissioner of the certified costs.* The commissioner of administration shall estimate the amount required to reimburse public utilities for the state's obligations under subdivisions 1 and 2 and the governor shall include the estimated amount in the biennial budget request.

Subd. 4. [LOCAL RECURRING COSTS.] Recurring costs of telephone communications equipment and services at public safety answering points shall be borne by the local governmental unit operating the public safety answering point or allocated pursuant to section 403.10, subdivision 3. Costs attributable to local government electives for services beyond minimum 911 service shall be borne by the governmental unit requesting the elective service.

Subd. 5. [EMERGENCY TELEPHONE SERVICE FEE.]

(a) *Each customer of a local exchange company shall be assessed an emergency telephone service fee after emergency telephone service has been established.*

(b) *The fee may not be less than ten cents nor more than 25 cents per month for each customer access line, including trunk equivalents as designated by the public utilities commission for access charge purposes. This fee shall be calculated by the commissioner of administration and shall be uniform throughout the state.*

(c) *The fee must be collected by each utility providing local exchange telephone service beginning July 1, 1985. Fees are payable to and must be submitted to the department of administration monthly before the 25th of each month following the month of collection, except that fees may be submitted quarterly if less than \$250 per month is due, or annually if less than \$25 per month is due.*

(d) *The commissioner of administration, with the approval of the commissioner of finance, shall establish the amount of the fee within the limits specified and inform the utilities of the amount to be collected. Utilities must be given a minimum of 45 days notice of fee changes."*

Renumber the sections in sequence

Correct internal cross references

Amend the title as follows :

Page 2, line 7, after "1;" insert "403.11;"

A roll call was requested and properly seconded.

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

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

There were 63 yeas and 65 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Carlson, D.	Erickson	Knuth	Minne
Backlund	Carlson, L.	Greenfield	Kostohryz	Munger
Battaglia	Clark	Gruenes	Krueger	Murphy
Beard	Clausnitzer	Gutknecht	Lieder	Nelson, D.
Becklin	Cohen	Jaros	Long	Nelson, K.
Brown	Elioff	Jennings, L.	Marsh	Norton
Burger	Ellingson	Kahn	McLaughlin	Olsen, S.

Osthoff	Poppenhagen	Riveness	Sherman	Tompkins
Otis	Price	Rodosovich	Skoglund	Vellenga
Ozment	Quist	Scheid	Solberg	Voss
Pappas	Rees	Schoenfeld	Staten	Wynia
Peterson	Rest	Seaberg	Tjornhom	
Piper	Rice	Segal	Tomlinson	

Those who voted in the negative were:

Anderson, R.	Fjoslien	Kelly	Omann	Stanius
Begich	Forsythe	Kiffmeyer	Onnen	Sviggum
Bennett	Frederick	Knickerbocker	Pauly	Thiede
Bishop	Frederickson	Kvam	Piepho	Thorson
Blatz	Frerichs	Levi	Redalen	Tunheim
Boerboom	Halberg	McDonald	Richter	Uphus
Boo	Hartinger	McEachern	Rose	Valan
Brinkman	Hartle	McKasy	Sarna	Valento
Carlson, J.	Haukoos	McPherson	Schafer	Waltman
Dempsey	Himle	Metzen	Schreiber	Welle
DenOuden	Jacobs	Miller	Shaver	Wenzel
Dimler	Johnson	Neuenschwander	Simoneau	Zaffke
Dyke	Kalis	O'Connor	Sparby	Spk. Jennings, D.

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

The Speaker called Halberg to the Chair.

Elioff moved to amend H. F. No. 1641, as amended, as follows:

Page 74, lines 1 to 3, delete the new language

Pages 74 and 75, delete section 113

Renumber the remaining sections

Correct the internal references

Amend the title as follows:

Page 1, line 25, delete "98.47, subdivision 1;"

A roll call was requested and properly seconded.

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

Levi 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 65 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jacobs	Munger	Piper	Skoglund
Beard	Jaros	Murphy	Price	Solberg
Begich	Kalis	Nelson, D.	Quinn	Sparby
Brinkman	Kelly	Nelson, K.	Rest	Staten
Brown	Knuth	Neuenschwander	Rice	Tomlinson
Carlson, L.	Kostohryz	Norton	Richter	Tompkins
Clark	Krueger	O'Connor	Riveness	Tunheim
Cohen	Lieder	Olsen, S.	Rodosovich	Uphus
Elioff	Marsh	Olson, E.	Sarna	Vellenga
Ellingson	McEachern	Omann	Schoenfeld	Voss
Fjoslien	McLaughlin	Otis	Segal	Welle
Greenfield	Metzen	Pappas	Sherman	Wenzel
Halberg	Minne	Peterson	Simoneau	Wynia

Those who voted in the negative were:

Anderson, R.	Dempsey	Himle	Osthoff	Shaver
Backlund	DenOuden	Jennings, L.	Ozment	Stanius
Battaglia	Dimler	Johnson	Pauly	Sviggum
Becklin	Erickson	Kahn	Piepho	Thiede
Bennett	Forsythe	Kiffmeyer	Poppenhagen	Thorson
Bishop	Frederick	Knickerbocker	Quist	Valan
Blatz	Frederickson	Kvam	Redalen	Valento
Boerboom	Frerichs	Levi	Rees	Waltman
Boo	Gruenes	McDonald	Rose	Zaffke
Burger	Gutknecht	McKasy	Schafer	Spk. Jennings, D.
Carlson, D.	Hartering	McPherson	Scheid	
Carlson, J.	Hartle	Miller	Schreiber	
Clausnitzer	Haukoos	Onnen	Seaberg	

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

POINT OF ORDER

Norton raised a point of order pursuant to rule 3.12 relating to amendments to appropriations bills. The Speaker pro tempore Halberg ruled the Norton point of order not well taken.

Norton appealed the decision of the Chair.

A roll call was requested and properly seconded.

POINT OF ORDER

Levi raised a point of order pursuant to section 126, paragraph 3, of "Mason's Manual of Legislative Procedure" relating to complaints against the presiding officer. The Speaker pro tempore Halberg ruled the point of order not well taken.

Norton withdrew his appeal of the decision of the Chair.

POINT OF ORDER

Anderson, G., raised a point of order pursuant to section 527 of "Mason's Manual of Legislative Procedure" relating to cor-

recting the vote. The Speaker pro tempore Halberg ruled the point of order well taken and the Elioff amendment to H. F. No. 1641, as amended, was again reported to the House, as follows:

Page 74, lines 1 to 3, delete the new language

Pages 74 and 75, delete section 113

Renumber the remaining sections

Correct the internal references

Amend the title as follows:

Page 1, line 25, delete "98.47, subdivision 1;"

A roll call was requested and properly seconded.

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

Levi 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 62 yeas and 67 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, R.	Burger	Frederick	Heap	McDonald
Backlund	Carlson, D.	Frederickson	Himle	McKasy
Battaglia	Carlson, J.	Frerichs	Johnson	McPherson
Becklin	Clausnitzer	Gruenes	Kahn	Miller
Bennett	Dempsey	Gutknecht	Kiffmeyer	Olsen, S.
Bishop	DenOuden	Halberg	Knickerbocker	Onnen
Blatz	Dimler	Hartinger	Kvam	Osthoff
Boerboom	Erickson	Hartle	Levi	Ozment
Boo	Forsythe	Haukoos	Marsh	Pauly

Piepho	Richter	Shaver	Thiede	Valento
Poppenhagen	Rose	Sherman	Thorson	Waltman
Quist	Schafer	Stanius	Tompkins	Zaffke
Redalen	Schreiber	Sviggum	Valan	Spk. Jennings, D.
Rees	Seaberg			

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

The Speaker resumed the Chair.

O'Connor, Pappas and Clark moved to amend H. F. No. 1641, as amended, as follows:

Page 81, line 19, delete "is" and insert "are (1)"

Page 81, line 24, after "areas" insert "; and (2) to encourage economic development by supporting community development corporations"

Page 81, after line 33, insert:

"Subd. 3. "Community development corporation" means a corporation established under section 116M.04."

Renumber subsequent subdivisions

Page 82, line 22, after the period insert: "*"Project" also includes projects sponsored by a community development corporation and approved by the energy and economic development authority."*

Page 86, after line 17, insert: "*(17) to make grants or loans to community development corporations established under section 116M.04 to fund projects sponsored by those corporations."*

Renumber subsequent clause

Page 88, line 11, after the period insert: "*The limitations of this clause do not apply to grants or loans to community development corporations."*

A roll call was requested and properly seconded.

The question was taken on the O'Connor et al. amendment and the roll was called.

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

There were 61 yeas and 69 nays as follows:

Those who voted in the affirmative were :

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

Those who voted in the negative were :

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

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

McDonald, Rees and Tunheim moved to amend H. F. No. 1641, as amended, as follows :

Page 20, delete lines 3 to 7

Page 76, delete lines 11 to 15 and insert :

Page 119, line 4, delete "115A.05,"

Amend the title as follows :

Page 1, line 25, delete "115.03,"

Page 1, line 26, delete "by adding a subdivision;" and after "1;" insert "115A.21, subdivision 1; 115A.24, subdivision 1;"

Page 2, line 1, delete everything after the second semicolon

Page 2, delete line 2

A roll call was requested and properly seconded.

POINT OF ORDER

Wynia raised a point of order pursuant to section 398, paragraph 2, of "Mason's Manual of Legislative Procedure" relating to decisions on amendments as final, that the McDonald amendment was not in order. The Speaker ruled the Wynia point of order not well taken and the McDonald amendment in order.

The question recurred on the McDonald et al. amendment and the roll was called.

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

There were 37 yeas and 82 nays as follows:

Those who voted in the affirmative were:

Battaglia	Frederick	Murphy	Redalen	Uphus
Beard	Gutknecht	Neuenschwander	Rees	Valan
Begich	Hartinger	Olsen, S.	Richter	Voss
Boo	Johnson	Omann	Schafer	Waltman
Burger	Marsh	Onnen	Solberg	Wenzel
Elioff	McDonald	Ozment	Sparby	
Erickson	Metzen	Pauly	Thiede	
Fjoslien	Minne	Quinn	Tunheim	

Those who voted in the negative were:

Anderson, G.	Dyke	Kostohryz	Piper	Skoglund
Anderson, R.	Ellingson	Krueger	Poppenhagen	Stanius
Backlund	Forsythe	Kvam	Price	Staten
Becklin	Frederickson	Levi	Quist	Sviggum
Bennett	Greenfield	Lieder	Rest	Thorson
Bishop	Gruenes	Long	Rice	Tjornhom
Blatz	Halberg	McLaughlin	Riveness	Tomlinson
Boerboom	Hartle	McPherson	Rodosovich	Tompkins
Brandl	Haukoos	Miller	Rose	Valento
Brown	Heap	Nelson, D.	Scheid	Vellenga
Carlson, D.	Himle	Nelson, K.	Schoenfeld	Welle
Carlson, J.	Jaros	Norton	Schreiber	Wynia
Carlson, L.	Jennings, L.	Osthoff	Seaberg	Zaffke
Clark	Kahn	Otis	Segal	Spk. Jennings, D.
Clausnitzer	Kelly	Pappas	Shaver	
Cohen	Kiffmeyer	Peterson	Sherman	
Dempsey	Knuth	Piepho	Simoneau	

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

Begich moved to amend H. F. No. 1641, as amended, as follows:

Page 60, line 27, reinstate "\$10" and delete "\$15"

A roll call was requested and properly seconded.

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

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

There were 57 yeas and 71 nays as follows :

Those who voted in the affirmative were :

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

Those who voted in the negative were :

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

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

Stanius and O'Connor moved to amend H. F. No. 1641, as amended, as follows :

Page 16, delete lines 15 to 32

A roll call was requested and properly seconded.

The question was taken on the Stanius and O'Connor amendment and the roll was called.

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

There were 56 yeas and 72 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Jacobs	Nelson, D.	Quinn	Stanius
Anderson, R.	Jaros	Neuenschwander	Rest	Staten
Battaglia	Jennings, L.	Norton	Rice	Tomlinson
Beard	Kelly	O'Connor	Riveness	Tompkins
Begich	Krueger	Omann	Rodosovich	Tunheim
Bennett	Lieder	Osthoff	Sarna	Voss
Brown	Long	Otis	Scheid	Welle
Carlson, L.	McEachern	Ozment	Schoenfeld	Wenzel
Clark	McLaughlin	Pappas	Segal	
Dempsey	Metzen	Peterson	Simoneau	
Elioff	Minne	Piper	Solberg	
Ellingson	Murphy	Price	Sparby	

Those who voted in the negative were :

Backlund	Erickson	Kahn	Olsen, S.	Sviggum
Becklin	Fjoslien	Kalis	Onnen	Thiede
Bishop	Forsythe	Kiffmeyer	Pauly	Thorson
Blatz	Frederick	Knickerbocker	Piepho	Tjornhom
Boerboom	Frederickson	Knuth	Poppenhagen	Uphus
Boo	Frerichs	Kostohryz	Quist	Valan
Brandl	Greenfield	Kvam	Redalen	Valento
Brinkman	Gruenes	Levi	Rees	Vellenga
Burger	Gutknecht	Marsh	Richter	Waltman
Carlson, D.	Halberg	McDonald	Rose	Wynia
Carlson, J.	Hartinger	McKasy	Schafer	Zaffke
Cohen	Hartle	McPherson	Schreiber	Spk. Jennings, D.
DenOuden	Haukoos	Miller	Seaberg	
Dimler	Heap	Munger	Shaver	
Dyke	Johnson	Nelson, K.	Skoglund	

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

Anderson, R., moved to amend H. F. No. 1641, as amended, as follows :

Page 60, lines 17 and 18 delete the new language

A roll call was requested and properly seconded.

The question was taken on the Anderson, R., 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.	Battaglia	Begich	Brinkman	Clark
Anderson, R.	Beard	Boo	Brown	Elioff
Backlund	Becklin	Brandl	Carlson, L.	Fjoslien

Jacobs	Long	Osthoff	Rodosovich	Sparby
Jaros	McEachern	Otis	Sarna	Tomlinson
Jennings, L.	McLaughlin	Pappas	Scheid	Tunheim
Kalis	Metzen	Peterson	Schoenfeld	Voss
Kelly	Minne	Piper	Seaberg	Welle
Knuth	Murphy	Price	Segal	Wenzel
Kostohryz	Neuenschwander	Rice	Simoneau	
Krueger	Norton	Richter	Skoglund	
Lieder	O'Connor	Rivness	Solberg	

Those who voted in the negative were:

Bennett	Erickson	Kahn	Piepho	Svigum
Bishop	Forsythe	Knickerbocker	Poppenhagen	Thiede
Blatz	Frederick	Kvam	Quinn	Thorson
Boerboom	Frederickson	Levi	Quist	Tjornhom
Burger	Frerichs	Marsh	Redalen	Tompkins
Carlson, D.	Greenfield	McDonald	Rees	Uphus
Carlson, J.	Gruenes	McPherson	Rest	Valan
Clausnitzer	Gutknecht	Miller	Rose	Valento
Cohen	Halberg	Munger	Schafer	Vellenga
Dempsey	Hartinger	Nelson, D.	Schreiber	Waltman
DenOuden	Hartle	Olsen, S.	Shaver	Wynia
Dimler	Haukoos	Onnen	Sherman	Zafke
Dyke	Heap	Ozment	Stanius	Spk. Jennings, D.
Ellingson	Johnson	Pauly	Staten	

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

Krueger moved to amend H. F. No. 1641, as amended, as follows:

Page 82, line 3, after "of" insert "(a)"

Page 82, line 6, after "security" insert "*and, (b) all counties in which the average per capita income is 60 percent or less of the statewide average per capita income for 1985 or any year thereafter.*"

A roll call was requested and properly seconded.

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

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

There were 61 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Brandl	Cohen	Kahn	Krueger
Anderson, R.	Brinkman	Elioff	Kalis	Lieder
Battaglia	Brown	Ellingson	Kelly	Long
Beard	Carlson, L.	Greenfield	Knuth	McEachern
Begich	Clark	Jennings, L.	Kostohryz	McLaughlin

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

Those who voted in the negative were:

Backlund	Dyke	Himle	Onnen	Sherman
Becklin	Erickson	Jacobs	Ozment	Stanisus
Bennett	Fjoslien	Johnson	Pauly	Swiggum
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	Haukoos	Olsen, S.	Seaberg	Spk. Jennings, D.
Dimler	Heap	Omann	Shaver	

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

Begich moved to amend H. F. No. 1641, as amended, as follows:

Page 102, delete lines 14 to 36

Page 103, delete line 1

Renumber subsequent sections

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Begich amendment 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.	Brandl	Clark	Greenfield	Kahn
Battaglia	Brinkman	Cohen	Jacobs	Kelly
Bead	Brown	Elioff	Jaros	Knuth
Begich	Carlson, L.	Ellingson	Jennings, L.	Kostohryz

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

Those who voted in the negative 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
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	Hartering	Olsen, S.	Seaberg	Spk. Jennings, D.
Dempsey	Hartle	Omann	Shaver	
DenOuden	Haukoos	Onnen	Sherman	
Dimler	Heap	Ozment	Stanius	

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

Kahn moved to amend H. F. No. 1641, as amended, as follows:

Page 47, after line 3, insert a new section to read:

"Sec. 57. [APPROPRIATION TRANSFER.] The commissioner of finance shall reduce the general fund appropriations in sections 2 to 47 by \$3,000,000 the first year and \$3,000,000 the second year apportioning this reduction according to the percentage each department or agency represents to the total general fund budget concurrent with the transfer of such funds to the commissioner of administration for the purpose of providing for operating costs of 911 emergency phone service."

Renumber the remaining sections accordingly

A roll call was requested and properly seconded.

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

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

There were 64 yeas and 64 nays as follows:

Those who voted in the affirmative were :

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

Those who voted in the negative were :

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

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

H. F. No. 1641, A bill for an act relating to the organization and operation of state government; appropriating money for the general legislative, judicial, and administrative expenses of state government with certain conditions; providing for the transfer of certain money in the state treasury; authorizing land acquisition; providing for the compensation of metropolitan government personnel; fixing and limiting fees; creating, modifying, transferring, and abolishing agencies and functions; amending Minnesota Statutes 1934, sections 2.722, subdivision 1; 3.21; 3.85, subdivision 11; 3.9223, subdivision 1; 11A.07, by adding a subdivision; 11A.20, subdivision 1; 13.68, subdivision 1; 15.50, subdivision 3; 16A.055, subdivision 1; 16A.275; 16A.40; 16A.42, subdivision 2; 16A.45, subdivision 2; 16A.47; 16A.58; 16A.672, subdivisions 1, 2, and 3; 16B.09, by adding a subdivision; 16B.29; 43A.07, subdivision 2; 84B.03, subdivision 4; 85.05, subdivisions 1 and 2; 85.22, subdivision 2a; 85A.01, subdivisions 1 and 2; 85A.02, subdivisions 3, 4, 5, 7, 12, 16, and by adding subdivisions; 85A.04, subdivision 3; 86.72; 86.75; 97.4841, subdivision 3; 97.4842, subdivision 2; 97.50, subdivision 1; 98.45, by adding a subdivision; 98.46, subdivisions 2, 14, and by adding a subdivision; 98.47, subdivision 1; 100.271, subdivision 2; 115.03, by adding a subdivision; 115A.05, subdivision 1; 115A.908, subdivi-

sions 2 and 3; 116J.76; 116M.03, by adding a subdivision; 179A.-03, subdivision 17; 179A.04, subdivision 3; 179A.13; 179A.16; 179A.21; 179A.25; 192.51, subdivision 2; 196.051, by adding a subdivision; 268.05, subdivision 2; 268.07, subdivision 2a; 268.38, subdivisions 1, 2, 6, 7, and 8; 270A.07, subdivision 1; 290.50, subdivision 6; 296.421, subdivision 4, and by adding a subdivision; 297.13, subdivision 1; 361.03, subdivision 5; 361.27; 462C.05, subdivision 2, and by adding a subdivision; 462C.07, subdivision 1, and by adding a subdivision; 473.123, subdivision 5; 473.129, subdivision 2; 473.141, subdivisions 7 and 12; 473.605, subdivision 2; 473.606, subdivisions 1 and 5; 473.704, by adding a subdivision; 473.714; 487.01, subdivision 5; 609.101; proposing coding for new law in Minnesota Statutes, chapters 3; 5; 85A; 97; 116; 139; and 270; proposing coding for new law as Minnesota Statutes, chapter 116N; repealing Minnesota Statutes 1984, sections 7.01; 7.013; 7.02; 7.03; 7.04; 7.05; 7.13; 7.14; 7.15; 7.16; 7.17; 7.18; 10.18; 10.19; 10.20; 10.21; 10.22; 10.23; 16A.42, subdivision 3; 46.15; 48.87; 69.031, subdivision 2; 85A.01, subdivision 1a; 85A.03; 85A.04, subdivision 1; 115A.05, subdivision 3; 115A.201, subdivision 2; 115A.22, subdivision 4; 116M.06, subdivision 5; 116M.07, subdivision 3; 124.471; 179A.03, subdivision 3; 179A.05; 296.10; 349.212, subdivision 3, as amended; 360.301; 360.302; 360.304; 360.306; 360.388; 360.389; 403.01, subdivision 1; and Laws 1982, chapter 489, section 11.

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 73 yeas and 57 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	DenOuden	Heap	Onnen	Stanius
Backlund	Dimler	Himle	Ozment	Sviggum
Battaglia	Dyke	Jacobs	Pauly	Thiede
Becklin	Erickson	Johnson	Piepho	Thorson
Bennett	Fjoslien	Kiffmeyer	Poppenhagen	Tjornhom
Bishop	Forsythe	Knickerbocker	Quist	Tompkins
Blatz	Frederick	Kvam	Redalen	Tunheim
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	Hartberg	Miller	Seaberg	Spk. Jennings, D.
Cohen	Hartle	Olsen, S.	Shaver	
Dempsey	Haukoos	Omann	Sherman	

Those who voted in the negative were :

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

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

Staten and Minne were excused for the remainder of today's session.

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. 1523.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1523, A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes to the department of education, higher education coordinating board, state board of vocational technical education, state board for community colleges, state university board, board of regents of the University of Minnesota, the Mayo medical foundation, and the College of Saint Thomas, with certain conditions; providing for state board of education membership and staff assistance, a different source for an annual appropriation, student financial aid, course equivalency, common numbering, general education requirements, fees and licenses, vocational programs and budgets, vocational board policymaking, and emergency rulemaking; amending Minnesota Statutes 1984, sections 121.02, subdivision 1; 123.743; 125.08; 136A.09; 136A.095; 136A.101; 136A.121, subdivisions 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12,

13, 16, and by adding a subdivision; 136A.132, subdivisions 3, 4, 5, and 6; 136A.162; 136C.04, subdivision 15; 136C.08, subdivision 2; 136C.13, subdivision 3, and by adding a subdivision; 136C.26, subdivisions 4 and 5; 136C.28, subdivision 2; 136C.33, subdivision 1; 136C.34; 136C.36; 141.25, subdivision 8; and 141.26, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 124; 135A; and 136; repealing Minnesota Statutes 1984, sections 136A.121, subdivisions 8 and 14; 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.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Forsythe moved that the rule therein be suspended and an urgency be declared so that S. F. No. 1523 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Forsythe moved that the rules of the House be so far suspended that S. F. No. 1523 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 1523 was read for the second time.

Forsythe moved to amend S. F. No. 1523, as follows:

Delete everything after the enacting clause and insert:

“Section 1. [EDUCATION; APPROPRIATIONS.] The sums shown in the columns marked “APPROPRIATIONS” are appropriated from the general fund, or any other fund named, to the agencies and for the purposes specified in this act, to be available for the fiscal year indicated for each purpose. The figures “1985,” “1986,” and “1987,” where used in this act, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1985, June 30, 1986, or June 30, 1987, respectively.

SUMMARY BY FUND

	1985	1986	1987	TOTAL
General	\$15,281,800	\$755,584,400	\$776,792,500	\$1,547,658,700
Trunk				
Highway		20,800	21,700	42,500
Permanent				
University		2,500,000	-0-	2,500,000

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Nongame Wildlife	25,000	25,000	50,000
TOTAL	\$15,281,800	\$758,130,200	\$776,839,200 \$1,550,251,200

SUMMARY BY AGENCY—ALL FUNDS

Department of Education	\$ 22,243,000	\$ 22,299,600	\$ 44,542,600
Higher Education Coordinating Board	62,248,300	70,251,600	132,499,900
State Board of Vocational Technical Education	15,281,800 142,661,500	142,248,900	300,192,200
State Board for Community Colleges	61,764,000	61,428,700	123,192,700
State University Board	116,592,300	119,374,800	235,967,100
University of Minnesota	351,569,100	360,288,800	711,857,900
Mayo Medical Foundation	1,052,000	946,800	1,998,800

APPROPRIATIONS
 Available for the Year
 Ending June 30

	1986	1987
	\$	\$

Sec. 2. DEPARTMENT OF EDUCATION

Subdivision 1. Total

Appropriation	\$22,243,000	\$22,299,600
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Approved Complement

State—1986—437, 1987—432

Special Revenue—1986—9.5, 1987—9.5

Federal—1986—154.6, 1987—154.6

Bond Proceeds—1986—1, 1987—1

	1986		1987
	\$		\$

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

The commissioner of education with the approval of the commissioner of finance may transfer unencumbered balances among the programs during the biennium. Transfers must be reported immediately to the house appropriations and senate finance committees. The commissioner of education may transfer money among the various object of expenditure categories and activities within each program, unless restricted by executive order or law.

The commissioner of education during the biennium may spend federal block grant money received under the Education Consolidation and Improvement Act of 1981, as amended, United States Code, title 20, chapter 51, as shown in the biennial budget. Changes may be made to accommodate adjustments in salary or other costs. The commissioner must report material changes to the house appropriations committee and the senate finance committee.

During the biennium, any new initiatives funded by block grants shall be funded through the Research and Development Activity, unless otherwise required by law and the allocation of block grant funds to the Research and Development Activity shall be reduced to 25 percent of the federal block grant funds allocated to the department.

Subd. 2. Instructional Services

1986	1987
\$6,194,600	\$6,265,400

\$20,800 the first year and \$21,700 the second year is from the trunk highway fund.

	1986	1987
	\$	\$

\$1,545,000 the first year, and \$1,599,100 the second year is for Indian scholarships. Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.

\$309,000 the first year and \$319,800 the second year is for Indian post-secondary preparation grants.

\$220,000 in 1986 and \$220,000 in 1987 is for the vocational student organization budget. These amounts shall be spent according to an agreement between the state board and the recipients and shall not be diverted to any use other than the administration of currently recognized vocational student organizations. This agreement is not subject to the contract approval procedures of the commissioner of administration.

The General Instruction Activity complement is reduced by one position in Reading and one in Chemical Dependency.

The Academic Excellence Foundation complement is increased by one position.

One professional state position shall be added to the Special Education Monitoring complement of Special Populations.

The department of education shall maintain the existing Minnesota Indian education scholarship office at Bemidji during the biennium ending June 30, 1987, with no reduction in general fund appropriations.

Subd. 3. Faribault Residential Schools

\$5,748,700	\$5,727,900
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The complement at the Faribault Residential Schools is reduced by ten positions

1986

\$

1987

\$

in 1986 and four additional positions in 1987.

Subd. 4. Support Services

\$1,597,900 \$1,598,200

The Office of Policy and Planning is abolished. One federally funded Educational Specialist II and one federally funded Clerk/Typist III are transferred to Elementary and Secondary Education. One state funded Educational Specialist III position is eliminated.

The complement for the Council on Quality Education is eliminated. This shall not affect programmatic payment obligations previously approved. These obligations shall be assumed by the department unless otherwise specified by law.

The complement of the Private Vocational School Licensing section is reduced by one position.

Subd. 5. District Management Services

\$6,187,300 \$6,190,500

The Education Aids and Levies section complement is increased by one position at the level of senior research analysis specialist.

\$972,700 the first year and \$973,900 the second year is for education data systems. Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.

\$340,000 the first year and \$340,000 the second year is for the development and maintenance of software for the elementary-secondary-vocational information system. Any unexpended balance re-

	1986	1987
\$		\$

maining in the first year does not cancel but is available for the second year of the biennium.

\$3,200,000 in the first year and \$3,200,000 in the second year is for regional computing support for regional management information centers. Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.

Subd. 6. Auxiliary and General Services

\$2,317,500 \$2,320,300

The commissioner of education shall maintain no more than six total complement in the categories of commissioner, deputy commissioner, assistant commissioner, assistant to the commissioner, or executive assistant.

The commissioner shall maintain no more than two total complement in the categories of administrative secretary, executive or clerk/typist.

The complement of the elementary-secondary-vocational computer council is reduced by one-half position.

Subd. 7. Board of Teaching

\$197,000 \$197,300

Sec. 3. HIGHER EDUCATION COORDINATING BOARD

Subdivision 1. Total

Appropriation	62,248,300	70,251,600
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The amounts that may be spent from this appropriation for each purpose are specified in the following subdivisions.

	1986	1987
	\$	\$

Subdivision 2. Agency
Administration

\$2,615,100 \$2,337,700

This appropriation includes money for the administration of the state student assistance programs, program planning and coordination, policy planning and research, and agency management services.

\$100,000 in 1986 and \$100,000 in 1987 is to coordinate system missions and planning, and to coordinate the development of policy in instructional technology.

\$170,500 in 1986 and \$39,500 in 1987 is for the development of a delivery system to link the central administration of the scholarship and grant program with campus financial aid offices.

\$10,000 in 1986 is for coordinating the task force on regulation of private proprietary schools as provided in section 70.

\$10,000 in 1986 is for studying the effects of the standardized needs analysis on rural farm and business families under section 73.

\$100,000 in 1986 is available for developing and implementing a pilot program in peer counseling under section 69. Any unexpended balance in the first year does not cancel but is available for the second year of the biennium.

\$34,900 in 1986 and \$35,000 in 1987 is to inform secondary students about post-secondary opportunities and expectations, preparations necessary for post-secondary education, and resources available for planning and financial assistance, including but not limited to the activities described in section 44.

	1986	1987
	\$	\$

The board shall prepare plans for the awarding of scientific grants based on need and shall report its recommendations to the legislature by January 1, 1986.

Subd. 3. State Scholarships and Grants

\$51,150,000 \$58,350,000

If the appropriation for either year is insufficient, the appropriation for the other year is available to meet scholarship and grant obligations.

\$50,000 in 1986 and \$50,000 in 1987 is for the purpose of scholarships and grants for eligible students of optometry who attend schools in other states with which Minnesota has an agreement for optometry seats. The number of eligible students shall be five per year for a maximum of 20, and shall include currently enrolled as well as entering students. The selection of students shall be as provided in section 136A.225.

This appropriation includes money for full funding of state scholarships and grants for students attending private institutions, as provided in section 29. Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.

\$1,500,000 in 1987 is for funding four full years of state scholarship and grant eligibility, according to section 32.

This appropriation contains money for increasing living allowances for state scholarships and grants to \$2,850 for 1986 and \$3,000 for 1987.

\$300,000 in 1986 and \$2,000,000 in 1987 is for funding the part-time student grant program for eligible students as provided in section 136A.132.

	1986	1987
	\$	\$

The appropriation for the second year includes funding for scholarships and grants for students enrolled at least half but less than full time, according to sections 23 to 25.

\$100,000 the first year is for short-term living and transportation expenses of AVTI students.

Subd. 4. Interstate Tuition
Reciprocity

\$2,800,000 \$4,000,000

If the appropriation for either year is insufficient, the appropriation for the other year is available to meet reciprocity contract obligations.

Subd. 5. State Work Study

\$4,428,600 \$4,428,600

Subd. 6. Medical Student Loans

\$95,000

Subd. 7. Minitex Library Program

\$959,600 \$735,300

\$250,000 in 1986 is for updating MULS and studying library automation, linkage and storage systems. The board shall report its findings and recommendations to the legislature by January 15, 1987.

Subd. 8. Enterprise Development
Partnerships.

\$200,000 \$400,000

The board shall coordinate the grant competition and the allocation of awards and shall determine the method to be used in selecting proposals for funding. The board shall report to the legislature on the awards made by February 1, 1987.

	1986	1987
	\$	\$

One award shall be made to Bemidji State University for \$75,000 in 1986 and \$75,000 in 1987.

Subd. 9. During the biennium, notwithstanding any other law, the personnel, powers or duties of the higher education coordinating board must not be transferred to any other department, higher education system, or other part of state government.

Subd. 10. Any unexpended balances in this section remaining in the first year do not cancel but are available for the second year of the biennium.

Sec. 4. STATE BOARD OF VOCATIONAL TECHNICAL EDUCATION

Subdivision 1. Total	1985		
Appropriation	\$15,281,800	142,661,500	142,248,900

The amounts that may be spent from this appropriation for each purpose are specified in the following subdivisions.

Subd. 2. 1984-1985 Entitlement Balance

\$15,281,800 in 1985 is appropriated to the board for final payment of entitlement for the 1984-1985 school year.

Subd. 3. Instructional Expenditures

It is estimated that the amount for instructional expenditures will be \$179,772,500 for the first year, and \$180,896,100 for the second year.

If the actual amount is different, the state director shall report and explain the difference to the house appropriations and senate finance committees and the commissioner of finance by December 1 of each year.

\$175,000 in 1986 and \$200,000 in 1987 is for instructor retraining.

	1986	1987
	\$	\$

\$500,000 the first year and \$500,000 the second year is to augment the funding level for repairs and betterments.

\$10,764,100 the first year and \$11,356,200 the second year is for required employer contributions for social security and teachers' retirement.

Subd. 4. Noninstructional Expenditures

It is estimated that the amount for non-instructional expenditures will be \$7,215,100 for the first year and \$6,747,400 for the second year.

If the actual amount is different, the state director shall report and explain the difference to the house appropriations and senate finance committees and the commissioner of finance by December 1 of each year.

\$6,477,500 the first year and \$6,015,400 the second year is for debt service payments to local school districts for AVTI buildings financed with local district bonds issued before January 1, 1979.

\$212,000 the first year and \$88,900 the second year is for veteran farmer cooperative training programs.

\$500,600 the first year and \$518,100 the second year is for state matching of federal student loan money and federal work study money.

\$100,000 in 1987 is for the operation and management of the FIRE center. The board of vocational technical education and the regents of the University of Minnesota are requested to report to the house appropriations and senate finance committees on the statutory, property, fiscal, and other related changes necessary to transfer the FIRE center from

	1986	1987
	\$	\$

the management of the university to the management of the vocational technical board by January 1, 1986.

Subd. 5. State Council on Vocational Education

\$25,000 in 1986 and \$25,000 in 1987 shall be allocated by the state board to the state council on vocational education. These funds shall be used by the council to carry out its program and duties with particular emphasis on: service to local program advisory committees; AVTI program evaluation reports and recommendations; and a survey of entrepreneurial initiatives of AVTI graduates. Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.

Sec. 5. STATE BOARD FOR COMMUNITY COLLEGES

Subdivision 1. Total

Appropriation	61,764,000	61,428,700
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The amounts that may be spent from this appropriation for each purpose are specified in the following subdivisions.

Subd. 2. Instructional Expenditures

It is estimated that the amount for instructional expenditures will be \$76,821,000 for the first year and \$75,913,800 for the second year.

If the actual amount is different, the chancellor shall report and explain the difference to the house appropriations and senate finance committees and the commissioner of finance by December 1 of each year.

\$5,146,300 in 1986 and \$4,112,600 in 1987 is for full funding of the bulge enrollment.

	1986	1987
	\$	\$

\$335,700 the first year and \$335,700 the second year is to augment the funding level for repairs and betterments.

Subd. 3. Noninstructional Expenditures

It is estimated that the amount for noninstructional expenditures will be \$11,470,700 for the first year and \$11,743,300 for the second year.

If the actual amount is different, the chancellor shall report and explain the difference to the house appropriations and senate finance committees and the commissioner of finance by December 1 of each year.

\$408,400 in 1986 and \$331,000 in 1987 is for the library automation cooperative project with the state university system.

\$160,000 in 1986 and \$180,000 in 1987 is for operating costs of the Cambridge Center, contingent upon the opening of the new facility for the 1985-1986 academic year.

\$260,000 in 1986 and \$285,000 in 1987 is for the move and rental of space for Minneapolis Community College.

\$1,114,500 the first year and \$1,149,600 the second year is for financial aid. Of this amount, \$557,100 in 1986 and \$575,900 in 1987 is for state matching of federal student loan money and federal work study money.

Sec. 6. STATE UNIVERSITY BOARD

Subdivision 1. Total		
Appropriation	116,592,300	119,374,800

The amounts that may be spent from this appropriation for each purpose are specified in the following subdivisions.

	1986	1987
	\$	\$

Subd. 2. Instructional Expenditures.

It is estimated that the amount for instructional expenditures will be \$162,153,800 for the first year and \$165,914,500 for the second year.

If the actual amount is different, the chancellor shall report and explain the difference to the house appropriations and senate finance committees and the commissioner of finance by December 1 of each year.

\$5,398,100 in 1986 and \$4,464,700 in 1987 is for full funding of the bulge enrollment at the Bemidji, Mankato, Moorhead, St. Cloud, and Winona campuses.

\$101,645 in 1986 and \$42,830 in 1987 is to establish a food technology concentration and certificate program at Southwest State University. Of this amount, \$30,789 in the first year and \$31,867 in the second year is for support and salary for one faculty position; and \$70,856 in the first year and \$10,963 in the second year is for consumable supplies and equipment.

\$56,000 in 1986 and \$56,000 in 1987 is to enhance the equipment of the engineering technology department at Southwest State University in support of the food technology program by acquiring equipment in the form of a CAD/CAM and a microprocessor.

\$604,000 the first year and \$608,700 the second year is to augment the funding level for repairs and betterments and capital improvement projects management.

The state university board shall ensure that classroom teaching assistants for whom English is a second language are proficient in speaking, reading, and writing English. The board shall report the

1986

1987

\$

\$

actions it is taking on this matter to the legislature by January 15, 1986.

Subd. 3. Noninstructional Expenditures

It is estimated that the amount for noninstructional expenditures will be \$8,335,400 for the first year and \$8,598,200 for the second year.

If the actual amount is different, the chancellor shall report and explain the difference to the house appropriations and senate finance committees and the commissioner of finance by December 1 of each year.

\$211,500 in 1986 and \$215,900 in 1987 is for the library automation cooperative project with the community college system.

\$126,000 in 1986 and \$127,225 in 1987 is to establish a science and technology resource center at Southwest State University to assist inventors and entrepreneurs in creating products and processes that can be a source of new businesses and jobs in southwestern Minnesota. Of this amount, \$35,000 in the first year and \$36,225 in the second year is for support and salary of one 10-1/2 month center director; \$5,000 each year is for student help; \$46,000 each year is for consultants for market analysis and technical assistance; and \$40,000 each year is for consumable supplies, materials, and equipment.

\$23,660 in 1986 and \$3,640 in 1987 for the consumable equipment and supplies for the food technology program is attributable to noninstructional expenditures.

\$56,000 in 1986 and \$56,000 in 1987 is to enhance the equipment of the engineering technology department at South-

	1986	1987
	\$	\$

west State University in support of the science and technology resource center by acquiring equipment in the form of a CAD/CAM and a microprocessor.

Subd. 4. The state university board shall submit a report to the house appropriations and senate finance committees by January 15, 1987, on the use of all money exempt from budgetary control by the commissioner of finance under Minnesota Statutes, sections 136.11, subdivision 5; 136.144; and 136.37.

Sec. 7. UNIVERSITY OF MINNESOTA

Subdivision 1. Total		
Appropriation	351,569,100	360,288,800

The amounts that may be spent from the appropriation for each purpose are specified in the following subdivisions.

Subd. 2. Operations and		
Maintenance	282,052,000	287,944,800

(a) Sources

These appropriations are made from :

(1) income derived from investment of the permanent university fund, which is appropriated to the university as provided in Minnesota Statutes, section 137.022. It is estimated that this income will not exceed \$2,500,000 for the first year. In the second year all the funds will accrue to the University; and

(2) the general fund. It is estimated that the amount required from the general fund will be at least \$279,552,000 for the first year and \$287,944,800 for the second year.

On December 1, 1986, and December 1, 1987, the president of the University of Minnesota shall furnish the house appro-

	1986	1987
	\$	\$

priations and senate finance committees and the commissioner of finance the following information :

the sources of these receipts ; and

the purposes for which any excess receipts were spent and accounts to which transferred.

In preparing the university's legislative budget request for the 1987-1989 biennium, all projected income from student tuition must be based on a charge per credit hour schedule.

(b) Instructional Expenditures

It is estimated that the amount for instructional expenditures will be \$305,776,200 for the first year and \$312,593,900 for the second year.

If the actual amount is different, the University of Minnesota shall report and explain the difference to the house appropriations and senate finance committees and the commissioner of finance by December 1 of each year.

\$6,000,000 in 1986 and \$6,000,000 in 1987 is for the university's commitment to focus. During the biennium, it is the intention of the legislature that the university embark on a course of excellence in cooperation with the other post-secondary education systems.

\$598,000 in 1986 and \$1,192,000 in 1987 is for the University of Minnesota, Duluth Engineering Program.

The university is requested to ensure that classroom teaching assistants for whom English is a second language are proficient in speaking, reading, and writing English. The university is requested to report the actions it is taking on this matter to the legislature by January 15, 1986.

	1986	1987
	\$	\$

(c) Noninstructional Expenditures

It is estimated that the amount for noninstructional expenditures will be \$87,644,400 for the first year and \$88,969,100 for the second year.

If the actual amount is different, the University of Minnesota shall report and explain the difference to the house appropriations and senate finance committees and the commissioner of finance by December 1 of each year.

\$1,500,000 in 1987 is for the graduate fellowship program as provided in section 68.

The regents are requested to study changing the name of the Dight Institute of Human Genetics and to report their recommendations to the House Appropriations and Senate Finance Committees by January 1, 1986.

Subd. 3. Special Appropriations . . .	69,517,100	72,344,000
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(a) Agricultural Extension Service

\$12,148,800	\$12,549,700
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This appropriation includes money for agriculture extension work, county agricultural agents, home demonstration and 4-H club work, and soil conservation. During the biennium, any salary increases granted by the university to personnel paid from this appropriation must not result in a reduction of the county portion of the salary payments.

Of this amount, \$42,500 in 1986 and \$42,500 in 1987 is to establish a turf extension specialist position.

(b) Agricultural Research

\$21,890,700	\$23,044,600
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	1986	1987
	\$	\$

This appropriation includes money for research on aquatic plants (including wild rice), soybeans, avian disease, swine disease, corn improvement, and irrigation.

This appropriation includes money for the study of pseudorabies.

Of this amount, \$9,955,800 in 1986 and \$10,304,200 in 1987 is for the agricultural experimental station funds that are transferred from the operations and maintenance budget to the Agricultural Research special.

\$100,000 in 1986 is for the operation of the FIRE center. The regents of the University of Minnesota and the board of vocational technical education are requested to report on the statutory, property, fiscal, and other related changes necessary to transfer the FIRE center from the management of the university to the management of the vocational technical board by January 1, 1986.

During the biennium, the university shall maintain an advisory council system for each experiment station. The advisory councils shall be broadly representative of range of size and income distributions for farms and agribusiness, and shall not be disproportionately represented by those from the upper half of the size and income distributions of farms and agribusiness.

(c) Biotechnology Center

\$ 432,600 \$ 447,700

(d) Coleman Leukemia Research Center

\$ 226,300 \$ 234,200

(e) County Papers/Indigent Patients

\$2,060,000 \$2,132,100

	1986	1987
	\$	\$
(f) Geological Survey		
\$ 799,300	\$ 824,000	
(g) Hormel Institute		
\$ 167,300	\$ 173,200	
(h) Industrial Relations Education		
\$ 638,600	\$ 661,000	
(i) Institute for Human Genetics		
\$ 300,000	\$ 485,000	
(j) Intercollegiate Athletics		
\$2,868,200	\$2,970,800	

This appropriation includes money to improve the programs and resources available to women and to ensure that campuses are in compliance with Title IX of the Educational Amendment Act of 1972 and Minnesota Statutes, section 126.21. The money shall be allocated to ensure that in each year campuses receive no less than the amounts specified: Duluth — \$484,000; Morris — \$58,000; Crookston — \$39,000; and Waseca — \$39,000.

(k) Lake Superior Basin Studies		
\$ 137,800	\$ 142,600	
(l) Medical Research		
\$2,155,900	\$2,231,400	
(m) Microelectronics and Information Science Center		
\$ 617,500	\$ 639,100	

	1986	1987
	\$	\$
(n) Mineral Resources Research Center		
	\$ 494,000	\$ 511,300
(o) Natural Resources Research Institute		
	\$2,315,300	\$2,396,400
(p) Plant Biomass Energy Research		
	\$ 136,100	\$ 140,800
(q) Productivity Center		
	\$ 309,000	\$ 319,800
(r) Rural Physicians Associates Program		
	\$ 528,500	\$ 547,000
(s) Sea Grant College Program		
	\$ 275,200	\$ 304,500
<p>The university is requested to study the relocation of the Sea Grant program to the Duluth campus and report to the house appropriations and senate finance committees by January 1, 1986.</p>		
(t) Special Hospitals, Service and Educational Offset		
	\$13,326,900	\$13,793,300
<p>During the biennium, fees for service furnished to counties and individuals under this program shall be sought to augment the money appropriated; the fees are appropriated to the university hospitals, to be available until June 30, 1987.</p>		
(u) Supercomputer Institute		
	\$6,078,000	\$6,171,700

	1986	1987
\$		\$

This appropriation includes money for the leasing of two supercomputer architectures.

(v) Talented Youth Math

\$ 182,300 \$145,000

Of this appropriation, \$40,000 in 1986 is to match grant funds for teacher education.

This appropriation includes money to continue the outreach sites program to ensure an opportunity for the participation of youth outside the metropolitan area.

(w) Underground Space Center

\$ 206,000 \$ 213,200

(x) Veterinary Diagnostic Laboratory

\$1,222,800 \$1,265,600

This appropriation includes \$25,000 each year from the nongame wildlife account in the special revenue fund for the raptor rehabilitation and research clinic.

Sec. 8. MAYO MEDICAL FOUNDATION

Subdivision 1. Total		
Appropriation	1,052,000	946,800

The amounts that may be spent from this appropriation for each purpose are specified in the following subdivisions.

Subd. 2. Medical School

\$ 883,700 \$ 772,600

The state of Minnesota shall pay a capitation of \$8,580 in 1986 and \$8,880

	1986	1987
	\$	\$

in 1987 for each student who is a resident of Minnesota.

Capitation money must be paid for a maximum of 20 students in each class for students who entered Mayo Medical School during the 1984-1985 academic year or thereafter, and a maximum of 40 students in each class for students who entered Mayo Medical School before the 1984-1985 academic year.

During the biennium, the legislature intends that the Mayo foundation use the capitation money to increase the number of doctors practicing in rural areas in need of doctors as identified by the higher education coordinating board.

Subd. 3. Family Practice and Graduate Residency Program

\$168,300 \$174,200

The state of Minnesota shall pay a capitation of \$14,025 in fiscal year 1986 and \$14,500 in fiscal year 1987 for a maximum of 12 students.

Sec. 9. Minnesota Statutes 1984, section 121.02, is amended by adding a subdivision to read:

Subd. 4. [BOARD STAFF.] The state board may appoint a staff assistant who shall serve in the unclassified service.

Sec. 10. [124.481] [INDIAN POST-SECONDARY PREPARATION GRANTS.]

The state board of education, with the advice of the Minnesota Indian scholarship committee, may make grants to school districts to support post-secondary preparation for secondary pupils who are of one-fourth or more Indian ancestry and who, in the opinion of the superintendent, have the capabilities to benefit from higher education. Distribution of the grants must be in accordance with a plan prepared by the state board, with the advice of the Minnesota Indian scholarship committee, that describes the objectives and methods of implementing the grant program, including the manner in which

grants will be distributed in proportion to the geographical distribution of the Indian population of the state.

Sec. 11. Minnesota Statutes 1984, section 135A.03, subdivision 4, is amended to read:

Subd. 4. [DETERMINATION OF AVERAGE COST OF INSTRUCTION.] (a) The average cost of instruction shall include direct instructional costs and other costs necessary to provide instruction, such as facilities, administration, and support. The average cost of instruction shall include only those costs attributable to academic or vocational programs.

(b) Every biennium each board shall submit the average cost of instruction for each instructional category as necessary to determine appropriations as part of their biennial budget request.

(c) *An unexpended balance of an appropriation to a board that is carried over from the first to the second fiscal year of a biennium or from one biennium to the next must not be used to augment the cell values in the average cost funding matrix used to calculate base level funding or to augment the non-instructional base level funding.*

Sec. 12. Minnesota Statutes 1984, section 135A.05, is amended to read:

135A.05 [TASK FORCE.]

The (COMMISSIONER OF FINANCE) *executive director of the Minnesota higher education coordinating board* shall establish a task force on average cost funding. The task force shall include representation from each of the public systems of post-secondary education, post-secondary students, (THE HIGHER EDUCATION COORDINATING BOARD,) the education division of the house appropriations committee, (AND) the education subcommittee of the senate finance committee, *the office of the commissioner of finance*, the office of state auditor, and the uniform financial accounting and reporting advisory council. The task force shall be convened and chaired by the (COMMISSIONER OF FINANCE) *executive director of the higher education coordinating board* or his designee and staffed by the (DEPARTMENT OF FINANCE) *higher education coordinating board*. The task force shall review and make recommendations on the definition of instructional cost in all four systems, the method of calculating average cost for funding purposes, the method used to assign programs to the proper level of cost at each level of instruction, the adequacy of the accounting data for defining instructional cost in a uniform manner, and the biennial budget format to be used by the four systems in submitting their (1985-1987)

biennial budget requests. The task force shall submit a report on these matters to the legislature by December 1 of each *odd-numbered* year.

Sec. 13. Minnesota Statutes 1984, section 135A.06, is amended to read:

135A.06 [SYSTEM PLANS (; UNIVERSITY OF MINNESOTA; STATE UNIVERSITY BOARD; STATE BOARD FOR COMMUNITY COLLEGES; STATE BOARD FOR VOCATIONAL EDUCATION) AND MISSIONS.]

Subdivision 1. [SUBMISSION OF PLANS.] It is the intent of the legislature that the planning efforts of the public post-secondary education systems be summarized and reported to the legislature. (THESE PLANNING EFFORTS INCLUDE, BUT ARE NOT LIMITED TO, THE ON-GOING INTRASYSTEM AND INTERSYSTEM PLANNING PROCESSES AND THE INFORMATION PROVIDED BY THE SYSTEMS TO THE GOVERNOR'S COMMISSION ON THE FUTURE OF POST-SECONDARY EDUCATION.) *It is the further intent that the system missions be differentiated from one another to best serve the needs of the citizens of Minnesota.* In order to accomplish (THIS GOAL) *these goals*, the University of Minnesota board of regents, the state university board, the state board for community colleges, and the state board for vocational education shall each submit to the governor and the legislature on December 1 of each even-numbered year a planning report for its system. The planning report shall contain the mission of the system and short- and long-range plans for programs, staff, and facilities. The report shall specify the mission and plans for two, five, and ten years. The assumptions used in developing the plans shall be included. *The report shall also include plans for and progress toward achieving mission differentiation while maintaining the state's overall post-secondary objectives.*

Subd. 2. [MISSION.] Each system shall review its mission as it relates to instruction, research, and public service. *The systems in cooperation with the higher education coordinating board shall jointly review their missions and develop strategies to achieve clearer mission differentiation and an overall inter-system plan that ensures achieving the state's overall post-secondary objectives.*

Subd. 3. [SYSTEM PLANS.] ((A)) Each system shall (REVIEW ITS) *develop a program plan for instruction, research, and public service. Each system shall consult with the higher education coordinating board and with the other systems throughout the planning process. The higher education coordinating board shall coordinate intersystem efforts in the development of the program plans to achieve intersystem cooperation and differentiation.*

Each planning report shall consider the following elements at a minimum: (PROGRAM PLANS SHALL INCLUDE)

(a) A statement of program priorities for undergraduate, graduate, and professional education. Program plans shall also include data about program cost and average class size within each institution.

(b) (EACH SYSTEM SHALL) A review (ITS PLAN) of plans for adjusting the number of facilities, staff, and programs to projected level of demand. Plans for adjustments shall consider campus and program mergers, campus and program closings, new governance structures, *the relationship between fixed costs and projected enrollment changes*, and other methods including consolidation of institutions, services, and programs (WITH INSTITUTIONS SERVING) *that serve the same geographic area (WHICH ARE OPERATED BY) under different governing boards.*

((C) EACH SYSTEM SHALL CONSULT WITH THE HIGHER EDUCATION COORDINATING BOARD THROUGHOUT THE PLANNING PROCESS.)

(SUBD. 4. [PLANNING FACTORS.] EACH PLANNING REPORT SHALL CONSIDER THE FOLLOWING FACTORS AT A MINIMUM.)

((A)) (c) Enrollment projections for two, five, and ten years. If a system uses projections which are different from the most recent available projections produced by the higher education coordinating board, the system shall compare its projections with enrollment projections prepared by the higher education coordinating board, and the system shall identify the method and assumptions used to prepare its projections;

((B)) (d) Estimated financial costs and savings of alternative plans for adjusting facilities, staff, and programs to declining enrollments and fiscal resources;

((C)) (e) Opportunities for providing services cooperatively with other public and private institutions in the same geographic area.

(f) *Differentiating and coordinating missions to reduce or eliminate duplication of services and offerings.*

Subd. 4a. [CAPITAL REQUESTS.] A capital budget request submitted by a system must specifically relate a proposed capital project to the plans required under this section.

Subd. 5. [HECB REVIEW AND COMMENT.] The higher education coordinating board shall review and comment on

the reports prepared by the systems. In order to provide sufficient time for this review, systems shall submit the reports to the coordinating board on September 1 prior to the December 1 submission to the governor and legislature. Before the higher education coordinating board forwards its review and comment to the legislature, each system shall be given the opportunity by the higher education coordinating board to respond to the higher education coordinating board review. In order to provide sufficient time for the systems to respond, the HECB shall provide copies of its review and comment to the systems by October 15 and the systems shall submit any responses to the higher education coordinating board by November 15, prior to the January 2 submission to the governor and the legislature. The system responses shall accompany the higher education coordinating board review and comment when it is submitted to the governor and the legislature. As part of its review and comment, the higher education coordinating board shall present information on the costs, enrollment, and participation in public post-secondary institutions *and on the progress the systems and the board are making toward an integrated intersystem planning effort.*

Sec. 14. Minnesota Statutes 1984, section 136.031, is amended to read:

136.031 [CARRY-OVER AUTHORITY.]

The state university board may carry over any unexpended balance from its appropriation from the first year of a biennium into the second year of the biennium. The board may carry over (AN) *any* unexpended balance (UP TO A MAXIMUM OF TWO PERCENT OF ITS BIENNIAL APPROPRIATION) into the following biennium. (THESE MONEYS SHALL) *The amounts carried over must not be taken into account in determining state appropriations and must not be deducted from a later appropriation.*

Sec. 15. [136.27] [PARKING IN UNIVERSITY LOTS.]

Subdivision 1. [AUTHORITY.] Notwithstanding section 169.966, the state university board may authorize a state university to make and enforce rules on parking on the university's owned or leased property, and to assess and collect a fine, and if appropriate, a towing fee for a violation of a rule.

Subd. 2. [ANNUAL STANDING APPROPRIATION.] Money collected under this section by a state university is annually appropriated to the university for parking lot maintenance, improvement, and rule enforcement.

Subd. 3. [DISPUTES.] A state university with the approval of the state university board, shall set procedures to

resolve a dispute arising from the enforcement of a rule made under this section.

Subd. 4. [ADMINISTRATIVE PROCEDURE ACT EXEMPTION.] A rule made or procedure set under this section is not subject to any part of the administrative procedure act, sections 14.01 to 14.47.

Sec. 16. Minnesota Statutes 1984, section 136A.042, is amended to read:

136A.042 [CREDIT TRANSFERABILITY.]

The higher education coordinating board shall recommend to the legislature, after consultation with the state board for vocational education, community college board, state university board, and the regents of the University of Minnesota, measures which will facilitate transferability of credits between the institutions and among the systems, which will improve student awareness of the credit transfer policies, and which will cause student transcripts to reflect credits earned at other post-secondary institutions. The higher education coordinating board is directed to encourage communications among faculty, staff and students at the various institutions in order to accomplish the purposes of this section. (THE HIGHER EDUCATION COORDINATING BOARD SHALL REPORT THE MEASURES RECOMMENDED BY IT BY JANUARY 15, 1984.)

The higher education coordinating board and the state board of vocational technical education shall examine the awarding of course credit for work completed in area vocational technical institutes and the issue of transferring credit from these institutions to other public or private institutions. The higher education coordinating board shall report its findings and recommendations to the legislature by February 1, 1986.

Sec. 17. [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. Programs dealing with the local processing of food in the region offer the most promising long-term strategy for diversifying the economy, creating new jobs, and reversing the outflow of population.

Sec. 18. [136.149] [SCIENCE AND TECHNOLOGY RESOURCE CENTER.]

Subdivision 1. [SPACE.] The state university board shall establish and operate a science and technology resource center

at Southwest State University. Space may be allocated for the center in a university building and may be provided without rent to a person or corporation for the research and development of products or processes that may have a favorable economic impact on the economy of Minnesota. At the conclusion of the research and initial development of the product or process, the person or corporation shall vacate the university space.

Subd. 2. [RESEARCH.] Research on product or process development shall be provided by the employees of Southwest State University.

Subd. 3. [PRIVATE ENTERPRISE.] Technology advances gained through the efforts of Southwest State University must be made available to private enterprise.

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, that shall specify 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 business developed by the center and the client.

Subd. 5. [REVENUE.] 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.

Sec. 19. Minnesota Statutes 1984, section 136.67, subdivision 5, is amended to read:

Subd. 5. [CARRY-OVER AUTHORITY.] The community college board may carry over any unexpended balance from its appropriation from the first year of a biennium into the second year of the biennium. The board may carry over (AN) any unexpended balance (UP TO A MAXIMUM OF TWO PERCENT OF ITS BIENNIAL APPROPRIATION) into the following biennium. (THESE MONEYS SHALL) The amounts carried over must not be taken into account in determining state appropriations and must not be deducted from a later appropriation.

Sec. 20. [136A.043] [INFORMATION TECHNOLOGY.]

The higher education coordinating board shall initiate activities to coordinate state policy development regarding the use

of information technology in post-secondary education instruction and administration. These activities shall include at least the following: a survey, conducted in collaboration with the post-secondary education systems, of existing information technology use and needs of institutions and regions; initiation of collaborative activities to share information and resources; and provision of opportunities for post-secondary education policymakers to review issues and needs for policy development.

Sec. 21. 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. 22. 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. 23. 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.*

Subd. 8. "Resident student" includes a student who *graduated from a Minnesota high school and has not since established residence in another state.*

Sec. 24. 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. 25. 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 financial need* criteria (PERTAINING TO FINANCIAL NEED AS THE BOARD SHALL MAKE BY REGULATION) *established in rules*.

Sec. 26. 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. 27. 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 PRE-

SCRIBED 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. 28. 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. 29. 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. 30. 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. 31. 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. 32. 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, WHICHEVER OCCURS FIRST).

Sec. 33. 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. 34. 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. 35. 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. 36. 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. 37. 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 that 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 academic 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. 38. 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. 39. 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. 40. 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 academic 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. 41. Minnesota Statutes 1984, section 136A.15, subdivision 7, is amended to read:

Subd. 7. "Eligible student" means a student who is officially registered or accepted for enrollment at an eligible institution in Minnesota or a Minnesota resident who is officially registered as a student or accepted for enrollment at an eligible institution in another state. *A Minnesota resident includes a student who graduated from a Minnesota high school and has not since established residence in another state.* Eligible student, except for purposes of section 136A.1701, includes parents of an eligible student as the term "parent" is defined in the Higher Education Act of 1965, as amended, and the regulations promulgated thereunder. Except for the purposes of section 136A.1701, eligible student also includes students eligible for auxiliary loans as the term auxiliary is defined in the Higher Education Act of 1965, as amended, and the regulations promulgated thereunder.

Sec. 42. 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 PURPOSES 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. 43. Minnesota Statutes 1984, section 136A.233, subdivision 2, is amended to read:

Subd. 2. For purposes of sections 136A.231 to 136A.235, the following words have the meanings ascribed to them:

(a) "Eligible student" means a Minnesota resident enrolled or intending to enroll full time in a Minnesota post-secondary institution. *A Minnesota resident includes a student who graduated from a Minnesota high school and has not since established residence in another state.*

(b) "Financial need" means the need for financial assistance in order to attend a post-secondary institution as determined by a post-secondary institution according to guidelines established by the higher education coordinating board.

(c) "Eligible employer" means any eligible post-secondary institution and any nonprofit, nonsectarian agency or state institution located in the state of Minnesota, including state hospitals, and also includes a handicapped person or a person over 65 who employs a student to provide personal services in or about the residence of the handicapped person or the person over 65.

(d) "Eligible post-secondary institution" means any post-secondary institution eligible for participation in the Minnesota state scholarship and grant program as specified in section 136A.101, subdivision 4.

Sec. 44. [136A.84] [INFORMATION TO EIGHTH GRADERS.]

Beginning in 1986, the higher education coordinating board shall send information to all eighth graders in Minnesota and their parents by April 1 of each year, informing them of the need to plan for their post-secondary education. The information shall emphasize at least the following:

- (1) *the need to start planning prior to the high school years;*
- (2) *the availability of assistance in educational planning, if necessary, from educational institutions;*

- (3) *suggestions for studying effectively during high school;*
- (4) *a planning chart for high school courses which are necessary to be adequately prepared for post-secondary education;*
- (5) *encouragement to actively involve parents in the planning and learning process;*
- (6) *a list of post-secondary educational institutions existing in the state and their respective missions and expectations for students entering their institutions; and*
- (7) *the costs of post-secondary education and the availability of assistance in meeting these costs.*

The higher education coordinating board shall consult with the post-secondary systems, the department of education, secondary school counselors, and other appropriate groups in developing and disseminating the above information.

Sec. 45. Minnesota Statutes 1984, section 136C.04, subdivision 4a, is amended to read:

Subd. 4a. [CARRY OVER AUTHORITY.] The state board may carry over any unexpended balance from its appropriation from the first year of a biennium into the second year of the biennium. The state board may carry over (AN) *any* unexpended balance (UP TO A MAXIMUM OF TWO PERCENT OF ITS BIENNIAL APPROPRIATION) into the following biennium. (THESE MONEYS SHALL) *The amounts carried over must not be taken into account in determining state appropriations and must not be deducted from a later appropriation.*

Sec. 46. Minnesota Statutes 1984, section 136C.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. 47. Minnesota Statutes 1984, section 136C.07, is amended by adding a subdivision to read:

Subd. 5a. *A school district, intermediate district, or joint vocational technical district must not award final contracts for capital improvements until the state director has reviewed*

the final plans, specifications, and cost estimates and made recommendations on them.

Sec. 48. 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. 49. Minnesota Statutes 1984, section 136C.13, subdivision 3, is amended to read:

Subd. 3. [VETERAN'S EXEMPTION.] A veteran enrolled in a tuition free AVTI program before July 1, 1985, who is a Minnesota resident whose entire education has not included completion of at least one tuition free post-secondary vocational technical school program is exempt from tuition until the veteran has completed the lesser of (a) 440 post-secondary vocational technical school days, or the equivalent as determined by the state board, or (b) one post-secondary vocational technical school program.

"Veteran" for the purpose of this subdivision means a person who served in the active military service in any branch of the armed forces of the United States after July 1, 1961 and before July 1, 1978, was a Minnesota resident at the time of induction into the armed forces and for the six months immediately preceding induction, and has been separated or discharged from active military service under conditions other than dishonorable.

Sec. 50. Minnesota Statutes 1984, section 136C.13, is amended by adding a subdivision to read:

Subd. 4. [VIETNAM VETERAN'S EXEMPTION.] A Vietnam veteran who enrolls in a tuition free AVTI program before July 1, 1990, and who is a Minnesota resident whose entire education has not included completion of at least one tuition free post-secondary vocational technical school program is exempt from tuition until the veteran has completed the lesser of (a) 440 post-secondary vocational technical school days, or the equivalent as determined by the state board, or (b) one post-secondary vocational technical school program.

"Vietnam veteran" for the purpose of this subdivision means a person who served in the active military service in any branch of the armed forces of the United States after July 1, 1961, and before July 1, 1978, and who became eligible for the Vietnam Expeditionary Medal or the Vietnam Service Medal as a result of the service, was a Minnesota resident at the time

of induction into the armed forces and for the six months immediately preceding induction, and has been separated or discharged from active military service under conditions other than dishonorable.

Sec. 51. 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) student personnel services, health services, director's office, instructional services, fixed costs, work (STUDY/FINANCIAL) *study, financial aid*, physical plant, and repair and betterment.

Sec. 52. 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. 53. 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. 54. Minnesota Statutes 1984, section 136C.29, subdivision 5, is amended to read:

Subd. 5. [REPAIR AND BETTERMENT AID.] The final allocation of repair and betterment aid by the state board does not constitute approval of a project for the purposes of section 136C.07, subdivision (4A) 5. The aid shall be placed in the repair and betterment fund and used solely for the purposes enumerated in section 136C.26, subdivision 8. The school board shall authorize and approve actual expenditures of the aid allocated, except that expenditures which exceed \$5,000 shall receive prior approval by the state director. The process in section 136C.28 shall not constitute approval for this purpose. Use of the aid shall be governed by the provisions of section 136C.07, subdivision (4A) 5.

Sec. 55. Minnesota Statutes 1984, section 136C.33, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP.] Membership for (PUPILS) *students* in AVTI's shall mean the number of (PUPILS)

students 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. 56. Minnesota Statutes 1984, section 136C.34, is amended to read:

136C.34 [ABSENCE FOR CHEMICAL ABUSE TREATMENT.]

If a (PUPIL) *student* is absent from an AVTI to participate in a chemical abuse treatment program licensed by the state, the (PUPIL) *student* may request the AVTI to remain on the roll in the educational program in which the (PUPIL) *student* is enrolled, *according to policies adopted by the state board.* The AVTI shall grant a request it receives from the (PUPIL) *student.*

Sec. 57. [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. 58. Minnesota Statutes 1984, section 137.022, is amended to read:

137.022 [PERMANENT UNIVERSITY FUND (, INVESTMENT).]

Subdivision 1. [INVESTMENT.] The investment management of the permanent university fund shall be under the jurisdiction of the board of regents of the University of Minnesota, subject to any limitations imposed by the Constitution of the state of Minnesota, Article XI, Section 9. All securities and cash held in the state treasury credited to the permanent university fund heretofore unappropriated or unencumbered are hereby transferred and appropriated to the board of regents of the University of Minnesota solely for the purpose of investment by them, with the restriction that all such investment transactions be handled through the supervision of investment counselors, bank trust departments, or insurance companies which are organized, licensed, or have registered

offices within the state of Minnesota or have agreed in writing to conduct such securities transactions and investment counseling under Minnesota law and the rules and regulations established by the department of commerce. Such investments shall be restricted to those authorized as eligible for use in the Minnesota post-retirement investment fund, section 11A.18, with the exception that corporate debt securities may be used to the extent of 80 percent of the portfolio.

Subd. 2. [INCOME.] The income from the permanent university fund (SHALL BE SUBJECT TO APPROPRIATIONS) is appropriated annually to the board of regents (BY THE LEGISLATURE FROM TIME TO TIME). This appropriation of income must not be used to reduce other appropriations made to the board of regents. The determination of such income shall be based on the procedures detailed in sections 11A.16, subdivision 5, or 11A.12, subdivision 2.

Subd. 3. [ENDOWED CHAIRS.] The annual appropriation of the income from the permanent university fund without a reduction of other appropriations is intended for the board of regents to use to provide an average of one-half of the funds needed to endow from 50 to 70 professorial chairs in academic disciplines. An average of at least one-half of the funds to endow the chairs must be provided from nonstate sources. One-half of the funds needed to endow an individual chair need not be from nonstate sources.

Sec. 59. 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. 60. Minnesota Statutes 1984, section 141.25, subdivision 8, is amended to read:

Subd. 8. [FEES AND TERMS OF LICENSE.] (a) Applications for initial license under sections 141.21 to 141.36 shall be accompanied by (\$200) \$440 as a nonrefundable application fee.

(b) All licenses shall expire on December 31 of each year. Each renewal application shall be accompanied by a nonrefundable renewal fee of (\$150) \$330.

(c) Application for renewal of license shall be made on or before October 1 of each calendar year. Each renewal form shall

be supplied by the commissioner. It shall not be necessary for an applicant to supply all information required in the initial application at the time of renewal unless requested by the commissioner.

Sec. 61. 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. 62. 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. 63. 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 paragraphs (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. 64. Minnesota Statutes 1984, section 141.26, subdivision 2, is amended to read:

Subd. 2. [APPLICATION FOR PERMIT.] (a) The application for (SUCH) *the* 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. 65. Minnesota Statutes 1984 section 141.26, subdivision 5, is amended to read:

Subd. 5. [FEE.] The initial and renewal application for each permit shall be accompanied by a nonrefundable fee of (\$75) *\$165.*

Sec. 66. 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. 67. 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. 68. [GRADUATE FELLOWSHIPS.]

Subdivision 1. [PROGRAM.] It is the intention of the legislature that the University of Minnesota focus its commitment to become one of the premier universities in the nation. The legislature believes that a plan to place emphasis on graduate education is a major step in achieving this goal, if it is done in cooperation and consultation with the other post-secondary systems in Minnesota.

In order to help achieve a higher level of excellence, a pilot program of graduate fellowships is established. These fellowships are intended to reward outstanding graduate students and to aid in the effort to recruit graduate students with high potential. Because the core of any great university lies in its liberal arts offerings, these fellowships should especially be directed toward students pursuing graduate degrees in liberal arts programs. The number of fellowships to be awarded should be sufficiently limited to ensure that each student receives an adequate award.

Subd. 2. [UNIVERSITY REPORT.] By January 15, 1987, the University of Minnesota shall report on the distribution of these awards and their use in furthering the University of Minnesota's efforts to focus its mission and improve its programs, particularly in the liberal arts.

Subd. 3. [INCLUSION IN GRADUATE STUDY.] The higher education coordinating board, as part of its graduate financial need study, shall review the graduate fellowship program to determine the effects of its implementation in meeting financial need and in encouraging and recruiting outstanding students. This review shall be conducted in cooperation with the University of Minnesota. The board shall report its findings and

recommendations to the legislature as part of its graduate need report.

Sec. 69. [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 academic 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 \$4 per hour.

Sec. 70. [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 education; 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;

(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; and

(5) examine and make recommendations on awarding of course credit for work completed in private proprietary schools and the issue of transferring credit from these schools to other public or private 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 committee of the legislature its report and recommendations. The task force shall terminate on June 30, 1986.

Sec. 71. [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. 72. [REPORTS.]

Subdivision 1. The higher education coordinating board shall present a report on the findings and activities regarding information technology as described in section 20 by December 1, 1986.

Subd. 2. The higher education coordinating board shall report to the legislature on actions by the systems and progress toward differentiation and intersystem planning efforts according to section 13. The report shall be presented in conjunction with the system planning reports by December 1, 1986.

Sec. 73. [FARM ASSET.]

The higher education coordinating board shall study the impact of farm assets and debts on eligibility for state scholarships and grants. The board shall report its findings and recommendations to the legislature by February 1, 1986.

Sec. 74. [NOTIFICATION.]

The higher education coordinating board shall notify high school counselors, college financial aid officers, and the public at large regarding the availability of financial aid and methods to use in applying for it in order to reach potential 1985-1986 scholarship and grant applicants, particularly those from rural farm and business families.

Sec. 75. [LEGISLATIVE AUDITOR'S STUDY.]

According to Minnesota Statutes, 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. Al-

ternate methods of calculating parental contributions that are more closely related to income shall be considered by the auditor. A report of the review and recommendations shall be submitted to the legislature by February 1, 1986.

Sec. 76. [EMERGENCY RULES.]

Subdivision 1. [PART-TIME STUDENT GRANT PROGRAM.] 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.

Subd. 2. [SUPPLEMENTAL AND ADDITIONAL LOAN PROGRAM.] The higher education coordinating board shall adopt emergency rules pursuant to Minnesota Statutes, sections 14.29 to 14.36 to implement Minnesota Statutes 1984, section 136A.1701, for the 1984-1985 academic year. Notwithstanding Minnesota Statutes, section 14.35, the temporary rules may be effective until permanent rules are adopted or June 30, 1986, whichever is earlier.

Sec. 77. [REPEALER.]

Minnesota Statutes 1984, sections 136A.121, subdivisions 8 and 14; 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, are repealed.

Sec. 78. [EFFECTIVE DATES.]

Subdivision 1. [IMMEDIATE.] Sections 37, 38, 39, 40, 57, 70, and 76 are effective the day following final enactment.

Subd. 2. [JULY 1, 1986.] Sections 23, subdivision 7; 24; 25; and 32 are effective July 1, 1986."

Delete the title and insert:

"A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes to the department of education, higher education coordinating board, state board of vocational technical education, state board for community colleges, state university board, University of Minnesota, and the Mayo medical foundation, with certain conditions; providing for staff assistance, average cost of instruction, appropriations carry over author-

ity, a science and technology center, financial aid, credit transferability, surveys, studies, reports, notices, planning, policy development, mission statements, task forces, private proprietary schools, state university parking, annual appropriations, aid payments, review of vocational capital improvements, veterans' vocational program exemptions, vocational budgets and programs, endowed chairs, and pilot programs; amending Minnesota Statutes 1984, sections 121.02, by adding a subdivision; 135A.03, subdivision 4; 135A.05; 135A.06; 136.031; 136A.042; 136.67, subdivision 5; 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; 136A.15, subdivision 7; 136A.162; 136A.233, subdivision 2; 136C.04, subdivisions 4a and 15; 136C.07, by adding a subdivision; 136C.08, subdivision 2; 136C.13, subdivision 3, and by adding a subdivision; 136C.26, subdivisions 4 and 5; 136C.28, subdivision 2; 136C.29, subdivision 5; 136C.33, subdivision 1; 136C.34; 137.022; 141.23; 141.25, subdivisions 8, 9, 10, and by adding a subdivision; 141.26, subdivisions 2 and 5; 141.28, subdivision 4; 141.32; proposing coding for new law in Minnesota Statutes, chapters 136 and 136A."

The motion prevailed and the amendment was adopted.

The Speaker called Halberg to the Chair.

Erickson moved to amend S. F. No. 1523, as amended, as follows:

Page 22, after line 26, insert:

"Sec. 14. Minnesota Statutes 1984, section 135A.07, subdivision 1, is amended to read:

Subdivision 1. Notwithstanding the provisions of chapters 15A and 43A (AND ANY OTHER LAW PASSED DURING THE 1983 LEGISLATIVE SESSION), the state university board, the community college board, the higher education coordinating board, (THE STATE BOARD OF EDUCATION,) and the state board of vocational technical education may establish salaries for the chancellor, executive director, (COMMISSIONER,) and the state director, respectively, based on the level of responsibility and authority of the positions. The boards may also consider appropriate market comparisons with comparable positions in the midwest."

Page 23, after line 1, insert:

"Sec. 16. [136.035] [BOARD MAY SET SOME EXECUTIVE SALARIES.]

Notwithstanding chapter 43A, the state university board may establish a management compensation plan and set executive salaries within the state university system, except for the salary of the chancellor, based on the level of responsibility and authority of various positions as well as appropriate market comparisons with similar positions in comparable public colleges and universities in the midwest."

Page 52, line 7, after "sections" insert "135A.07, subdivision 2;"

Renumber the sections in sequence

Amend the title as follows :

Page 53, line 21, after the last semicolon insert "135A.07, subdivision 1;"

Page 53, line 35, before the period insert "*repealing Minnesota Statutes 1984, sections 135A.07, subdivision 7; 136A.121, subdivisions 8 and 14; 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*"

The motion prevailed and the amendment was adopted.

Knuth moved to amend S. F. No. 1523, as amended, as follows :

Page 52, after line 5, insert a new section to read :

"Section 77. [LEGISLATIVE INTENT ON TUITION.] *It is the intent of the Legislature that for the 1985-1987 biennium the estimated tuition revenue should be approximately 31 percent of instructional cost for the University of Minnesota, the state university system and the community college system, and 23 percent for the area vocational-technical institutes."*

Renumber the remaining sections

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 57 yeas and 69 nays as follows :

Those who voted in the affirmative were:

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

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	Tompkins
Boo	Frerichs	Marsh	Rees	Uphus
Burger	Gruenes	McDonald	Richter	Valan
Carlson, D.	Cutknecht	McKasy	Rose	Valento
Carlson, J.	Halberg	McPherson	Schafer	Waltman
Clausnitzer	Hartinger	Miller	Schreiber	Zaffke
Dempsey	Hartle	Olsen, S.	Seaberg	Spk. Jennings, D.
DenOuden	Haukoos	Omann	Shaver	

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

The Speaker resumed the Chair.

Price moved to amend S. F. No. 1523, as amended, as follows:

Page 18, after line 25, insert a new section to read:

“Sec. 11. Minnesota Statutes 1984, section 135A.03, subdivision 1, is amended to read:

Subdivision 1. [DETERMINATION OF APPROPRIATION.] The appropriation to each board for instructional services shall equal the total cost of instruction minus the estimated tuition revenue. For the 1985-1987 biennium the estimated tuition revenue should be approximately (33) 31 percent of instructional cost for the University of Minnesota, the state university system and the community college system, and (25) 23 percent for the area vocational-technical institutes.”

Page 52, after line 5, insert a new section to read:

“Sec. 77. [APPROPRIATION TRANSFER.] *There is established in the treasury of the state a separate account known as*

the post-secondary tuition fund. The commissioner of finance shall transfer from the unexpended balance of the general fund for fiscal year 1985 an amount sufficient to meet the requirements of funding the difference between 33 and 31 percent for the instructional cost for the University of Minnesota, the state university system and the community college system, and between 25 and 23 percent for the instructional cost for the area vocational-technical institutes. The commissioner of finance shall determine the appropriate amounts needed to meet the requirements of Minnesota Statutes 1984, section 135A.03, subdivision 1, and shall transfer such amounts to each board for payments required under this section."

Renumber the sections in sequence

A roll call was requested and properly seconded.

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

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

There were 58 yeas and 69 nays as follows :

Those who voted in the affirmative were :

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

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	Tompkins
Boo	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
Dempsy	Hartle	Olsen, S.	Seaberg	Spk. Jennings, D.
DenOuden	Haukoos	Omann	Shaver	

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

Carlson, L., moved to amend S. F. No. 1523, as amended, as follows:

Page 52, after line 5, insert a new section to read:

“Sec. 77. [SPECIAL REVENUE FUNDS.]

(a) *Notwithstanding any law to the contrary, the commissioner of finance shall establish a special revenue fund in the state treasury called the community college tuition and fee account and shall deposit all student tuition and fees into this account. Funds in this account shall be expended in accordance with Minnesota Statutes 136.67.*

(b) *Notwithstanding any law to the contrary, the commissioner of finance shall establish a special revenue fund in the state treasury called the state university tuition and fee account and shall deposit all student tuition and fees into this account. Funds in this account shall be expended in accordance with Minnesota Statutes 136.11.*

(c) *The commissioner of finance shall not account in the general fund books of the state tuition and fees of the University of Minnesota.”*

Renumber the remaining sections.

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 58 yeas and 67 nays as follows:

Those who voted in the affirmative were:

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

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	Rees	Uphus
Boerboom	Frerichs	Marsh	Richter	Valan
Burger	Gruenes	McDonald	Rose	Valento
Carlson, D.	Gutknecht	McKasy	Schafer	Waltman
Carlson, J.	Halberg	McPherson	Schreiber	Zaffke
Clausnitzer	Hartinger	Miller	Seaberg	Spk. Jennings, D.
Dempsey	Hartle	Olsen, S.	Shaver	
DenOuden	Haukoos	Omman	Sherman	
Dimler	Heap	Onnen	Stanisus	

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

S. F. No. 1523, A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes to the department of education, higher education coordinating board, state board of vocational technical education, state board for community colleges, state university board, board of regents of the University of Minnesota, the Mayo medical foundation, and the College of Saint Thomas, with certain conditions; providing for state board of education membership and staff assistance, a different source for an annual appropriation, student financial aid, course equivalency, common numbering, general education requirements, fees and licenses, vocational programs and budgets, vocational board policymaking, and emergency rulemaking; amending Minnesota Statutes 1984, sections 121.02, subdivision 1; 123.743; 125.08; 136A.09; 136A.095; 136A.101; 136A.121, subdivisions 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 16, and by adding a subdivision; 136A.132, subdivisions 3, 4, 5, and 6; 136A.162; 136C.04, subdivision 15; 136C.08, subdivision 2; 136C.13, subdivision 3, and by adding a subdivision; 136C.26, subdivisions 4 and 5; 136C.28, subdivision 2; 136C.33, subdivision 1; 136C.34; 136C.36; 141.25, subdivision 8; and 141.26, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 124; 135A; and 136; repealing Minnesota Statutes 1984, sections 136A.121, subdivisions 8 and 14; 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.

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

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.

MOTIONS AND RESOLUTIONS

Beard moved that the names of Battaglia and Sparby be added as authors on H. F. No. 1645. The motion prevailed.

Wenzel moved that S. F. No. 115 be recalled from the Committee on Taxes and together with H. F. No. 5, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

Sviggum moved that S. F. No. 1499 be recalled from the Committee on Taxes and together with H. F. No. 1607, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

Peterson moved that H. F. No. 975 be returned to its author. The motion prevailed.

Price and Beard introduced :

House Resolution No. 32, A house resolution congratulating Martin J. Lynch upon completion of a long and successful career with Independent School District No. 833.

The resolution was referred to the Committee on Education.

ADJOURNMENT

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Tuesday, May 7, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-FOURTH SESSION - 1985

FIFTY-FOURTH DAY

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

A quorum was present.

O'Connor and Olson, E., were excused.

Ogren was excused until 4:20 p.m.

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

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1490, 1596, 1642, 757, 857, 969, 1607, 1623, 5, 130, 856, 1639 and 1641 and S. F. Nos. 1525, 919, 1523 and 1190 have been placed in the members' files.

S. F. No. 1525 and H. F. No. 1640, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Forsythe moved that the rules be so far suspended that S. F. No. 1525 be substituted for H. F. No. 1640 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 115 and H. F. No. 5, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Wenzel moved that the rules be so far suspended that S. F. No. 115 be substituted for H. F. No. 5 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1234 and H. F. No. 1171, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Osthoff moved that the rules be so far suspended that S. F. No. 1234 be substituted for H. F. No. 1171 and that the House File be indefinitely postponed. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. Nos. 1525, 115 and 1234 were read for the second time.

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

The following House Files were introduced:

Rose introduced:

H. F. No. 1650, A bill for an act relating to highway traffic regulations; authorizing passengers of limousines operated by

chauffeurs to possess and consume intoxicating liquors and non-intoxicating malt liquors; 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.

Murphy, Boo, Jaros and Munger introduced:

H. F. No. 1651, A bill for an act relating to human services; establishing a program of equestrian activities for disabled persons; appropriating money.

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

Rose, Munger, Miller, Forsythe and Carlson, D., introduced:

H. F. No. 1652, A bill for an act relating to natural resources; recodifying laws governing wild animals in general, the taking and possession of game and fish, and the management of natural resources; providing penalties; amending Minnesota Statutes 1984, sections 9.071; 14.02, subdivision 4; 14.38, subdivision 6; 18.021, subdivision 3; 84.0274, subdivision 6; 84.88, subdivision 2; 84.89; 84A.02; 85.018, subdivision 8; 86A.06; 97.42; 98.45, subdivision 1; 105.391, subdivisions 3 and 12; 105.417, subdivision 4; 105.74; 111.81, subdivision 1; 343.21, subdivision 8; 343.30; 347.011; 352B.01, subdivision 2; 361.25; 383C.13; 477A.12; 477A.13; 609.661; 624.719; proposing coding for new law in Minnesota Statutes, chapters 84; 97A; 97B; 97C; 347; 609; and 624; repealing Minnesota Statutes 1984, sections 97.40; 97.41; 97.43 to 97.47; 97.48, subdivisions 1 to 17 and 19 to 28; 97.481 to 97.487; 97.49 to 97.54; 97.55, subdivisions 1 to 6 and 8 to 16; 98.45, subdivisions 2, 3, and 5 to 8; 98.455 to 98.457; 98.46, subdivisions 1 to 2b, 4 to 17, and 19 to 26; 98.465 to 98.47; 98.48, subdivisions 1 to 8 and 10 to 16; 99.25; and 99.26 to 99.29; and chapters 100; 101; and 102.

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

Rest and Scheid introduced:

H. F. No. 1653, A bill for an act relating to human services; requiring the commissioner of human services to make educational resources available to residents in a community where a residential facility for mentally retarded persons is located; amending Minnesota Statutes 1984, section 252.28, subdivision 3.

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

Skoglund introduced:

H. F. No. 1654, A bill for an act relating to labor; prohibiting the charging of a fee in connection with a job application; 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.

Onnen, Kiffmeyer and Vellenga introduced:

H. F. No. 1655, A bill for an act relating to commitment; changing the definitions of mentally ill, and mentally ill and dangerous; amending Minnesota Statutes 1984, sections 253B.02, by adding subdivisions; 526.10; and 624.713, subdivision 1; repealing Minnesota Statutes 1984, section 253B.02, subdivisions 13 and 17.

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

Kvam; Jennings, D.; Norton; Wynia and Levi introduced:

H. F. No. 1656, A bill for an act relating to the legislature; requiring department and agency legislation to be introduced within 30 days after the legislative session convenes; providing for an exception; proposing coding for new law in Minnesota Statutes, chapter 3C.

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

Battaglia; Jennings, D.; Begich; Bennett and Carlson, J., introduced:

H. F. No. 1657, A resolution memorializing the governments of the United States and Canada to take prompt action to ensure that all travel on water routes between the United States and Canada by motorized watercraft be allowed.

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

HOUSE ADVISORIES

The following House Advisories were introduced:

Ozment and Gruenes introduced:

H. A. No. 38, A proposal to investigate allegations of cancer and groundwater contamination in Dakota County.

The advisory was referred to the Committee on Health and Human Services.

Jennings, L., and Carlson, J., introduced:

H. A. No. 39, A proposal to study welfare fraud and child support collections.

The advisory was referred to the Committee on Appropriations.

Price and Beard introduced:

H. A. No. 40, A proposal for an interim study of physical education programs.

The advisory was referred to the Committee on Education.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on amendments adopted by the Senate to the following House File:

H. F. No. 756, A bill for an act relating to taxation; simplifying Minnesota income tax law by increasing conformity to federal income tax law; changing income tax rates, rate brackets, credits, and deductions; providing for computation of interest on overpayments; providing for timely payment of certain taxes; changing the estate tax; changing corporate income tax provisions; rescheduling payments and reducing the budget reserve; reducing sales tax rates and providing sales tax exemptions; authorizing lodging taxes for towns; reducing the basic maintenance mill rate; changing the computation of or eliminating certain property tax credits; changing property tax exemptions, classes, and classification ratios; changing the taxation of telephone companies; providing for studies; imposing duties on the commissioner of revenue and commissioner of natural resources; providing for changes in the levy limit base; changing property tax provisions relating to collection of property tax, confessions of judgment, and sale of tax forfeit lands; changing property tax refund benefit schedules, eligible claimants, and definition of property taxes payable; changing local government aids; appropriating money; amending Minnesota Statutes 1984, sections 10A.31, subdivisions 1 and 3; 13.04, subdivision 2; 16A.15, subdivision 6; 41.55; 60A.15, subdivision 12; 60A.199, subdivision 8; 92.46, subdivision 1; 117.55; 124.2137, subdivision 1; 124A.02, subdivision 7; 270A.07, subdivision 5; 271.12; 272.02, subdivision 1; 272.03, subdivision 1; 273.111, subdivision 11; 273.115, subdivisions 2 and 3; 273.116, subdivisions 2 and 3; 273.13, subdivisions 4, 5a, 6, 6a, 7, 7b, 7c, 7d, 8a, 9, 14a, 16, 17, 17b, 17c, 17d, 19, 20, and 21; 273.133, by adding a subdivision; 273.135, subdivisions 1, 2, and 5; 273.1391, subdivisions 1, 2, and 4; 273.1392; 273.40; 273.42, subdivision 2; 275.50, by adding a subdivision; 275.51, subdivision 3h; 277.03; 277.10; 279.37, subdivisions 1, 3, 4, 8, and by adding a subdivision; 281.23, subdivision 1; 281.29; 282.01, subdivision 7a; 282.021; 282.261, by adding a subdivision; 290.01, subdivisions 20, 20a, 20b, 20d, 20e, and 20f; 290.032, subdivision 2; 290.05, subdivision 3; 290.06, subdivisions 2c, 2d, 3f, 3g, 11, and by adding a subdivision; 290.067, subdivision 1; 290.069, subdivision 4; 290.07, subdivision 1; 290.08, subdivision 26, and by adding a subdivision; 290.089, subdivision 2; 290.09, subdivisions 1 and 7; 290.091; 290.095, subdivisions 3, 7, 9, and 11; 290.10; 290.12, subdivision 2; 290.14; 290.17, subdivision 2; 290.175; 290.18, subdivision 2; 290.21, subdivisions 3 and 4; 290.34, subdivision 1, and by adding a subdivision; 290.37, subdivision 1; 290.38; 290.39, subdivision 1a; 290.41, subdivision 2; 290.50, subdivisions 1, 5, and 6; 290.92, subdivisions 2a, 6, 11, 13, and 19; 290.93, subdivision 9; 290.932, subdivision 1; 290.933, subdivision 1; 290.936; 290A.03, subdivisions 3 and 13; 290A.04, subdivisions 1, 2, 3, and by adding a subdivision; 290A.06; 290A.07, subdivisions 2a and 3; 290A.10; 290A.19; 291.005, subdivision 1; 291.03, subdivision 1; 291.075; 291.09, subdivisions 1a, 2a, and 3a; 291.11, subdivision 1; 291.15, subdivisions 1 and 3; 291.18; 291.215, subdivision 1; 291.32; 294.09, subdivision 1; 295.34, subdivision 1; 297A.01, subdivisions 15

and 16; 297A.02, subdivisions 1, 2, and 3; 297A.03, subdivision 2; 297A.14; 297A.25, subdivision 1; 297A.26, subdivision 1, and by adding a subdivision; 297A.27, subdivision 1; 297A.35, subdivision 1; 298.09, subdivision 4; 298.40, by adding a subdivision; 299.05; 299F.26, subdivision 1; 473.556, subdivision 4; 477A.011, subdivision 3, and by adding subdivisions; 477A.013; 477A.018; 524.3-1202; amending Laws 1984, chapter 644, section 85; proposing coding for new law in Minnesota Statutes, chapters 16A; 124A; 270; 290; and 297A; repealing Minnesota Statutes 1984, sections 41.58, subdivision 3; 41.59, subdivisions 2 and 3; 55.10, subdivision 2; 62E.03, subdivision 2; 270.75, subdivision 7; 273.115, subdivisions 1, 5, 6, and 7; 273.116, subdivisions 1, 5, 6, and 7; 273.1311; 273.1315; 290.01, subdivisions 20c and 26; 290.012; 290.06, subdivisions 2f, 3d, 3e, 14, 15, 16, 17, 18, and 19; 290.067, subdivisions 2 and 4; 290.068, subdivision 6; 290.077, subdivision 4; 290.08, subdivisions 23 and 24; 290.089, subdivisions 1, 3, 4, 5, and 6; 290.09, subdivision 29; 290.101; 290.18, subdivision 4; 290.21, subdivision 8; 290.34, subdivision 2; 290.39, subdivision 2; 290.41, subdivision 5; 290A.04, subdivisions 2a and 2b; 291.015; 291.03, subdivisions 3, 4, 5, 6, and 7; 291.05; 291.051; 291.06; 291.065; 291.07; 291.08; 291.09, subdivision 5; 291.111; 291.131, subdivisions 5 and 6; 291.132; 291.15, subdivision 2; 291.18; 291.20; 291.29, subdivision 5; 295.34, subdivision 2; 297A.15, subdivision 5; 297A.26, subdivision 3; 297A.275; 385.36; 477A.011, subdivision 10; and 477A.0131; repealing Laws 1982, chapter 523, article 7, section 3.

The Senate has appointed as such Committee Messrs. Johnson, D. J.; Novak; Peterson, C. C.; Merriam and Petty.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 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 Senate has appointed as such Committee Messrs. Pogemiller, Storm and Dieterich.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1382, A bill for an act relating to courts; providing for transcript fees; amending Minnesota Statutes 1984, section 486.06.

The Senate has appointed as such Committee Messrs. Sieloff, Jude and Lessard.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Marsh moved that the House concur in the Senate amendments to H. F. No. 603 and that the bill be repassed as amended by the Senate. The motion prevailed.

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; defining low alcohol malt liquor and prescribing labeling; amending Minnesota Statutes 1984, sections 340.02, subdivisions 2 and 3; and 340.07, 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 115 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 1398, 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.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Wegscheid, Freeman and Ms. Olson.

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

Levi 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. 1398. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Minne moved that the House refuse to concur in the Senate amendments to H. F. No. 227, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 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 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, chapter 379; repealing Minnesota Statutes 1984, section 375.18, subdivisions 4, 5, and 6.

PATRICK E. FLAHAVEN, Secretary of the Senate

Frederickson moved that the House refuse to concur in the Senate amendments to H. F. No. 889, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker :

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested :

H. F. No. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Tjornhom moved that the House refuse to concur in the Senate amendments to H. F. No. 1037, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker :

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted :

S. F. No. 5.

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. 1187 and 1458.

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. 583 and 1067.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 401, 806 and 1049.

PATRICK E. FLAHAVER, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 5, A bill for an act relating to alcoholic beverages; increasing the age for licensing, sale, purchase, consumption, possession, and furnishing of alcoholic beverages; establishing programs for education on avoidable health risks related to alcohol and other drugs; increasing the fee for the reinstatement of drivers licenses revoked for alcohol-related violations; appropriating money; amending Minnesota Statutes 1984, sections 171.29, subdivision 2; 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.

Schafer moved that S. F. No. 5 and H. F. No. 102, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1187, 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.

Blatz moved that S. F. No. 1187 and H. F. No. 1282, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1458, 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.

Blatz moved that S. F. No. 1458 and H. F. No. 1457, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 583, 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.

Blatz moved that S. F. No. 583 and H. F. No. 800, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1067, 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.

Dempsey moved that S. F. No. 1067 and H. F. No. 1409, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 401, 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; authorizing the court to allow the respondent in a replevin action to retain or regain possession without posting a bond; authorizing the court to stay an action to recover possession for up to six months; extending the effective period of a garnishee summons; amending Minnesota Statutes 1984, sections 550.37, subdivisions 5, 7, 13, 14, and 24; 565.25, subdivision 2; 571.41, subdivisions 6 and 7; 571.42; 571.495, subdivision 3; and 571.55, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 565.

The bill was read for the first time.

Dempsey moved that S. F. No. 401 and H. F. No. 1097, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 806, 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 Appropriations.

S. F. No. 1049, A bill for an act relating to human services; refining the vulnerable adults reporting act; clarifying definitions; requiring reporting of financial exploitation; providing for local welfare agency actions to protect vulnerable adults; amending Minnesota Statutes 1984, section 626.557, subdivisions 2, 3a, 5, 9, and 10, and by adding a subdivision.

The bill was read for the first time.

Burger moved that S. F. No. 1049 and H. F. No. 1437, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Forsythe requested immediate consideration of H. F. No. 88.

The Speaker called Halberg to the Chair.

H. F. No. 88 was reported to the House.

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.	Dimler	Kelly	Nelson, D.	Rest
Anderson, R.	Dyke	Kiffmeyer	Nelson, K.	Richter
Backlund	Elioff	Knickerbocker	Neuenschwander	Rodosovich
Battaglia	Fjoslien	Knuth	Norton	Rose
Beard	Forsythe	Kostohryz	Olsen, S.	Sarna
Begich	Frederick	Krueger	Omann	Schafer
Bennett	Frederickson	Kvam	Onnen	Scheid
Bishop	Frerichs	Levi	Osthoff	Schoenfeld
Blatz	Greenfield	Lieder	Otis	Schreiber
Boerboom	Cruenes	Long	Ozment	Seaberg
Boo	Gutknecht	Marsh	Pappas	Segal
Brinkman	Halberg	McDonald	Pauly	Shaver
Brown	Harteringer	McEachern	Peterson	Sherman
Carlson, D.	Hartle	McLaughlin	Piepho	Simoneau
Carlson, J.	Heap	McPherson	Piper	Skoglund
Carlson, L.	Himle	Metzen	Poppenhagen	Solberg
Clark	Jaros	Miller	Price	Sparby
Clausnitzer	Jennings, L.	Minne	Quinn	Stanius
Dempsey	Johnson	Munger	Redalen	Staten
DenOuden	Kalis	Murphy	Rees	Sviggum

Thiede	Tompkins	Valento	Waltman	Wynia
Thorson	Tunheim	Vanasek	Welle	Zaffke
Tjornhom	Uphus	Vellenga	Wenzel	Spk. Jennings, D.
Tomlinson	Valan	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.

Olsen, S.; Erickson and Schafer moved to amend H. F. No. 88, the second engrossment.

A roll call was requested and properly seconded.

Nelson, K., requested a division of the Olsen, S., et al. amendment.

POINT OF ORDER

Olsen, S., raised a point of order pursuant to rule 3.6 relating to the division of a question. The Speaker pro tempore Halberg ruled the Olsen, S., point of order not well taken.

The first portion of the Olsen, S., et al. amendment to H. F. No. 88, the second engrossment, reads as follows:

Page 52, line 32, reinstate the stricken language

Page 53, line 4, delete the new language and reinstate the stricken language

Page 53, delete lines 5 to 13

Page 54, lines 25 to 27, delete the new language

Page 54, line 30, delete the new language and reinstate the stricken language

Page 54, delete lines 32 to 36

Page 55, delete line 1

Page 57, lines 17 to 29, delete section 12

Renumber succeeding sections and correct internal references

Page 58, line 32, delete "\$1,467,800" and insert "\$1,671,800"

Page 58, line 33, delete "\$548,500" and insert "\$1,577,300"

Page 58, line 36, delete "\$1,043,600" and insert "\$1,247,600"

Page 59, line 3, delete "\$184,200" and insert "\$220,200"

Page 59, line 4, delete "\$364,300" and insert "\$1,357,100"

Page 59, line 7, delete "\$1,227,800" and insert "\$1,467,800"

Page 59, line 7, delete "\$428,600" and insert "\$1,596,600"

Page 63, line 1, delete "section 4 of"

Page 63, after line 23, insert:

"Sec. 2. Minnesota Statutes 1984, section 124.246, subdivision 2, is amended to read:

Subd. 2. [AID.] An eligible district shall receive (\$1.04 IN FISCAL YEAR 1984 AND) \$1.08 in fiscal (YEAR) *years 1985, 1986 and 1987* for each pupil, in average daily membership, enrolled in a public elementary, secondary or area vocational-technical or nonpublic elementary or secondary school. Aid for nonpublic school pupils shall be paid to the district upon request by or on behalf of the pupils. No district shall receive less than (\$1,040 IN FISCAL YEAR 1984 AND) \$1,080 in fiscal (YEAR) *years 1985, 1986 and 1987.*"

Renumber the sections in sequence

Page 75, line 27, delete "\$153,900" and insert "\$1,023,800" and after "1986" delete the period and insert a comma

Page 75, after line 27, insert "\$1,022,000 1987."

Page 75, line 29, before the period, insert "*and \$869,900 for aid in fiscal year 1986 payable in fiscal year 1986*"

Page 75, after line 29, insert:

"The appropriation for fiscal year 1987 includes \$153,500 for aid for fiscal year 1986 payable in fiscal year 1987 and \$868,500 for fiscal year 1987 payable in fiscal year 1987.

The appropriations are based on aid entitlements of \$1,023,400 for fiscal year 1986 and \$1,021,800 for fiscal year 1987."

Correct internal references

Page 126, delete lines 6 to 8, and insert:

"\$173,400 1986,

\$ 60,000 1987.

The appropriation for fiscal year 1986 includes \$122,400 for grants for fiscal year 1985 payable in fiscal year 1986, and

\$51,000 for mini-grants authorized in Minnesota Statutes, section 129B.04, subdivision 1a, for fiscal year 1986 payable in fiscal year 1986.

The appropriation for fiscal year 1987 includes \$9,000 for fiscal year 1986 payable in fiscal year 1987 and \$51,000 for mini-grants authorized in Minnesota Statutes, section 129B.04, subdivision 1a, for fiscal year 1987 payable in fiscal year 1987."

The Speaker resumed the Chair.

The question was taken on the first portion of the Olsen, S., et al. amendment and the roll was called.

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

There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Kvam	Pauly	Solberg
Anderson, R.	Fjoslien	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	Hartinger	McPherson	Rees	Tompkins
Boerboom	Hartle	Metzen	Rest	Tunheim
Boo	Haukoos	Miller	Rice	Uphus
Brandl	Heap	Minne	Richter	Valan
Brinkman	Himle	Munger	Riveness	Valento
Brown	Jacobs	Murphy	Rodosovich	Vanasek
Burger	Jaros	Nelson, D.	Rose	Vellenga
Carlson, D.	Jennings, L.	Nelson, K.	Sarna	Voss
Carlson, L.	Johnson	Neuenschwander	Schafer	Waltman
Clark	Kahn	Norton	Scheid	Welle
Clausnitzer	Kalis	Olsen, S.	Schoenfeld	Wenzel
Cohen	Kelly	Omann	Schreiber	Wynia
Dempsey	Kiffmeyer	Onnen	Seaberg	Zafike
DenOuden	Knickerbocker	Osthoff	Segal	Spk. Jennings, D.
Dimler	Knuth	Otis	Shaver	
Dyke	Kostohryz	Ozment	Simoneau	
Elioff	Krueger	Pappas	Skoglund	

The motion prevailed and the first portion of the Olsen, S., et al. amendment was adopted.

The second portion of the Olsen, S., et al. amendment to H. F. No. 88, the second engrossment, as amended, reads as follows:

Page 139, line 17, delete "1.0816" and insert "1.0971"

Page 139, line 25, delete "1.1221" and insert "1.1381"

Page 140, line 8, delete "actual pupil" and insert "pupils in average daily membership"

Page 140, line 9, delete "units"

Page 140, line 13, delete "actual pupil units" and insert "pupils in average daily membership"

Page 141, line 7, delete "\$360,000" and insert "\$341,725"

Further, amend the title as follows:

Page 1, line 33, after "10;" insert "124.246, subdivision 2;"

The question was taken on the second portion of the Olsen, S., et al. amendment and the roll was called.

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

There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Knuth	Otis	Shaver
Anderson, R.	Ellingson	Kostohryz	Ozment	Simoncau
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	Sviggum
Bishop	Greenfield	McDonald	Price	Thiede
Blatz	Gruenes	McEachern	Quinn	Thorson
Boerboom	Gutknecht	McKasy	Quist	Tjornhom
Boo	Halberg	McLaughlin	Redalen	Tomlinson
Brandl	Hartinger	McPherson	Rees	Tompkins
Brinkman	Hartle	Metzen	Rest	Tunheim
Brown	Haukoos	Miller	Rice	Uphus
Burger	Heap	Minne	Richter	Valan
Carlson, D.	Himle	Munger	Rivness	Valento
Carlson, J.	Jacobs	Murphy	Rodosovich	Vanasek
Carlson, L.	Jaros	Nelson, D.	Rose	Vellenga
Clark	Jennings, L.	Nelson, K.	Sarna	Voss
Clausnitzer	Johnson	Neuenschwander	Schafer	Welle
Cohen	Kahn	Norton	Scheid	Wenzel
Dempsey	Kalis	Olsen, S.	Schoenfeld	Wynia
DenOuden	Kelly	Omann	Schreiber	Zaffke
Dimler	Kiffmeyer	Onnen	Seaberg	Spk. Jennings, D.
Dyke	Knickerbocker	Osthoff	Segal	

The motion prevailed and the second portion of the Olsen, S., et al. amendment was adopted.

Olsen, S., and Quist moved to amend H. F. No. 88, the second engrossment, as amended, as follows:

Page 65, after line 3, insert:

"Sec. 4. [124.252] [TOBACCO USE PREVENTION PROGRAMS.]

Subdivision 1. [ELIGIBILITY AND PURPOSE.] Each school board which develops and adopts a tobacco use prevention program that meets the criteria specified in subdivision 2 and submits the proposed program to the department of education shall be eligible to apply for state aid for the following purposes:

- (1) inservice training for public and nonpublic school staff;*
- (2) tobacco use prevention curriculums including materials;*
- (3) community and parent awareness programs; and*
- (4) evaluation of curriculum and programs for tobacco use prevention.*

Subd. 2. [CRITERIA FOR APPROVAL.] Each tobacco use prevention program proposal must include at least the following components:

- (1) inservice training of teachers and staff;*
- (2) evaluation of programs and curriculum results;*
- (3) a kindergarten through grade 12 continuum of educational intervention related to tobacco use;*
- (4) targeted intervention on tobacco use onset for students who are 12 to 14 years old based on evaluated curriculums that have been shown to reduce tobacco use onset rates; and*
- (5) prohibition of smoking cigarettes and the use of other tobacco products on the school premises by minors.*

Subd. 3. [DISTRICT AID.] An eligible district shall receive 52 cents in fiscal year 1986 and 54 cents in fiscal year 1987 for each pupil, in average daily membership, enrolled in a public elementary, secondary, or area vocational technical institute or nonpublic elementary or secondary school. Aid for nonpublic school pupils shall be paid to the district upon request by or on behalf of the pupils. No school district shall receive less than \$1,000 in fiscal year 1986 and \$1,040 in fiscal year 1987.

Subd. 4. [APPLICATIONS.] A district that is eligible for aid shall apply to the commissioner of education by September 1 of each school year on the form supplied by the commissioner. The commissioner shall approve or disapprove the applications and distribute the aid to the districts by October 31.

Subd. 5. [ASSISTANCE TO DISTRICTS.] The department of education in consultation with the department of health shall:

(1) provide technical assistance to districts for the development, implementation, and evaluation of tobacco use prevention curriculum and programs;

(2) provide to districts information about evaluation results of various curriculums as reported in the scientific literature and elsewhere; and

(3) collect information from districts about prevention programs and evaluation results.

The commissioner of health shall assist the commissioner of education in implementing this section."

Renumber succeeding sections

Page 83, line 15, before "Section" insert "*Subdivision 1.*"

Page 83, after line 16, insert:

"Subd. 2. Section 4 is effective upon enactment of an increase in the rate of the special sales and use tax imposed upon cigarettes, which provides that the proceeds shall be deposited in a public health fund and which appropriates money to fund the program established in section 4."

Correct internal references

The motion prevailed and the amendment was adopted.

Quist moved to amend H. F. No. 88, the second engrossment, as amended, as follows:

Page 34, after line 30, insert:

"Sec. 10. [TEMPORARY DEFINITION OF SCHOOL BUS.]

Notwithstanding Minnesota Statutes 1984, section 169.01, subdivision 6 to the contrary, the definition of school bus does not include a motor vehicle designed to carry fewer than 16 passengers and which does not, at any time, take on or let off passengers from the right-of-way of a public highway, street, or road."

Page 38, line 30, delete "*, section 4,*"

Page 39, line 11, before "*Minnesota*" insert "*Subdivision 1.*"

Page 39, after line 12, insert:

"Subd. 2. Section 10 is repealed September 1, 1986.

Sec. 15. [EFFECTIVE DATE.]

Section 10 is effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows :

Page 1, line 15, after the semicolon insert "providing for a temporary definition of school bus;"

A roll call was requested and properly seconded.

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

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

There were 65 yeas and 56 nays as follows :

Those who voted in the affirmative were :

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

Those who voted in the negative were :

Anderson, G.	Greenfield	McLaughlin	Price	Tomlinson
Backlund	Hartle	Metzen	Quinn	Tunheim
Battaglia	Jacobs	Minne	Rest	Vanasek
Beard	Jaros	Munger	Riveness	Vellenga
Begich	Jennings, L.	Murphy	Rodosovich	Voss
Brandl	Kahn	Nelson, D.	Scheid	Welle
Brinkman	Kalis	Nelson, K.	Schoenfeld	Wenzel
Brown	Knuth	Norton	Segal	Wynia
Carlson, L.	Kostohryz	Osthoff	Simoneau	
Clark	Krueger	Otis	Skoglund	
Cohen	Lieder	Peterson	Sparby	
Elioff	Long	Piper	Staten	

The motion prevailed and the amendment was adopted.

Dempsey was excused between the hours of 3:30 p.m. and 5:00 p.m.

Nelson, K., moved to amend H. F. No. 88, the second engrossment, as amended, as follows:

Page 40, line 19, delete "*but this amount*"

Page 40, line 20, delete "*shall not exceed \$15,000 for the regular school year*"

Page 40, line 25, delete "*but this amount shall not*"

Page 40, line 26, delete "*exceed \$7,500,*"

Page 40, line 32, delete "*(a)*"

Page 40, line 35, delete "*but this amount shall not exceed \$20,000*"

Page 41, line 1, delete "*except for the personnel under paragraph (b),*"

Page 41, lines 5 to 13, delete the new language

Page 43, lines 7 to 10, reinstate the stricken language

Page 43, lines 10 to 17, delete the new language

Page 43, after line 25, delete sections 9 and 10

Renumber succeeding sections

Page 138, after line 23, insert sections to read:

"Sec. 7. [EDUCATION PROTECTION FUND; APPROPRIATIONS.]

Subdivision 1. [ESTABLISHMENT.] There is established an education protection fund in the state treasury for the deposit of funds to insure adequate funding for certain aids to school districts. \$60,673,052 is transferred from the general fund to the education protection fund in fiscal year 1985. Appropriations from the education protection fund shall not expire until expended.

Subd. 2. [SPECIAL EDUCATION AID.] \$17,423,198 is appropriated from the education protection fund established in subdivision 1 to the department of education for the purposes of providing special education salary aid authorized pursuant to section 124.32, subdivision 1b.

Subd. 3. [SUMMER SCHOOL SPECIAL EDUCATION AID.] \$594,558 is appropriated from the education protection

fund established in subdivision 1 to the department of education for the purpose of providing summer school special education aid authorized pursuant to section 124.32, subdivision 10.

Subd. 4. [LIMITED ENGLISH PROFICIENCY PUPILS PROGRAM AID.] \$1,150,496 is appropriated from the education protection fund established in subdivision 1 to the department of education for the purposes of providing aid to educational programs for pupils of limited English proficiency authorized pursuant to section 124.273.

Subd. 5. [TEACHER RETIREMENT.] \$41,504,800 is appropriated from the education protection fund established in subdivision 1 for payment of the state's obligations prescribed in Minnesota Statutes, sections 354.43, 354.55, subdivision 5; 354A.12, subdivision 2; 355.46; and 355.49.

Sec. 8. [EFFECTIVE DATE.]

Section 7 is effective the day following final enactment."

Page 138, after line 25, delete sections 1 to 14 and insert new sections to read:

"Section 1. [APPROPRIATIONS; 1986-1987.]

There is appropriated from the general fund to the commissioner of finance the sums of \$214,725,900 for fiscal year 1986 and \$194,241,300 for fiscal year 1987, for payment of the state's obligations prescribed in Minnesota Statutes, sections 354.43; 354.55, subdivision 5; 354A.12, subdivision 2; 355.46; and 355.49."

A roll call was requested and properly seconded.

The question was taken on the Nelson, K., amendment and the roll was called.

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

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 69 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Bennett	Boerboom	Carlson, D.	Dempsey
Backlund	Bishop	Boo	Carlson, J.	DenOuden
Becklin	Blatz	Burger	Clausnitzer	Dimler

Dyke	Hartle	McKasy	Redalen	Thiede
Erickson	Haukoos	McPherson	Rees	Thorson
Fjoslien	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	Stanius	Spk. Jennings, D.
Hartering	McDonald	Quist	Sviggum	

Those who voted in the negative were:

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

The motion to excuse members from voting prevailed.

POINT OF ORDER

Vanasek 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.

The roll was called on the Nelson, K., amendment to H. F. No. 88, the second engrossment, as amended. There were 63 yeas and 66 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Backlund	Bishop	Boo	Clausnitzer	Dimler
Becklin	Blatz	Burger	Dempsey	Dyke
Bennett	Boerboom	Carlson, J.	DenOuden	Erickson

Fjoslien	Heap	Miller	Rose	Tompkins
Forsythe	Himle	Olsen, S.	Schafer	Uphus
Frederick	Johnson	Onnen	Schreiber	Valan
Frederickson	Kiffmeyer	Ozment	Seaberg	Valento
Frerichs	Knickerbocker	Pauly	Shaver	Waltman
Gruenes	Kvam	Piepho	Sherman	Zaffke
Gutknecht	Levi	Poppenhagen	Stanius	Spk. Jennings, D.
Halberg	Marsh	Quist	Swiggum	
Hartinger	McDonald	Redalen	Thiede	
Hartle	McKasy	Rees	Thorson	
Haukoos	McPherson	Richter	Tjornhom	

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

Bishop moved to amend H. F. No. 88, the second engrossment, as amended, as follows:

Page 88, after line 26, insert:

"Sec. 12. [123.75] [MISSING CHILDREN; VOLUNTARY FINGERPRINTING PROGRAMS.]

Subdivision 1. [DEFINITION.] For purposes of this section and section 14:

(a) *"child" means a person under 18 years old; and*

(b) *"missing child" means a child who has run away or is otherwise missing from the home or the care, custody, and control of his or her parents, guardian, legal custodian, or other person having responsibility for the child.*

Subd. 2. [AUTHORITY.] Each school district may develop a fingerprinting program for students and children who reside in the district. The principal or chief administrative officer of a nonpublic school may develop a fingerprinting program for students of the school. If developed, the program must be developed in conjunction with law enforcement agencies having jurisdiction within the school district or the place where the nonpublic school is located. The law enforcement agencies must cooperate fully with the school district or the nonpublic school in the development of its fingerprinting program.

Subd. 3. [LIMITATIONS AND PROCEDURES.] If developed, the fingerprinting program may be developed only for the purpose of assisting in the location and identification of missing children, and must be operated according to the following procedures:

(a) *No child may be required to participate in the program.*

(b) *Before a child may participate in the program, the child's parents, guardian, legal custodian, or other person responsible*

for the child must authorize the child's participation by signing a form developed by the school district or the principal or chief administrative officer of the nonpublic school.

(c) Fingerprinting of children must be done by law enforcement personnel on fingerprint cards provided to the school district or nonpublic school by the commissioner of public safety or on fingerprint cards acquired elsewhere.

(d) The school must give the fingerprint card to the child's parents, guardian, legal custodian, or other person responsible for the child. No copy of the fingerprint card may be retained by the law enforcement agency, school, or school district.

(e) The child's name, sex, hair and eye color, height, weight, and date and place of birth must be written on the fingerprint card.

School districts and nonpublic schools that develop fingerprinting programs under this section shall offer them on a periodic basis, and shall notify parents, guardians, legal custodians, and residents of the district or communities served by the school of the program and its purpose. Notification may be made by means of memoranda, letters, newspaper articles, or other reasonable means.

Subd. 4. [EVIDENTIARY USE OF FINGERPRINTS.] Fingerprints of a child obtained pursuant to this section are inadmissible as evidence against the child in any criminal or juvenile court proceeding.

Subd. 5. [OTHER FINGERPRINTING PROGRAMS UNAFFECTED.] This section does not apply to fingerprinting programs for children that are provided by private organizations other than nonpublic schools, or governmental entities other than school districts.

Sec. 13. [123.751] [NOTIFICATION TO PARENTS REGARDING ABSENT OR TARDY STUDENTS.]

Each school district must adopt a written policy with respect to notification of a student's parents, guardian, legal custodian, or other person responsible for the student when the student is absent from or late in arriving at school.

Sec. 14. [123.752] [DOCUMENTS REQUIRED FOR SCHOOL ADMISSION.]

At the time of initial enrollment in a public or nonpublic school, a child must present to the person in charge of admission a copy of the child's original birth certificate or a copy of the enroll-

ment record maintained by the school that the child most recently attended. If the child does not present copies of either the birth certificate or the enrollment record, the school's principal or chief administrative officer must inform the law enforcement agency with jurisdiction in the area where the child resides that the child has failed to present the required documents and that the child may be a missing child. The law enforcement agency must then investigate the report in the way provided in section 299C.-53, subdivision 1."

Renumber succeeding sections

Correct internal references

The Speaker called Halberg to the Chair.

POINT OF ORDER

McEachern raised a point of order pursuant to rule 3.10 that the Bishop amendment was not in order. The Speaker pro tempore Halberg ruled the McEachern point of order not well taken and the Bishop amendment in order.

The question recurred on the adoption of the Bishop amendment to H. F. No. 88, the second engrossment, as amended. The motion prevailed and the amendment was adopted.

McDonald, Wenzel and Richter moved to amend H. F. No. 88, the second engrossment, as amended, as follows:

Page 75, after line 18, insert:

"Participating schools are encouraged to promote the regular consumption of milk through the school's lunch and nutrition education programs. Every effort should also be made to promote milk and other wholesome dairy products wherever and whenever foods are sold within the context of school activities."

Krueger moved to amend the McDonald, Wenzel and Richter amendment to H. F. No. 88, the second engrossment, as amended, as follows:

After the last line of the amendment add:

"It is legislative intent to adequately fund a milk in schools program for students in grades K-3."

A roll call was requested and properly seconded.

The question was taken on the Krueger amendment to the McDonald et al. amendment 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 73 yeas and 58 nays as follows :

Those who voted in the affirmative were :

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

Those who voted in the negative were :

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

The motion to excuse members from voting prevailed.

The roll was called on the Krueger amendment to the McDonald et al. amendment to H. F. No. 88, the second engrossment, as amended.

There were 65 yeas and 65 nays as follows :

Those who voted in the affirmative were :

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

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

Those who voted in the negative were:

Anderson, R.	Dimler	Haukoos	Olsen, S.	Shaver
Backlund	Dyke	Heap	Onnen	Sherman
Becklin	Erickson	Himle	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	Rees	Tompkins
Burger	Gruenes	Marsh	Richter	Vaian
Carlson, J.	Gutknecht	McDonald	Rose	Valento
Clausnitzer	Halberg	McKasy	Schafer	Waltman
Dempsey	Hartinger	McPherson	Schreiber	Zaffke
DenOuden	Hartle	Miller	Seaberg	Spk. Jennings, D.

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

The question recurred on the adoption of the McDonald et al. amendment to H. F. No. 88, the second engrossment, as amended. The motion prevailed and the amendment was adopted.

Rose, Haukoos, Brandl, Osthoff and Scheid moved to amend H. F. No. 88, the second engrossment, as amended, as follows:

Page 118, line 30, delete "*made*"

Page 118, line 31, delete everything before the period

Page 119, line 1, delete "*April 1*" and insert "*February 1*"

Page 119, line 4, delete "*July 1*" and insert "*March 1*"

Page 119, line 10, delete "*August 1*" and insert "*April 1*"

Page 119, line 25, delete "*or at least*" and insert "*but not to exceed*"

Page 119, line 26, delete "*section 40*" and insert "*subdivision 13*"

Page 119, line 30, delete "*section 40*" and insert "*subdivision 13*"

Page 120, after line 5, insert:

"*Subd. 12. [ANTI-DISCRIMINATION REQUIREMENTS.] In order to qualify as a high school eligible for payments under*

subdivision 7 or as an eligible Minnesota institution in which the recipient enrolls under subdivision 5, the school:

(a) must meet all education, health, and safety standards required by law, and

(b) must not discriminate in the admission of students and the hiring of teachers on the basis of race, sex, disability, color, or economic status and must have filed a certificate with the state board of education, in the case of an elementary or secondary school, or with the higher education coordinating board, in the case of a post-secondary institution, that the school is in compliance with title VI and title IX of the Civil Rights Act of 1974.

Subd. 13. [CONTRIBUTIONS; APPROPRIATION.] The board may accept contributions for purposes of the scholarship for excellence program. The amounts contributed must be deposited in the general fund. The amounts so contributed are annually appropriated from the general fund to the board for purposes of the program."

Page 121, lines 3 to 17, delete section 40 and insert:

"Sec. 40. Minnesota Statutes 1984, section 290.06, is amended by adding a subdivision to read:

Subd. 20. [CONTRIBUTIONS TO POST-SECONDARY EDUCATIONAL INSTITUTIONS.] (a) A credit of 50 percent of the amount contributed to a Minnesota post-secondary educational institution or to the Minnesota higher education coordinating board for purposes of the scholarship for excellence program may be deducted from the tax due under this chapter for the taxable year in which the contribution was made. The credit for an individual, estate, or trust may not exceed the lesser of: (1) \$100 and, for a married couple filing a joint return, \$200; or (2) the tax liability for the taxable year. The credit for a corporation may not exceed the lesser of \$1,000 or ten percent of the corporation's net income tax liability for the taxable year.

(b) For purposes of this subdivision, a "Minnesota post-secondary educational institution" is

(1) an educational institution located in Minnesota that

(i) normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are conducted; and

(ii) regularly offers education at a level above the twelfth grade; and

(iii) regularly awards either associate, bachelors, masters, or doctoral degrees, or any combination thereof; and

(iv) is duly accredited by the North Central Association of Colleges and registered by the Minnesota higher education coordinating board; or

(2) an area vocational technical institute subject to the provisions of chapter 136C.

(c) In the case of a taxpayer who takes a credit pursuant to this subdivision and has also deducted the amount of that contribution as a charitable contribution for federal income tax purposes, the amount of the contribution used to compute the credit must be subtracted from the taxpayer's excess itemized deductions under section 290.089, subdivision 2, or, in the case of a corporation, the deduction under section 290.21, subdivision 3.

Page 130, line 25, before "Section" insert "Subdivision 1."

Page 130, after line 26, insert:

"Subd. 2. Section 40 is effective for taxable years beginning after December 31, 1985."

Amend the title as follows:

Page 2, line 9, after the first semicolon insert "290.06, by adding a subdivision;"

Page 2, line 18, before "136A" insert "and" and delete "and 290;"

The motion prevailed and the amendment was adopted.

McEachern moved to amend H. F. No. 88, the second engrossment, as amended, as follows:

Page 63, line 31, delete "and"

Page 63, line 32, delete "later school years"

Page 63, line 33, after the period, insert:

"In the 1986-87 school year, a district shall receive the greater of \$41.20 per gifted and talented student or \$515."

Page 73, delete section 21

Renumber sections accordingly

Page 76, line 29, delete "\$1,395,500" and insert "\$1,431,000"

Page 76, line 36, delete "\$1,186,600" and insert "\$1,222,100"

Page 77, line 3, delete "\$1,396,000" and insert "\$1,683,500"

Page 81, delete subdivision 20

Renumber subdivisions accordingly

A roll call was requested and properly seconded.

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

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

There were 56 yeas and 75 nays as follows :

Those who voted in the affirmative were :

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

Those who voted in the negative were :

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

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

McEachern moved to amend H. F. No. 88, the second engrossment, as amended, as follows :

Page 3, delete section 3

Page 4, lines 20 to 21, delete new language

Page 5, line 26, strike "\$1,585" and insert "\$1,587"

Page 5, line 28, delete "\$1,675" and insert "\$1,681"

Page 6, delete section 10

Page 7, line 1, delete new language

Renumber sections accordingly

A roll call was requested and properly seconded.

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

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

There were 56 yeas and 73 nays as follows :

Those who voted in the affirmative were :

Battaglia	Jaros	Munger	Piper	Staten
Begich	Jennings, L.	Murphy	Price	Tomlinson
Brandl	Kahn	Nelson, D.	Quinn	Tunheim
Brinkman	Kelly	Nelson, K.	Rice	Vanasek
Brown	Kostohryz	Neuenschwander	Rodosovich	Vellenga
Carlson, D.	Krueger	Norton	Sarna	Voss
Clark	Lieder	Ogren	Scheid	Welle
Cohen	Long	Omann	Schoenfeld	Wynia
Elioff	McEachern	Osthoff	Simoneau	
Ellingson	McLaughlin	Otis	Skoglund	
Greenfield	Metzen	Pappas	Solberg	
Jacobs	Minne	Peterson	Sparby	

Those who voted in the negative were :

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

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

Nelson, K., and Welle moved to amend H. F. No. 88, the second engrossment, as amended, as follows :

Page 39, line 20, reinstate the stricken language

Page 39, lines 27 to 33, delete the new language

A roll call was requested and properly seconded.

The question was taken on the Nelson, K., and Welle amendment and the roll was called.

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

There were 65 yeas and 67 nays as follows :

Those who voted in the affirmative were :

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

Those who voted in the negative were :

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

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

Price offered an amendment to H. F. No. 88, the second engrossment, as amended.

POINT OF ORDER

Olsen, S., raised a point of order pursuant to rule 5.10 that the Price amendment was out of order. The Speaker ruled the Olsen,

S., point of order well taken and the Price 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 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 70 yeas and 49 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, G.	Greenfield	McLaughlin	Price	Skoglund
Battaglia	Jennings, L.	Minne	Quinn	Solberg
Beard	Kahn	Murphy	Rest	Sparby
Begich	Kelly	Nelson, D.	Rice	Staten
Brandl	Knuth	Nelson, K.	Riveness	Tomlinson
Brown	Kostohryz	Norton	Rodosovich	Vanasek
Carlson, L.	Krueger	Ogren	Sarna	Vellenga
Clark	Lieder	Osthoff	Scheid	Voss
Cohen	Long	Pappas	Schoenfeld	Wynia
Ellingson	McEachern	Piper	Simoneau	

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

Carlson, L., moved to amend H. F. No. 88, the second engrossment, as amended, as follows:

Page 3, line 13, delete "fifteen" and insert "twelve"

Page 3, line 14, after "weightings." delete the balance of the line

Page 3, delete lines 15 and 16

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.

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 75 yeas and 47 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, G.	Jaros	Minne	Quinn	Sparby
Battaglia	Jennings, L.	Munger	Rest	Tomlinson
Beard	Kahn	Nelson, D.	Rice	Tunheim
Begich	Kalis	Norton	Riveness	Vanasek
Brown	Kelly	Ogren	Sarna	Voss
Carlson, L.	Knuth	Osthoff	Scheid	Wenzel
Clark	Lieder	Pappas	Schoenfeld	Wynia
Cohen	McEachern	Peterson	Simoneau	
Elioff	McLaughlin	Piper	Skoglund	
Greenfield	Metzen	Price	Solberg	

The motion to excuse members from voting prevailed.

There being no objection Long was excused from voting.

The roll was called on the Carlson, L., amendment to H. F. No. 88, the second engrossment, as amended. There were 51 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Battaglia	Brandl	Clark	Ellingson	Jennings, L.
Beard	Brinkman	Cohen	Greenfield	Kahn
Begich	Carlson, L.	Elioff	Jaros	Kelly

Knuth	Nelson, D.	Pappas	Riveness	Solberg
Kostohryz	Nelson, K.	Rodosovich	Staten	Tomlinson
McEachern	Neuenschwander	Piper	Sarna	Tunheim
McLaughlin	Norton	Price	Schcid	Vellenga
Metzen	Ogren	Quinn	Schoenfeld	Voss
Minne	Osthoff	Rest	Simoneau	Wynia
Munger	Otis	Rice	Skoglund	
Murphy				

Those who voted in the negative were:

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

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

Price moved to amend H. F. No. 88, the second engrossment, as amended, as follows:

Page 146, after line 28, insert:

“Sec. 12. [LEGISLATIVE INTENT.]

It is legislative intent to improve the education of public school pupils in kindergarten through grade 3 by encouraging school districts to reach the goal of no more than 20 elementary pupils in grades kindergarten through 3 for each teacher and that the legislature adequately fund such a program.”

Renumber the sections in sequence and amend internal cross references

A roll call was requested and properly seconded.

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

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

There were 61 yeas and 64 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

H. F. No. 88, A bill for an act relating to education; providing for aids to education, aids to libraries, state payments for teacher retirement contributions, and the distribution of tax revenues; granting certain powers and duties to school boards, school districts, the state board of education, the board of teaching, and the higher education coordinating board; modifying certain components of foundation aid; modifying the basic maintenance mill rate; modifying computation of pupil units; repealing revenue equity; modifying the computation of summer program aid, transportation aid, special education aid, secondary vocational aid, and other aids; establishing an aid and levy formula for excellence in teaching and curriculum; providing for a temporary definition of school bus; providing for measurement of pupil progress; establishing mastery learning pilot projects; requiring state board of teaching to field test plans for assessment of new teachers; appropriating money; amending Minnesota Statutes 1984, sections 120.06, subdivision 1; 120.10, subdivision 1; 120.11; 120.15; 120.17, subdivision 3, and by adding a subdivision; 121.88; 121.882, subdivision 2, and by adding a subdivision; 121.904, subdivi-

sions 4a and 4c; 121.912, subdivision 1; 122.86, subdivision 1; 123.33, by adding a subdivision; 123.36, subdivision 1; 123.58, by adding a subdivision; 123.705, subdivision 1; 123.742, subdivision 7, and by adding subdivisions; 123.7431, subdivision 1; 124.09; 124.14, subdivision 4; 124.17, by adding subdivisions; 124.19, subdivision 1; 124.195, subdivision 9; 124.2138, subdivision 2; 124.223; 124.225, subdivisions 1, 3, 4b, 7a, 7b, 8a, 8b, and 10; 124.246, subdivision 2; 124.247, subdivision 3; 124.26, subdivisions 1 and 6; 124.271, subdivision 2b, and by adding a subdivision; 124.2711, subdivision 1; 124.272, subdivision 3; 124.273, subdivision 1b; 124.32, subdivisions 1b, 1d, 2, 5, and 10; 124.48, by adding a subdivision; 124.573, subdivision 2; 124.574, subdivision 2b; 124.646, subdivision 1; 124A.02, subdivisions 6, 7, 8, 9, 16, and by adding a subdivision; 124A.03, subdivisions 3, 4, and by adding a subdivision; 124A.033, subdivisions 2 and 3, and by adding a subdivision; 124A.037; 124A.06, subdivisions 1 and 3a; 124A.08, subdivisions 3a and 5; 124A.10, subdivision 3a; 124A.12, subdivision 3a; 124A.14, subdivision 5a; 124A.16, subdivisions 2 and 4; 125.05, subdivisions 1 and 5; 125.12, by adding a subdivision; 125.17, by adding a subdivision; 125.185, subdivision 4; 125.60, subdivisions 3 and 7; 126.64, subdivision 2; 129B.17; 129B.20; 129B.21; 129B.35; 129B.36; 129B.38, subdivision 1; 129B.39; 129B.40; 134.31, subdivisions 2 and 3; 134.35; 134.351, subdivision 1; 136D.27; 136D.74, subdivision 2; 136D.87; 275.125, subdivisions 5b, 5d, 8, 8a, and 8b, and by adding subdivisions; 298.28, subdivision 1; 354.06, subdivision 1; 354.43, subdivision 3; 354A.12, subdivision 2; 355.208; 355.209; 355.287; 355.288; 355.46, subdivision 3; and Laws 1973, chapter 683, section 26, subdivision 17, as amended; Laws 1984, chapter 463, article 9, section 9; proposing coding for new law in Minnesota Statutes, chapters 121; 123; 124; 124A; 126; 129B; 134; 136A; and 290; repealing Minnesota Statutes 1984, sections 120.17, subdivision 1a; 120.172, subdivision 3; 122.84; 122.85; 122.89; 123.3511; 123.3512; 123.3513; 124.201, subdivisions 3, 4, and 5; 124.2138, subdivision 2; 124.225, subdivisions 4a, 8c, 8d, 8e, 8f, 8g, and 8h; 124.247, subdivision 6; 124.271, subdivisions 2 and 2a; 124.273, subdivisions 2b and 5; 124.32, subdivision 9a; 124A.03, subdivision 5; 124A.035, subdivision 6; 124A.037; 125.611, subdivisions 3, 4, 5, 6, and 7; 126.64, subdivision 1; 129B.03; 129B.33; 129B.34; 275.125, subdivision 2j; 354.43, subdivisions 1, 4, and 5; 354A.12, subdivision 3; 355.46, subdivisions 1, 2, and 5; and 355.47.

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 90 yeas and 41 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Knuth	Pauly	Shaver
Backlund	Fjoslien	Kostohryz	Peterson	Sherman
Beard	Forsythe	Krueger	Piepho	Sparby
Becklin	Frederick	Kvam	Piper	Stanius
Bennett	Frederickson	Levi	Poppenhagen	Sviggum
Bishop	Frerichs	Lieder	Price	Thiede
Blaiz	Gruenes	Marsh	Quinn	Thorson
Boerboom	Gutknecht	McDonald	Redalen	Tjornhom
Boo	Halberg	McEachern	Rees	Tompkins
Brown	Hartinger	McKasy	Rest	Tunheim
Burger	Hartle	McPherson	Richter	Uphus
Carlson, J.	Haukoos	Metzen	Riveness	Valan
Carlson, L.	Heap	Miller	Rose	Valento
Clausnitzer	Himle	Nelson, D.	Schafer	Vanasek
Dempsey	Jacobs	Olsen, S.	Schoenfeld	Waltman
DenOuden	Johnson	Omann	Schreiber	Wenzel
Dimler	Kiffmeyer	Onnen	Seaberg	Zaffke
Dyke	Knickerbocker	Ozment	Segal	Spk. Jennings, D.

Those who voted in the negative were:

Anderson, R.	Greenfield	Munger	Quist	Tomlinson
Battaglia	Jaros	Murphy	Rice	Vellenga
Begich	Jennings, L.	Nelson, K.	Rodosovich	Voss
Brandl	Kahn	Neuenschwander	Sarna	Welle
Brinkman	Kalis	Norton	Scheid	Wynia
Carlson, D.	Kelly	Ogren	Simoneau	
Clark	Long	Osthoff	Skoglund	
Cohen	McLaughlin	Otis	Solberg	
Elioff	Minne	Pappas	Staten	

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

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Levi, from the Committee on Rules and Legislative Administration, pursuant to Rule 1.9, designated the following bills as Special Orders to be acted upon immediately preceding General Orders pending for today, Tuesday, May 7, 1985:

S. F. No. 563; H. F. No. 102; S. F. Nos. 693, 1202, 661, 664 and 1077; H. F. No. 1107; S. F. No. 196; H. F. No. 323; S. F. Nos. 658 and 676; H. F. No. 800; S. F. Nos. 825, 207 and 557; H. F. Nos. 563 and 671; S. F. No. 566; H. F. No. 957; S. F. No. 709; H. F. No. 1129; S. F. Nos. 986, 862 and 1362; H. F. Nos. 229 and 237; S. F. Nos. 1131 and 609; H. F. Nos. 607 and 784; S. F. Nos. 1485 and 954; H. F. Nos. 1040 and 1165; S. F. No. 1254; H. F. No. 1369; S. F. Nos. 374, 1238 and 650; H. F. Nos. 1097 and 1116; S. F. Nos. 1029, 33, 547, 675, 364 and 863; H. F. No. 1437; S. F. No. 276; H. F. No. 601; S. F. Nos. 1244, 1148, 1356, 1358, 1278, 1388, 71, 1183, 243, 615, 781 and 901; H. F. No. 922; S. F. No. 904; H. F. Nos. 984 and 1018; S. F. Nos. 35 and 952; H. F. Nos. 1205, 1227 and 1282; S. F. Nos. 1353, 1347, 43, 448, 455, 542 and 623.

SPECIAL ORDERS

Levi moved that the bills on Special Orders 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.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 227:

Minne, Redalen and Frerichs.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 889:

Frederickson, Solberg and Uphus.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1037:

Tjornhom, Redalen and Jacobs.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1398:

Schreiber, Knickerbocker and Voss.

MOTIONS AND RESOLUTIONS

Peterson moved that the name of Rose be added as chief author and that the name of Peterson be shown as second author on H. F. No. 409. The motion prevailed.

Begich moved that his name be stricken as an author on H. F. No. 774. The motion prevailed.

Sviggum moved that H. F. No. 1184 be returned to its author. The motion prevailed.

Forsythe moved that H. F. No. 1638 be returned to its author. The motion prevailed.

Skoglund moved that H. F. No. 790 be returned to its author. The motion prevailed.

ADJOURNMENT

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Wednesday, May 8, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-FOURTH SESSION - 1985

FIFTY-FIFTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MAY 8, 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 Keith Ainsley, Jackson Lake Lutheran Church, Amboy, Minnesota.

The roll was called and the following members were present:

Anderson, C.	Erickson	Kvam	Ozment	Skoglund
Anderson, R.	Fjoslien	Levi	Pappas	Solberg
Backlund	Forsythe	Lieder	Pauly	Sparby
Battaglia	Frederick	Long	Peterson	Stanius
Beard	Frederickson	Marsh	Piepho	Staten
Becklin	Frerichs	McDonald	Piper	Sviggum
Begich	Greenfield	McEachern	Poppenhagen	Thiede
Bennett	Gruenes	McKasy	Price	Thorson
Bishop	Gutknecht	McLaughlin	Quinn	Tjornhom
Biatz	Halberg	McPherson	Quist	Tomlinson
Boerboom	Hartinger	Metzen	Redalen	Tompkins
Boo	Hartle	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.	Schreiber	Wynia
Dempsey	Kiffmeyer	Olson, E.	Seaberg	Zaffke
DenOuden	Knickerbocker	Omann	Segal	Spk. Jennings, D.
Dimler	Knuth	Onnen	Shaver	
Dyke	Kostohryz	Oshoff	Sherman	
Ellingson	Krueger	Otis	Simoneau	

A quorum was present.

Schoenfeld was excused until 2:35 p.m. Elioff was excused until 4:30 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Halberg 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. 88 and S. F. Nos. 583, 1067, 1187, 1458, 5, 401, 806 and 1049 have been placed in the members' files.

S. F. No. 1067 and H. F. No. 1409, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Dempsey moved that S. F. No. 1067 be substituted for H. F. No. 1409 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1458 and H. F. No. 1457, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Blatz moved that S. F. No. 1458 be substituted for H. F. No. 1457 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 401 and H. F. No. 1097, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Levi moved that the rules be so far suspended that S. F. No. 401 be substituted for H. F. No. 1097 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 583 and H. F. No. 800, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Blatz moved that the rules be so far suspended that S. F. No. 583 be substituted for H. F. No. 800 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1049 and H. F. No. 1437, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Burger moved that the rules be so far suspended that S. F. No. 1049 be substituted for H. F. No. 1437 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1187 and H. F. No. 1282, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Blatz moved that the rules be so far suspended that S. F. No. 1187 be substituted for H. F. No. 1282 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 5 and H. F. No. 102, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Schafer moved that the rules be so far suspended that S. F. No. 5 be substituted for H. F. No. 102 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1499 and H. F. No. 1607, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Swiggum moved that the rules be so far suspended that S. F. No. 1499 be substituted for H. F. No. 1607 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Schreiber from the Committee on Taxes 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; amending Minnesota Statutes 1984, section 290.01, subdivisions 20a and 20b; proposing coding for new law in Minnesota Statutes, chapter 290.

Reported the same back with the following amendments:

Page 10, line 7, after the period insert "*In order to qualify as a landowner, the owner of the land or the shareholders of a family farm or authorized farm corporation or the partners of a partnership owning the land must have actively engaged in farming the land sold.*"

Page 10, line 15, delete "any" and insert "*an individual*"

Page 10, line 15, after "*landowner*" insert "*or from gross income of a corporate landowner*"

Page 10, line 24, delete "*less*" and insert "*more*"

Page 11, line 21, before the comma insert "*or net income of a corporate landowner*"

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. 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, lines 14 to 19, delete section 4

Page 4, line 21, delete "*4*" and insert "*3*"

Renumber the remaining section

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. 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 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.15, subdivision 2 ; 115A.81 ; 115A.84, subdivisions 3 and 4 ; 115A.85, subdivision 2, and by adding a subdivision ; 115A.86, subdivision 1 ; 115A.919 ; 116.07, subdivision 4h ; 400.04, subdivision 1 ; 473.149, by adding

a subdivision; 473.153, subdivisions 1, 2, 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.

Reported the same back with the recommendation that the bill 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. 1581, A bill for an act relating to education; establishing a scholarship for excellence program; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 136A and 290.

Reported the same back with the following amendments:

Page 1, line 16, delete "*made by checkoff by*"

Page 1, line 17, delete "*state taxpayers*"

Page 1, line 23, delete "*April*" and insert "*February*"

Page 1, line 25, delete "*July*" and insert "*March*"

Page 2, line 7, delete "*August*" and insert "*April*"

Page 2, line 22, delete "*less than*" and insert "*to exceed*"

Page 2, line 23, delete "*section 2*" and insert "*subdivision 13*"

Page 2, line 27, delete "*section 2*" and insert "*subdivision 13*"

Page 3, after line 3, insert:

"Subd. 12. [ANTI-DISCRIMINATION REQUIREMENTS.] In order to qualify as a high school eligible for payments under subdivision 7 or as an eligible Minnesota institution in which the recipient enrolls under subdivision 5, the school:

(a) must meet all education, health, and safety standards required by law; and

(b) must not discriminate in the admission of students and the hiring of teachers on the basis of race, sex, disability, color,

or economic status and must have filed a certificate with the state board of education, in the case of an elementary or secondary school, or with the higher education coordinating board, in the case of a post-secondary institution, that the school is in compliance with title VI of the Civil Rights Act of 1974.

Subd. 13. [CONTRIBUTIONS; APPROPRIATION.] The board may accept contributions for purposes of the scholarship for excellence program. The amounts contributed must be deposited in the general fund. The amounts so contributed are annually appropriated from the general fund to the board for purposes of the program."

Page 3, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 1984, section 290.06, is amended by adding a subdivision to read:

Subd. 20. [CONTRIBUTIONS TO POST-SECONDARY EDUCATIONAL INSTITUTIONS.] (a) A credit of 50 percent of the amount contributed to a Minnesota post-secondary educational institution or to the Minnesota higher education coordinating board for purposes of the scholarship for excellence program may be deducted from the tax due under this chapter for the taxable year in which the contribution was made. The credit for an individual, estate, or trust may not exceed the lesser of: (1) \$100 and, for a married couple filing a joint return, \$200; or (2) the tax liability for the taxable year. The credit for a corporation may not exceed the lesser of \$1,000 or ten percent of the corporation's net income tax liability for the taxable year.

(b) For purposes of this subdivision, a "Minnesota post-secondary educational institution" is:

(1) an educational institution located in Minnesota that

(i) normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are conducted; and

(ii) regularly offers education at a level above the twelfth grade; and

(iii) regularly awards either associate, bachelors, masters, or doctoral degrees, or any combination thereof; and

(iv) is duly accredited by the North Central Association of Colleges and registered by the Minnesota higher education coordinating board; or

(2) *an area vocational technical institute subject to the provisions of chapter 136C.*

(c) *In the case of a taxpayer who takes a credit pursuant to this subdivision and has also deducted the amount of that contribution as a charitable contribution for federal income tax purposes, the amount of the contribution used to compute the credit must be subtracted from the taxpayer's excess itemized deductions under section 290.089, subdivision 2, or, in the case of a corporation, the deduction under 290.21, subdivision 3."*

Page 3, line 19, after the period insert "*Section 2 is effective for taxable years beginning after December 31, 1985.*"

Amend the title as follows:

Page 1, line 3, before "proposing" insert "amending Minnesota Statutes 1984, section 290.06, by adding a subdivision,"

Page 1, line 4, delete "chapters" and insert "chapter"

Page 1, line 5, delete "and 290"

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. 1627, A bill for an act relating to taxation; property; allowing certain property owners to appeal assessments directly to the tax or district court; amending Minnesota Statutes 1984, sections 271.01, subdivision 5; and 278.01, subdivision 1.

Reported the same back with the following amendments:

Page 2, lines 4 to 12, restore the stricken language

Page 2, line 12, after the period insert "*Notwithstanding the provisions of this section, if the market value of the property is increased or if the classification of the property is changed after the notice has been sent to the property owner, the property owner may appear before the tax court without an appearance in person or written communication to the county board of equalization.*"

Page 3, lines 7 to 16, restore the stricken language

Page 3, line 16, after the period insert "*Notwithstanding the provisions of this section, if the market value of the property is increased or if the classification of the property is changed after the notice has been sent to the property owner, the property owner may appear before the district court or tax court without an appearance in person or written communication to the county board of equalization.*"

Page 3, after line 28, insert:

"Sec. 3. Laws 1984, chapter 502, article 11, section 6, is amended to read:

Sec. 6. [EFFECTIVE DATE.]

Sections 2 and 4 are effective for the (1985) 1986 assessment and thereafter, payable (1986) 1987 and thereafter. Sections 1, 3, and 5 are effective the day following final enactment."

Page 3, line 30, delete "1985" and insert "1986"

Page 3, line 31, after the period insert "*Section 3 is effective the day following final enactment.*"

Renumber the section in sequence

Amend the title as follows:

Page 1, line 2, delete "allowing certain"

Page 1, line 3, delete "property owners to appeal assessments directly" and insert "clarifying the process for appealing certain assessments"

Page 1, line 4, after the semicolon, insert "delaying the effective date of the requirement of appearances before county board of equalization for tax appeals;"

Page 1, line 6, after "1" insert "; Laws 1984, chapter 502, article 11, section 6"

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. 1633, A bill for an act authorizing the city of Waseca to establish and provide taxes and service charges for a special service district.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [DEFINITIONS.]

Subdivision 1. For the purpose of this act the terms defined in this section have the following meanings.

Subd. 2. “City” means the city of Waseca.

Subd. 3. “Special services” means all services rendered or contracted for by the city, including, but not limited to:

(a) the repair, maintenance, operation, and construction of any improvements authorized by Minnesota Statutes, section 429.021;

(b) parking services rendered or contracted for by the city; and

(c) any other service provided to the public by the city that is authorized by law or charter provision.

Special services do not include any service that is ordinarily provided throughout the city from general fund revenues of the city unless an increased level of the service is provided in the special service district.

Subd. 4. “Special service district” means a defined area within the city where special services are rendered and the costs of the special services are paid from revenues collected from taxes and service charges imposed within that area.

Subd. 5. “Assessed value” means the assessed value as most recently certified by the commissioner of revenue before the effective date of the ordinance or resolution adopted pursuant to section 2 or 3.

Subd. 6. “Land area” means the land area in the district which is subject to property taxation.

Sec. 2. [ESTABLISHMENT OF SPECIAL SERVICE DISTRICT.]

Subdivision 1. [ORDINANCE.] The governing body of the city may adopt an ordinance establishing a special service district. Only property which is zoned for commercial, business, or industrial use under a municipal zoning ordinance may be included in a district. The ordinance shall describe with particularity the area within the city to be included in the district

and the special services to be furnished in the district. The ordinance may not be adopted until after a public hearing has been held on the question. Notice of the hearing shall include:

- (a) the time and place of hearing;
- (b) a map showing the boundaries of the proposed district; and
- (c) a statement that all persons owning property in the proposed district will be given an opportunity to be heard at the hearing.

Subd. 2. [NOTICE.] Notice of the hearing shall be given by publication in two issues of the official newspaper of the city. The two publications shall be a week apart and the hearing shall be held at least three days after the last publication. Not less than ten days before the hearing, notice shall also be mailed to the owner of each parcel within the area proposed to be included in the district. For the purpose of giving mailed notice, owners shall be those shown on the records of the county auditor. Other records may be used to supply the necessary information. For properties which are tax exempt or subject to taxation on a gross earnings basis in lieu of property tax and are not listed on the records of the county auditor, the owners shall be ascertained by any practicable means and mailed notice given them. At the public hearing any person affected by the proposed district may be heard orally in respect to any issues relevant to the proposed district. The hearing may be adjourned from time to time and the ordinance establishing the district may be adopted at any time within six months after the date of the conclusion of the hearing by a vote of the majority of the governing body of the city.

Sec. 3. [TAXING AUTHORITY; NOTICE AND HEARING REQUIREMENTS.]

Subdivision 1. [TAXES; HEARING.] Ad valorem taxes may be levied on taxable nonhomestead property or service charges may be imposed by the city within the special service district at a rate or amount sufficient to produce the revenues required to provide special services within the district. To determine the appropriate mill rate, nonhomestead taxable property or value shall be determined without regard to captured or original assessed value under Minnesota Statutes, section 273.76, or to the distribution or contribution value under Minnesota Statutes, section 473F.08. Taxes and service charges shall not be imposed to finance a special service if the service is ordinarily provided by the city from its general fund revenues unless the service is provided in the district at an increased level, in which case only an amount to pay for the increased level may be imposed. A service charge shall not be

imposed on the receipts from the sale of intoxicating liquor, food, or lodging. Before the levy of taxes or imposition of service charges in a district, for each calendar year, notice shall be given and hearing shall be held pursuant to section 2 and notice shall also be mailed to any individual or business organization subject to a service charge. For purposes of this section the notice shall also include:

(a) *A statement that all interested persons will be given an opportunity to be heard at the hearing regarding a proposed tax levy or service charge.*

(b) *The estimated cost of improvements to be paid for in whole or in part by taxes or service charges imposed pursuant to this section, the estimated cost of operating and maintaining the improvements during the first year after completion of the improvements, the proposed method and source of financing the improvements and the annual cost of operating and maintaining the improvements.*

(c) *The proposed rate or amount of taxes to be extended or the proposed service charge to be imposed in the district during the calendar year and the nature and character of special services to be rendered in the district during the calendar year.*

(d) *A statement that the petition requirements of section 8 have either been met or do not apply to the proposed taxes or service charge.*

Within six months of the public hearing, the city may adopt a resolution levying a tax or imposing a service charge within the district not exceeding the amount or rate expressed in the notice issued pursuant to this section.

Subd. 2. [EXEMPTION OF CERTAIN PROPERTIES FROM TAXES.] *Property exempted from taxation by Minnesota Statutes, section 272.02, is exempt from any ad valorem taxes imposed pursuant to this act.*

Subd. 3. [LEVY LIMIT EXEMPTION.] *Taxes and service charges imposed pursuant to this act shall not be included in the calculation of levies or limits on levies provided by other law or home rule charter provision.*

Subd. 4. [EXCLUSION FROM HOMESTEAD CREDIT.] *Taxes levied under this section shall not be reduced pursuant to Minnesota Statutes, section 273.13, subdivision 6, 7, 7d, or 14a.*

Sec. 4. [ENLARGEMENT OF SPECIAL SERVICE DISTRICTS.]

Boundaries of a special service district may be enlarged only after hearing and notice as provided in sections 2 and 3. Notice shall be served in the original district and in the area proposed to be added to the district. Property added to the district shall be subject to all taxes levied and service charges imposed within the district after the property becomes a part of the district. The petition requirement in section 8 and the veto power in section 9 shall only apply to owners, individuals, and business organizations in the area proposed to be added to the district.

Sec. 5. [COLLECTION OF TAXES.]

Ad valorem taxes levied within a special service district shall be collected and paid over as other ad valorem taxes, but shall be spread only upon the assessed value of property described in the ordinance. Service charges imposed shall be collected as provided by ordinance. Taxes collected pursuant to this act shall not be included in computations under Minnesota Statutes, section 273.76, chapter 473F, or any other law that applies to general ad valorem levies.

Sec. 6. [BONDS.]

At any time after a contract for the construction of all or part of an improvement authorized pursuant to this act has been entered into or the work has been ordered done by day labor, the governing body of the city may issue obligations in the amount it deems necessary to defray in whole or in part the expense incurred and estimated to be incurred in making the improvement, including every item of cost from inception to completion and all fees and expenses incurred in connection with the improvement or the financing. The obligations shall be payable primarily out of the proceeds of the tax levied pursuant to section 3, or from any other special assessment or non-tax revenues available to be pledged for their payment under charter or other statutory authority, or from any two or more of such sources. The governing body may, by resolution adopted prior to the sale of obligations, pledge the full faith, credit, and taxing power of the municipality to assure payment of the principal and interest if the proceeds of the tax levy in the district are insufficient to pay the principal and interest. The obligations shall be issued in accordance with Minnesota Statutes, chapter 475, except that an election shall not be required, and the amount of the obligations shall not be included in determining the net debt of the city under the provisions of any law or charter limiting debt.

Sec. 7. [ADVISORY BOARD.]

The governing body of the city may create and appoint an advisory board for each special service district in the city to advise the governing body in connection with the construction,

maintenance, and operation of improvements, and the furnishing of special services in a district. The advisory board shall make recommendations to the governing body on the requests and complaints of owners, occupants, and users of property within the district and members of the public. Before the adoption of any proposal by the governing body to provide services or impose taxes or service charges within the district, the advisory board of the district shall have an opportunity to review and comment upon the proposal.

Sec. 8. [PETITION REQUIRED.]

No action may be taken pursuant to section 2 unless owners of ten percent or more of the land area of the proposed special service district and owners of ten percent or more of the assessed value of the proposed district file a petition requesting a public hearing on the proposed action with the city clerk. No action may be taken pursuant to section 3 to impose an ad valorem tax unless owners of ten percent or more of the land area subject to a proposed tax and owners of ten percent or more of the assessed value subject to a proposed tax file a petition requesting a public hearing on the proposed action with the city clerk. No action may be taken pursuant to section 3 to impose a service charge unless ten percent or more of the individual or business organizations subject to the proposed service charge file a petition requesting a public hearing on the proposed action with the city clerk. If the boundaries of a proposed district are changed or the land area or assessed value subject to a tax or the individuals or business organizations subject to a service charge are changed after the public hearing, a petition meeting the requirements of this section must be filed with the city clerk before the ordinance establishing the district or resolution imposing the tax or service charge may become effective.

Sec. 9. [VETO POWER OF OWNERS.]

Subdivision 1. [NOTICE OF RIGHT TO FILE OBJECTIONS.] Except as provided in section 10, the effective date of any ordinance or resolution adopted pursuant to sections 2 and 3 shall be at least 45 days after it is adopted. Within five days after adoption of the ordinance or resolution, a copy of the ordinance or resolution shall be mailed to the owner of each parcel included in the special service district and any individual or business organization subject to a service charge in the same manner that notice is mailed pursuant to section 2. The mailing shall include a notice that owners subject to a tax and individuals and business organizations subject to a service charge have a right to veto the ordinance or resolution by filing the required number of objections with the city clerk before the effective date of the ordinance or resolution.

Subd. 2. [REQUIREMENT FOR VETO.] If owners of 35 percent of the land area in the district and owners of 35 percent

of the assessed value in the district file an objection to the ordinance adopted by the city pursuant to section 2 with the city clerk before the effective date of the ordinance, the ordinance shall not become effective. If owners of 35 percent of the land area subject to a tax and owners of 35 percent of the assessed value subject to a tax file an objection to the resolution adopted levying an ad valorem tax pursuant to section 3 with the city clerk before the effective date of the resolution, the resolution shall not become effective. If 35 percent of individuals and business organizations subject to a service charge file an objection to the resolution adopted imposing a service charge pursuant to section 3 with the city clerk before the effective date of the resolution, the resolution shall not become effective.

Sec. 10. [EXCLUSION FROM PETITION REQUIREMENTS AND VETO POWER.]

The petition requirement of section 8 and the right of owners and those subject to a service charge to veto a resolution in section 9 do not apply to second or subsequent years' applications of a tax or service charge which is authorized to be in effect for more than one year pursuant to a resolution which has met the petition requirements of section 8 and which has not been vetoed under section 9 for the first year's application. A resolution levying a tax or imposing a service charge for more than one year shall not be adopted unless the notice of public hearing required by section 3 and the notice mailed with the adopted resolution pursuant to section 9 include the following information:

(a) In the case of improvements, the maximum rate or amount of taxes to be levied or the maximum service charge to be imposed in any year and the maximum number of years the taxes will be levied or service charges imposed to pay for the improvement.

(b) In the case of operating and maintenance services, the maximum rate or amount of taxes to be levied or the maximum service charge to be imposed in any year and the maximum number of years, or a statement that the tax will be imposed for an indefinite number of years, the taxes will be levied or service charges imposed to pay for operation and maintenance services.

The resolution may provide that the maximum amount of tax to be levied or maximum service charge to be imposed in any year will increase or decrease from the maximum amount authorized in the preceding year based on an indicator of increased cost or a percentage amount established by the resolution.

Sec. 11. [REPORT TO LEGISLATURE.]

The city of Waseca shall file a written report with the chairman of the house local and urban affairs committee and the chairman of the senate local and urban government committee on or before January 31, 1986. The report shall apprise the com-

mittee as to the activities undertaken pursuant to this act and recommend any changes that should be considered if the legislature were to enact statewide legislation for the establishment of special service districts.

Sec. 12. [EFFECTIVE DATE.]

Sections 1 to 10 are effective for the city of Waseca the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Waseca."

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. 30, A house resolution commending and congratulating Arnold T. Baland for his longtime contribution to public awareness in Minnesota of the nature and importance of our freedoms under our democratic system of government.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 587, 883, 1581, 1627 and 1633 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1067, 1458, 401, 583, 1049, 1187, 5 and 1499 were read for the second time.

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

The following House Files were introduced:

McLaughlin, Vellenga, Scheid, Backlund and Minne introduced:

H. F. No. 1658, A bill for an act relating to elections; changing certain election day registration requirements; 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.

Gutknecht, Simoneau, Knickerbocker, Tjornhom and Hartinger introduced:

H. F. No. 1659, A bill for an act relating to employee relations; establishing a fund and program for the payment of health care benefits of certain retired governmental employees; appropriating funds; 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.

HOUSE ADVISORIES

The following House Advisory was introduced:

Heap, Miller, Gutknecht, Sviggum and Erickson introduced:

H. A. No. 41, A proposal to study the benefits of early intervention with employees that are receiving workers' compensation or unemployment insurance.

The advisory was referred to the Committee on Labor-Management Relations.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1109, A bill for an act relating to state government; concerning the state procurement of goods and services from

small businesses; modifying geographical distribution requirements and preference program limitations; amending Minnesota Statutes 1984, section 16B.19, subdivisions 5, 6, 9, and by adding a subdivision; 16B.21, subdivision 1; 16B.22; and 645.445, subdivision 5.

PATRICK E. FLAHAVEN, Secretary of the Senate

McLaughlin moved that the House refuse to concur in the Senate amendments to H. F. No. 1109, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses.

A roll call was requested and properly seconded.

The question was taken on the McLaughlin motion and the roll was called. There were 117 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 966.

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. 352 and 1431.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 966, A bill for an act relating to health; requiring a study and a report on the needs of persons with brain impairments.

The bill was read for the first time.

Riveness moved that S. F. No. 966 and H. F. No. 1541, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 352, 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; requiring a report to the legislature; providing a penalty; 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.

McKasy moved that S. F. No. 352 and H. F. No. 323, now on Special Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1431, 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.

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1382

A bill for an act relating to courts; providing for transcript fees; amending Minnesota Statutes 1984, section 486.06.

May 6, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 1382, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

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

House Conferees: RICHARD J. COHEN, CHARLES C. HALBERG and TERRY DEMPSEY.

Senate Conferees: RON SIELOFF, TAD JUDE and BOB LESSARD.

Cohen moved that the report of the Conference Committee on H. F. No. 1382 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1382, A bill for an act relating to courts; providing for transcript fees; amending Minnesota Statutes 1984, section 486.06.

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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

The bill was repassed, as amended by Conference, and its title agreed to.

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

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

Senate Concurrent Resolution No. 9, A Senate concurrent resolution relating to joint rules; adopting permanent joint rules of the Senate and House of Representatives.

Reported the same back with the recommendation that the resolution be adopted.

SENATE CONCURRENT RESOLUTION NO. 9

A Senate concurrent resolution relating to joint rules; adopting permanent joint rules of the Senate and House of Representatives.

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

The Joint Rules of the Senate and House of Representatives for the 74th Legislature shall read as follows:

JOINT RULES OF THE SENATE AND
HOUSE OF REPRESENTATIVES

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ARTICLE I: JOINT CONVENTIONS**HOW GOVERNED**

Rule 1.01. The Speaker of the House shall preside at all Conventions of the two houses of the Legislature and shall call the members to order. The Chief Clerk of the House shall be the Secretary and the Sergeant at Arms of the House shall be the Sergeant at Arms of the Convention.

PRESIDENT'S DUTIES

Rule 1.02. The President of the Convention shall preserve order and decorum. He may speak on all points of order in prefer-

ence to other members and shall decide questions of order, subject to an appeal to the Convention by any member. He shall rise to put a question but may state it while seated.

PRESIDENT'S RIGHT TO VOTE

Rule 1.03. The President shall have the right to vote in all cases except appeals from his decisions. He shall vote last on all questions.

STATING QUESTIONS

Rule 1.04. Questions shall be put to the Convention in the following form: "As many as are of the opinion that (the question) shall pass, say 'Aye.'" After an affirmative vote is expressed the nays shall be called as follows: "As many as are of the contrary opinion, say 'No.'" If the President is in doubt or a division is called, those in the affirmative shall rise first and those in the negative afterward.

ORDER OF DEBATE

Rule 1.05. When any member wishes to speak to the Convention on any matter, he shall rise and respectfully address the President, and not speak further until recognized. He shall confine himself to the question under debate and avoid personal remarks. When two or more members rise at the same time, the President shall designate the member to speak first. No member shall speak more than twice on the same question without permission of the Convention.

CALLING MEMBER TO ORDER

Rule 1.06. If any member of the Joint Convention is called to order for offensive words in debate, the member calling him to order shall report the words to which exception is taken and the Secretary shall record them. No member may be called to order for any language used in debate if exception is not taken before any other member has spoken or any other business has taken place. A member called to order shall immediately sit down unless another member moves to permit him to explain. In any case, the Joint Convention, if appealed to, shall decide without debate. Only if the decision is in favor of the member called to order shall he be at liberty to proceed.

CALL OF THE CONVENTION

Rule 1.07. Five members may demand a call of the Convention at any time except after voting has commenced. When such a call is demanded, the doors shall be closed, the roll shall be called, the absent members shall be sent for, and no member may be per-

mitted to leave the Chamber, unless excused by the President, until the call is lifted. Proceedings under the roll call may be suspended by a majority vote of all the members of the Convention. A call of the Convention may be lifted by a majority vote of all the members of the Convention.

ELECTIONS

Rule 1.08. In all elections by the Joint Convention, members shall vote viva voce and the roll of Senate members shall be called first. Whenever there is an election of any officer in Joint Convention, the result shall be certified by the President of the Senate and the Speaker of the House and announced by them to their respective houses. The result shall be entered on the Journal of each house and communicated to the Governor by the Secretary of the Convention.

NO SMOKING

Rule 1.09. No person is permitted to smoke in the Chamber or in the gallery during a Joint Convention.

PARLIAMENTARY PROCEDURE

Rule 1.10. The rules of the House shall be the Rules of the Joint Convention of both houses in all cases in which the foregoing rules are not applicable.

ARTICLE II: BILLS

FORM

Rule 2.01. The title of each bill shall clearly state its subject and briefly state its purpose. When a bill amends or repeals an existing act, the title shall refer to the chapter, section or subdivision.

Reference shall be made to Minnesota Statutes for the provisions appearing therein unless reference to previous session laws is required for some special reason.

Bills shall refer to Minnesota Statutes as follows:

“Minnesota Statutes, section”

Bills shall refer to the session laws as follows:

“Laws, chapter, section”

A bill for the amendment of a statute shall contain the full text of the section or subdivision to be amended as it appears in the

latest edition of Minnesota Statutes unless it has been amended, in which event it shall contain the full text as amended.

The words and characters constituting the amending matter shall be inserted in the proper place in the text and underscored. The words and characters to be eliminated by the amendment shall be stricken by drawing a line through them. The text of a new section or subdivision shall also be underscored when a bill amends an existing chapter or section by adding a new section or subdivision. In the omnibus appropriation bills required by Joint Rule 2.02, sections making an appropriation or transfer and not amending a statute or session law need not have new material underscored. Before a committee favorably reports upon a bill, the chairman of the committee shall see that the bill conforms to this rule. When a bill is printed in the Journal, the new matter shall be in italics or underscored and the matter to be eliminated shall be capitalized and in parentheses or stricken by drawing a line through it. A bill drafted by the Revisor of Statutes for the purposes of correcting errors in Minnesota Statutes need not comply with the provisions of this paragraph if the bill is labeled "REVISOR'S BILL" immediately below the title, and if there is attached thereto a memorandum of information explaining the reasons for the bill.

If the bill is for an original law and not for an amendment of an existing law, the sections and subdivisions shall be arranged, subdivided, and numbered in like manner as Minnesota Statutes. If such a bill assigns to the sections thereof headnotes or identification by the decimal system of numbering used in Minnesota Statutes, such headnotes and decimal identification may be submitted by standing committee chairmen to the Revisor of Statutes for examination. Any such headnotes shall be capital letters enclosed in brackets, and shall be subject to the provisions of Minnesota Statutes, section 648.36.

All numbers in titles shall be expressed in figures. All numbers of section or chapter of law shall be in figures. In the body of a bill numbers in excess of ten shall be in figures, except for a special reason they may be written, but when written they shall not be followed by numbers or parentheses.

APPROPRIATING MONEY

Rule 2.02. The same bill shall not appropriate public money or property to more than one local or private purpose.

No clause appropriating money for a local or private purpose shall be contained in a bill appropriating money for the State government or public institutions. All resolutions authorizing the issuing of abstracts by the Secretary of the Senate or the Chief Clerk of the House for the payment of money shall be upon the call of "yeas" and "nays."

In odd-numbered years, at least twenty calendar days prior to the last day the Legislature can meet in regular session [April 30, 1985], the Committee on Finance of the Senate and the Committee on Appropriations of the House shall report to their respective houses, unless directed by concurrent resolution to report different appropriation bills, eight separate appropriation bills as follows:

(a) A bill appropriating money for the general administrative and judicial expenses of the State government for the succeeding two fiscal years including salaries, office expenses and supplies and other necessary expenses connected therewith;

(b) A bill covering all appropriations relating to public welfare, health and corrections for the support and maintenance of all State penal and charitable institutions, and other institutions of the State except educational for the two succeeding fiscal years;

(c) A bill appropriating money for the support and maintenance of all State educational institutions for the two succeeding fiscal years;

(d) A bill covering all appropriations providing for the payment of claims against the State of Minnesota which may have been allowed by the Finance Committee of the Senate or the Appropriations Committee of the House;

(e) A bill covering all appropriations made for semi-state activities;

(f) A bill covering all appropriations for construction and major rehabilitation of public buildings to be financed by issuance of bonds;

(g) A bill covering all appropriations for maintenance, repair, and minor rehabilitation and construction of public buildings; and

(h) A bill covering appropriations for the department of transportation.

No other appropriations shall be contained in any of said bills but all other appropriations shall be contained in separate bills.

DEADLINES

Rule 2.03. (a) In odd-numbered years, committee reports on bills favorably acted upon by a committee in the house of origin after (THE SIXTH FRIDAY PRIOR TO THE LAST FRIDAY ON WHICH THE LEGISLATURE CAN MEET IN REGULAR SESSION) *April 4, 1985*, and committee reports on

bills originating in the other house favorably acted upon by a committee after (THE MONDAY BEFORE THE THIRD FRIDAY PRIOR TO THE LAST FRIDAY ON WHICH THE LEGISLATURE CAN MEET IN REGULAR SESSION) *April 19, 1985*, shall be referred in the Senate to the Committee on Rules and Administration, and in the House of Representatives to the Committee on Rules and Legislative Administration for disposition. Referral is not required when a committee after the earlier date and by the later date set by this paragraph acts on a bill that is a companion to a bill that has met the earlier deadline in the other house. This rule does not apply to the Senate Committees on Finance and on Taxes and Tax Laws, and the House Committees on Appropriations and on Taxes.

Conference Committees on the major appropriation bills specified in Joint Rule 2.02 shall have their reports on the members' desks by the last Thursday on which the Legislature can meet in regular session [May 16, 1985]. After the last Friday on which the Legislature can meet in regular session [May 17, 1985], neither house shall act on bills other than those contained in:

- (1) Reports of Conference Committees;
 - (2) Messages from the other house;
 - (3) Reports of the Committee on Rules and Administration in the Senate or the Committee on Rules and Legislative Administration in the House; or
 - (4) Messages from the Governor.
- (b) In even-numbered years the Legislature shall establish by concurrent resolution deadlines based on the date intended to be the date of adjournment sine die.

AMENDING BILLS ORIGINATING IN OTHER HOUSE

Rule 2.04. Either house shall have the power to amend any bill, memorial, or resolution passed by the other house.

RECEDING FROM POSITION

Rule 2.05. Prior to a Conference Committee on any matter, either house may recede from its position on any difference existing between the two houses. In order to recede, and if the matter is not in the possession of a house, that house shall request return of the matter from the other house. To recede, a majority of a house shall govern, except in cases otherwise provided in the Constitution. If the question is put and lost, it shall not be put again on the same day. A reconsideration of the question shall in all respects be regulated by the rules of that house.

CONFERENCE COMMITTEES

Rule 2.06. In all cases of disagreement between the Senate and House on amendments adopted by either house to a bill, memorial or resolution passed by the other house, a Conference Committee consisting of not less than three members nor more than five members from each house may be requested by either house. The other house shall appoint a similar committee.

The manner of procedure shall be as follows: The house of origin passes a bill and transmits it to the other body. If the other body adopts an amendment to the bill and passes it as amended, it shall return the bill with a record of its actions to the house of origin. If the house of origin refuses to concur in the amendment, it shall ask for a Conference Committee, appoint such a committee on its part, and transmit the bill with a record of its action to the other house. If the other house adheres to its amendment, it shall appoint a like committee and return the bill to the house of origin.

At an agreed upon hour the Conference Committee shall meet. The members from each house shall state to the members from the other house, orally or in writing, the reason for their respective positions. The members shall confer thereon and shall report to their respective houses the agreement they have reached, or, if none, the fact of a disagreement. If an agreement is reported, the house of origin shall act first upon the report. If the report is adopted and repassed as amended by the Conference Committee by the house of origin, the report, the bill and a record of its action shall be transmitted to the other house.

All Conference Committees shall be open to the public. Meetings of Conference Committees shall be announced as far in advance as practical.

Except after the last Thursday on which the Legislature can meet in regular session in odd-numbered years [May 16, 1985], and after the last Thursday on which the Legislature intended, when it adopted the concurrent resolution required by Rule 2.03, paragraph (b), to meet in regular session in even-numbered years, a written copy of a report of a Conference Committee shall be placed on the desk of each member of a house twelve hours before action on the report by that house. If the report has been reprinted in the Journal of either house for a preceding day and is available to the members, the Journal copy shall serve as the written report.

ENROLLMENT AND SIGNATURE

Rule 2.07. After a bill or memorial has been passed by both houses, it shall be carefully and properly enrolled by the Revisor of Statutes under the direction of the Secretary of the Senate for

a matter originating in the Senate or the Chief Clerk of the House for a matter originating in the House. The Revisor of Statutes shall obtain the signatures and certificates of the proper officers to the enrolled copy of the bill or memorial and present it to the Governor for his approval.

A bill or memorial may be prepared for presentation to the Governor on good quality paper approximately 8 1/2" x 14" in size and may be produced by means of a copying machine. An enrolled bill shall be labeled "An Act" and it shall be identical to the bill passed by the Legislature. An enrolled bill which is amendatory of any existing law or constitutional provision shall indicate deletions and additions in the manner provided in Rule 2.01 for printed bills.

ARTICLE III: GENERAL PROVISIONS

SUSPENSION OF JOINT RULES

Rule 3.01. Either house may suspend the Joint Rules of the Senate and House by a vote of two-thirds of its members.

ODD YEAR SESSION ADJOURNMENT

Rule 3.02. Adjournment of the regular session in any odd-numbered year to a date certain in the following year shall be equivalent to daily adjournment, except that upon adjournment in any odd-numbered year to a date certain in the following year:

(a) Any bill being considered by a Conference Committee shall be returned to the house of origin, laid on the table, and the Conference Committee shall be discharged;

(b) Any bill referred to the Committee on Rules and Administration in the Senate or the Committee on Rules and Legislative Administration in the House pursuant to Joint Rule 2.03 shall be returned to the standing committee to which it was last previously referred; and

(c) Any bill returned by the Governor to the house of origin with his objections following such adjournment shall be laid on the table.

INTERIM COMMITTEE AND COMMISSION REPORTS

Rule 3.03. Except as otherwise provided by law, the report of any interim committee or commission to the Legislature shall be submitted on paper 8 1/2" x 11" in size, spiral bound, stapled, or punched on the left edge to fit a standard size three ring binder intended for that size paper. A brief summary of the recommendations of the commission or committee shall appear first and be clearly separated from its findings, discussions, and

exhibits. If the report contains legislative recommendations, a copy of any proposed legislation, particularly if extensive in character, shall if possible be attached as an exhibit at the end of the report.

Levi moved that the report from the Committee on Rules and Legislative Administration relating to Senate Concurrent Resolution No. 9 and the proposed permanent Joint Rules of the Senate and House of Representatives be now adopted.

The question was taken on the Levi motion and the roll was called. There were 123 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	Svigum
Begich	Greenfield	McEachern	Poppenhagen	Thiede
Bennett	Gruenes	McLaughlin	Price	Thorson
Bishop	Gutknecht	McPherson	Quinn	Tjornhom
Blatz	Halberg	Metzen	Quist	Tomlinson
Boerboom	Hartinger	Miller	Redalen	Tompkins
Boo	Hartle	Minne	Rees	Tunheim
Brandl	Haukoos	Munger	Rest	Uphus
Brinkman	Heap	Murphy	Rice	Valan
Brown	Jacobs	Nelson, D.	Richter	Valento
Burger	Jaros	Nelson, K.	Riveness	Vanasek
Carlson, J.	Jennings, L.	Neuenschwander	Rodosovich	Vellenga
Carlson, L.	Johnson	Norton	Rose	Voss
Clark	Kahn	O'Connor	Sarna	Waltman
Clausnitzer	Kalis	Olsen, S.	Schafer	Welle
Cohen	Kelly	Olson, E.	Scheid	Wenzel
DenOuden	Kiffmeyer	Omann	Seaberg	Wynia
Dimler	Knickerbocker	Onnen	Segal	Zaffke
Dyke	Knuth	Osthoff	Shaver	Spk. Jennings, D.
Ellingson	Kostohryz	Otis	Simoncau	
Erickson	Krueger	Ozment	Skoglund	

The motion prevailed and the Joint Rules for the Seventy-Fourth Session were adopted.

Nelson, K., was excused for the remainder of today's session.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Forsythe requested immediate consideration of H. F. No. 1458 and S. F. No. 1525.

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 third 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 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Osthoff

The bill was passed and its title agreed to.

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

Uphus	Vanasek	Waltman	Wenzel	Zaffke
Valan	Vellenga	Welle	Wynia	Spk. Jennings, D.
Valento	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.

S. F. No. 1525 was reported to the House.

Forsythe moved to amend S. F. No. 1525, as follows:

Delete everything after the enacting clause and insert:

“ARTICLE 1

Section 1. [HUMAN SERVICES, CORRECTIONS, HEALTH; APPROPRIATIONS.]

The sums shown in the columns marked “APPROPRIATIONS” are appropriated from the general fund, or any other fund named, to the agencies and for the purposes specified in the following sections of this act, to be available for the fiscal years indicated for each purpose. The figures “1986,” and “1987,” where used in this act, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1986, or June 30, 1987, respectively.

SUMMARY BY FUND

	1986	1987	TOTAL
General	\$961,790,800	\$986,857,500	\$1,948,648,300
Trunk Highway	\$ 461,600	\$ 484,600	\$ 946,200
Total	\$962,252,400	\$987,342,100	\$1,949,594,500

APPROPRIATIONS Available for the Year Ending June 30,	
1986	1987
\$	\$

Sec. 2. COMMISSIONER OF HUMAN SERVICES

Subdivision 1. Total Appropriation	801,939,300	844,910,600
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	1986	1987
	\$	\$

Notwithstanding any law to the contrary, the salary for the commissioner of human services shall be reduced by 40 percent.

The amounts that may be spent from this appropriation for each program and activity are more specifically described in the following subdivisions.

Federal money received in excess of the estimates shown in the 1985 department of human services budget document reduces the state appropriation by the amount of the excess receipts, unless otherwise directed by the governor, after he has consulted with the legislative advisory commission.

Positions and administrative money may be transferred within the department of human services as the commissioner considers necessary, upon the advance approval of the commissioner of finance.

Subd. 2. Human Services		
Management	1,450,800	1,450,800

Estimates of federal money that will be earned by the various accounts of the department of human services and deposited in the general fund are detailed on the worksheets of the conferees of the senate and house of representatives, a true copy of which is on file in the office of the commissioner of finance. If federal money anticipated is less than that shown on the official worksheets, the commissioner of finance shall reduce the amount available from the direct appropriation a corresponding amount. The reductions must be noted in the budget document submitted to the 75th legislature in addition to an estimate of similar federal money anticipated for the 1987-1989 biennium.

Subd. 3. Support Services	14,041,000	13,256,600
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	1986	1987
\$		\$

Notwithstanding any law to the contrary, there shall be appropriated for the biennium ending June 30, 1987, a total of \$711,700 for equalization aid to counties to be distributed as follows: For the fiscal year 1986, each county shall receive \$130,000 less than the average of its appropriations for equalization aid for the five-year period 1981 to 1985. For the fiscal year 1987, each county shall receive \$45,000 less than its 1986 appropriation.

The commissioner of human services may transfer up to seven positions from the department's existing staff complement to the licensing budget activity in order to reduce licensing examiner case-loads and strengthen investigative efforts.

Subd. 4. Social Services	68,994,100	71,497,800
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The amounts that may be spent from this appropriation for each activity are as follows:

(a) Community Social Services Subsidies

\$51,222,100	\$51,222,100
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(b) Aging, Blind, and Deaf Services

\$ 7,099,500	\$ 7,134,500
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(c) Social Services Support

\$10,672,500	\$13,141,200
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\$200,000 of this appropriation is for the following purposes: For fiscal year 1986, \$25,000 is appropriated for a deaf and blind service planning position and \$75,000 to provide services to persons who are both deaf and blind. For fiscal year 1987, \$100,000 is for services to persons who are both deaf and blind.

	1986	1987
	\$	\$
Subd. 5. Income Maintenance	518,862,700	561,223,800

The amounts that may be spent from this appropriation for each activity are as follows:

(a) Aid to Families with Dependent Children, General Assistance, Minnesota Supplemental Assistance

\$117,085,900 \$126,039,200

If the appropriation for aid to families with dependent children, general assistance, and Minnesota supplemental assistance is insufficient for either year, the appropriation for the other year is available by direction of the governor after consulting with the legislative advisory commission.

During the biennium ending June 30, 1987, the commissioner of human services shall provide supplementary grants, not to exceed \$666,800 per year, for aid to families with dependent children and shall include the following costs in determining the amount of the supplementary grants: major home repairs, repair of major home appliances, utility recaps, supplementary dietary needs not covered by medical assistance, replacement of essential household furnishings, essential major appliances, and child care, transportation, and educational expenses for parents who are seeking work, or who are in an approved job training program.

Notwithstanding the provisions of Minnesota Statutes 1984, sections 256D.06, subdivision 4, and 256D.44, or any other law to the contrary, counties are directed to maintain services for adult mentally ill persons in community residential facilities at the level required by licensure standards.

	1986	1987
	\$	\$

For the biennium ending June 30, 1987, all taxes paid to the county treasurer on or after July 1, 1985, under Minnesota Statutes, sections 287.01 to 287.12 shall be credited to the county revenue fund.

On or before the tenth day of each month the county treasurer shall determine the receipts from the mortgage registration tax during the preceding month. The treasurer shall report to the county welfare agency on or before the tenth day of each month 95 percent of the receipts attributable to the statutory rate in Minnesota Statutes, section 287.05. That amount, in addition to the amount determined under Minnesota Statutes, section 287.29, must be shown as a deduction from the report filed with the department of human services as required by Minnesota Statutes, section 256.82.

(b) Medical Assistance, General
Assistance Medical Care

\$380,717,300 \$412,037,700

The cost of a nursing home preadmission screening may not exceed \$140.

The commissioner of human services shall not adopt emergency rules to implement the provisions of Minnesota Statutes, section 256B.02, subdivision 8, clause (11), related to the drug formulary.

\$282,000 of this appropriation is for the purpose of administering the special performance based contracting study, the program supervision, and administration study in article 2 of this act. Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

Notwithstanding any law requiring deposit of receipts in the general fund,

1986

1987

\$

\$

all receipts from collection efforts for the state hospitals and state nursing homes must be deposited in the medical assistance account and are appropriated for that purpose. The commissioner shall make changes in the departmental financial reporting systems and internal accounting procedures as necessary to ensure compliance with federal standards for reimbursement for program and administrative expenditures and to fulfill the purpose of this paragraph.

For the biennium ending June 30, 1987, the amended governor's change request for medical assistance grants is reduced by \$20,000,000. Notwithstanding any other law to the contrary, if a deficiency occurs, the amount shall be transferred from other areas of the biennial budget appropriated to the commissioner of human services. The transfer shall not be made without the prior review of the chairs of the health and human services subcommittee of the senate finance committee and the human services division of the house appropriations committee.

If the appropriation for medical assistance and general assistance medical care is insufficient for either year, the appropriation for the other year is available by direction of the governor after consulting with the legislative advisory commission.

The five positions to staff the prepayment initiatives under medical assistance and general assistance medical care are approved only for the biennium ending June 30, 1987.

For the biennium ending June 30, 1987, all payments for vendors of medical care under medical assistance for physician services, dental care, vision care, podiatric services, chiropractic care, physical therapy, occupational therapy, speech pathologists, audiologists, mental

	1986	1987
	\$	\$

health centers, psychologists, public health clinics, and independent laboratory and X-ray services shall be limited to the 50th percentile of the usual and customary fees based upon billings during calendar year 1983. The maximum pharmacy dispensing fee shall be \$4.70.

Neither the counties nor the commissioner shall authorize or provide medical assistance funding for services rendered to persons residing in community-based intermediate care facilities for the mentally retarded unless those persons meet the criteria specified in the Code of Federal Regulations, title 42, sections 430 to 431.804. The commissioner shall conduct a review of all persons residing in or applying to community-based intermediate care facilities for the mentally retarded using the standards set out in the Code of Federal Regulations, title 42, sections 430 to 431.804, to determine whether medical assistance payments should be authorized for their cost of care.

(c) Catastrophic Health
Expense Protection Program

\$3,000,000 \$5,000,000

This sum is appropriated to the commissioner of human services to be transferred to the commissioner of commerce for the biennium ending June 30, 1987, for the purposes of article 10, sections 1 to 10. The approved complement of the department of commerce is increased by one position.

(d) Income Maintenance Support

\$18,059,500 \$18,146,900

For the child support enforcement activity, during the biennium ending June 30, 1987, money received from the counties for providing data processing services must be deposited in that activ-

	1986		1987
	\$		\$

ity's account. The money is appropriated to the commissioner of public welfare for the purposes of the child support enforcement activity.

In determining the income contribution of parents of children in out-of-home placement, the state agency shall use the standard in Minnesota Rules, parts 9515.1200 to 9515.2600 until the adoption of the rules required by Minnesota Statutes, section 256B.14, subdivision 2.

If the provisions of Laws 1983, chapter 312, article 1, section 2, subdivision 5, paragraph 13, resulted in an increase in the parents' responsibility for the cost of their child's out-of-home placement, the county shall not be authorized to require the increase in payment until 30 days after the parents receive notice of the amount of the increase.

Subd. 6. Mental Health	198,590,700	197,481,600
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Notwithstanding any other law to the contrary, there is no appropriation in the budget for the department of human services for the position of assistant commissioner with responsibilities for state institutions and reimbursements.

The amounts that may be spent from this appropriation for each activity are as follows:

- (a) State Hospitals
 - (1) Salaries

\$144,436,600	\$143,933,800
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 - (2) Current Expense

\$ 14,850,900	\$ 14,777,400
---------------	---------------
 - (3) Repairs and Betterments

\$ 1,773,700	\$ 1,875,100
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	1986	1987
	\$	\$
(4) Special Equipment		
\$ 680,100		

Notwithstanding any law to the contrary, and provided that there is no conflict with any collective bargaining agreement, any state hospital or state nursing home position reduction shall only be accomplished through attrition, transfers, and retirements and shall not be accomplished through layoffs.

Notwithstanding any law to the contrary, any state hospital employee position identified as being vacant by the state hospital and the commissioner of human services may only be declared so after review of the chair of the house human services division of appropriations and the chair of the senate health and human services subcommittee of finance.

Review by the chair of the house human services division of appropriations and the chair of the senate health and human services subcommittee of finance must precede closure of any unit in any state hospital or state nursing home.

(b) Nursing Homes

(1) Salaries

\$16,056,300 \$16,069,800

(2) Current Expense

\$ 2,155,100 \$ 2,203,200

(3) Repairs and Betterments

\$ 219,800 \$ 232,300

(4) Special Equipment

\$ 73,900

1986

1987

\$

\$

(c) Mental Health Support

\$18,137,300 \$18,390,000

This appropriation includes \$50,000 to be transferred to the director of the state planning agency to conduct an assessment of opportunities for the generation of heat and electricity from the burning of refuse at state correctional, education, and medical facilities. The study must include, but is not limited to, review of energy audits previously made, development of cost estimates, analysis of available sources of refuse, types of mechanical changes needed in existing heating plants, and appropriate payback schedules. The assessment must be completed no later than September 30, 1985, and copies of the report shall be distributed to the governor and the chairs of the health and human services subcommittee of the senate finance committee, and the human services division of the house appropriations committee.

This appropriation includes \$100,000 to be transferred to the director of the state planning agency for site-specific analyses of the potential for refuse burning and cogeneration at two state facilities. No later than October 15, 1985, the director shall submit two proposed sites for these analyses to the chairs of the health and human services subcommittee of the senate finance committee and the human services division of the house appropriations committee for their review and comment. If no responses are received by the director within ten days after submission, the chairs shall be deemed to have consented to the selection of the two sites. In selecting specific sites, the director shall consider the opportunities for receipt of matching funds to perform the analyses. Funds so received shall serve to reduce the appropriation made by this subdivision. The specific site analyses must assess market, cost, and other relevant factors. The

	1986	1987
	\$	\$

analyses shall be completed no later than January 31, 1986, and copies shall be distributed to the governor and the chairs of the health and human services subcommittee of the senate finance committee and the human services division of the house appropriations committee.

\$207,000 is appropriated for fiscal year 1986 for the operation of the Mash-Ka-Wisen Residential Treatment Center.

Notwithstanding any law to the contrary, no reallocation of chemical dependency funds may occur without the review of the chairs of the health and human services subcommittee of the senate finance committee and the human services division of the house appropriations committee.

Notwithstanding any law to the contrary, for the biennium ending June 30, 1987, the mental retardation activity is increased over the department of human services' 1985 projected expenditures by \$65,800 in fiscal year 1986, and by \$138,800 in fiscal year 1987 for the purpose of expanding the mental retardation family subsidy program.

Any unencumbered balance remaining in the first year for special equipment and repairs and betterments does not cancel but is available for the second year of the biennium.

If earnings under the various shared services agreements authorized are less than appropriated, the appropriation is reduced by the amount of the earnings deficiency. If a shared service agreement is reduced or terminated, the approved complement related to that shared service agreement must be reduced accordingly.

Sec. 3. COMMISSIONER OF
ECONOMIC SECURITY

	1986	1987
	\$	\$
Subdivision 1. Total		
Appropriation	44,267,400	23,534,900

The amounts that may be spent from this appropriation for each program are more specifically described in the following subdivisions.

Subd. 2. Jobs Program

\$20,000,000

Any unencumbered balance remaining in the first year for the Minnesota employment and economic development program does not cancel but is available for the second year of the biennium. To the extent permissible under federal and state law, the commissioner shall use money available from the federal government and the private sector to fund the program.

Subd. 3. Employment Programs

\$4,562,700 \$3,062,700

The commissioner may spend up to one percent of the appropriation for each fiscal year for the department's administrative costs and for program operators' administrative costs.

Of the money appropriated for the summer youth employment program for fiscal year 1986, \$750,000 is immediately available. If that amount is insufficient for the costs incurred, an additional amount may be transferred upon the advance approval of the commissioner of finance. Any unencumbered balance of the immediately available money is available for the year in which it is appropriated. Contracts for the calendar year 1985 program must be written for the entire period of the calendar year 1985 program.

	1986	1987
	\$	\$

Of the money appropriated for the summer youth employment program, \$250,000 each year is for youth intervention programs.

The amount transferred from the department of human services to the department of economic security from appropriations for the biennium ending June 30, 1985, for the WIN program match, may be transferred from grants to salaries to meet the ten percent match requirement by the federal government for fiscal year 1985.

Subd. 4. Vocational Rehabilitation Services

\$18,336,700	\$19,104,000
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Subd. 5. Training and Community Services

\$1,368,000	\$1,368,200
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Notwithstanding any law to the contrary, for the biennium ending June 30, 1987, the commissioner of economic security shall transfer to the low-income home weatherization program seven percent of funds received under the low-income home energy assistance block grant in each year of the biennium and shall expend all of the transferred funds during the year of the transfer. The commissioner shall also transfer to the low-income home weatherization program any funds remaining from the low-income home energy assistance block grant at the end of each program year.

Notwithstanding any law to the contrary, the commissioner of economic security shall transfer to the community services block grant program no less than six percent of funds received under the low-income home energy assistance block grant in each year of the biennium, and shall expend all of the transferred

	1986	1987
	\$	\$

funds during the year of the transfer. No more than one percent of these transferred funds may be used by the department of economic security for its administrative costs.

In determining eligibility for the low-income home energy assistance program, the commissioner of economic security shall consider the total home energy needs of applicants for assistance. To the extent possible within federal regulations governing each program, the commissioner of economic security shall ensure that the same income eligibility criteria govern both the low-income home weatherization program and the low-income home energy assistance program.

Notwithstanding any other law to the contrary, no more than 1.11 percent of funds received under the total low-income home energy assistance program may be used by the department of economic security for its administrative costs.

The displaced homemaker program includes money for the purpose of making grants to programs to provide employment, training, and support services to displaced homemakers.

Sec. 4. COMMISSIONER OF CORRECTIONS

Subdivision 1. Total		
Appropriation	84,924,100	88,519,400

The amounts that may be spent from the appropriation for each program and activity are more specifically described in the following subdivisions.

Positions and administrative money may be transferred within the department of corrections as the commissioner considers necessary, upon the advance approval of the commissioner of finance.

	1986	1987
	\$	\$
Subd. 2. Management Services	3,349,000	3,459,300
Subd. 3. Community Services	20,799,800	21,273,700

The amounts that may be spent from this appropriation for each activity are as follows:

(a) Support

\$ 8,230,000 \$ 8,539,900

Of this appropriation, \$20,000 for fiscal year 1986, and \$20,000 for fiscal year 1987 are for nonadjudicated community corrections programs serving White Bear Lake.

Notwithstanding the provisions of any law to the contrary, \$400,000 in fiscal year 1986 and \$400,000 in fiscal year 1987 of the unencumbered balances remaining from fiscal year 1985 money in Wisconsin dedicated receipts are appropriated to fund battered women services.

(b) Community Corrections Act

\$12,569,800 \$12,733,800

Notwithstanding the provisions of Minnesota Statutes, chapter 401, no county or group of counties participating in the community corrections act shall be charged any per diem cost of confinement for adults sentenced to the commissioner of corrections for crimes committed on or after January 1, 1981.

Any unencumbered balances for department of corrections services currently provided to any county not included in the community corrections act shall be transferred to the community corrections act appropriation when that county is included in the community corrections act. A list of those counties scheduled to come under the community corrections act during the biennium ending

	1986	1987
	\$	\$

June 30, 1987, is identified in the working papers of the human services division of the house appropriations committee.

Subd. 4. Correctional Institutions	60,775,300	68,786,400
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(a) Salaries

\$46,560,000 \$47,557,700

(b) Current Expense

\$ 9,319,300 \$11,431,100

(c) Repairs and Betterments

\$ 1,064,600 \$ 817,800

(d) Special Equipment

\$ 131,300 \$ 195,600

Any unencumbered balances in special equipment, repairs and betterments, and industry remaining in the first year do not cancel but are available for the second year of the biennium.

The commissioner of corrections may enter into an agreement with the appropriate Wisconsin officials for housing Wisconsin prisoners in Minnesota correctional institutions. Money received from Wisconsin pursuant to the contract is appropriated to the commissioner of corrections for correctional purposes. Any unencumbered balances within correctional institutions in current expense and salaries remaining in the first year do not cancel but are available for the second year of the biennium if receipt projections in the first year show a deficit for the biennium.

(e) Institution Support

\$3,700,100 \$3,784,200

	1986	1987
	\$	\$
Sec. 5. SENTENCING GUIDELINES COMMISSION	187,100	187,100
Sec. 6. CORRECTIONS OMBUDSMAN	299,700	299,700
Sec. 7. COMMISSIONER OF HEALTH		
Subdivision 1. Total Appropriation	28,297,400	27,525,300

Of this appropriation, \$461,600 for fiscal year 1986 and \$484,600 for fiscal year 1987 are appropriated from the trunk highway fund for emergency medical services activities.

The amounts that may be spent from this appropriation for each program and activity are more specifically described in the following subdivisions.

Positions and administrative money may be transferred within the department of health as the commissioner considers necessary, upon the advance approval of the commissioner of finance.

Subd. 2. Preventive and Personal Health Services	5,205,100	5,804,500
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Notwithstanding any other law, the commissioner of health shall charge a fee of at least \$5 for medical laboratory services.

The commissioner of health may charge a fee for voluntary certification of medical laboratories and environmental laboratories. The fee may be established without complying with chapter 14.

The commissioner of health may charge fees for environmental and medical laboratory services in amounts approximately equal to the costs of pro-

	1986	1987
	\$	\$

viding the services. The fees may be established without complying with chapter 14.

Subd. 3. Health Delivery Systems . . .	20,442,200	19,547,700
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Of this appropriation, \$1,500,000 is for the Minnesota emergency medical services system support act, to be available until June 30, 1987.

\$11,743,300 for fiscal year 1986 and \$12,309,700 for fiscal year 1987 are for the community health services subsidy.

For the purposes of the community health services subsidy, the commissioner of finance may authorize the transfer of money to the community health services activity from the other programs in this section.

If the appropriation for community health services or services to children with handicaps is insufficient for either year, the appropriation for the other year is available by direction of the governor after consulting with the legislative advisory commission.

Subd. 4. Health Support Services	2,529,500	2,529,500
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Subd. 5. General Budget Reduction

The general fund appropriations in this section have been reduced by \$341,000 for fiscal year 1986 and \$341,000 for fiscal year 1987.

Sec. 8. HEALTH RELATED BOARDS

Subdivision 1. Total for this section	2,337,400	2,365,100
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Subd. 2. Board of Chiropractic Examiners	65,600	66,800
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	1986	1987
	\$	\$
Subd. 3. Board of Dentistry	233,700	237,500
Subd. 4. Board of Medical Examiners	557,900	564,100
Subd. 5. Board of Nursing	775,500	786,700
Subd. 6. Board of Examiners for Nursing Home Administrators	113,700	115,400
Subd. 7. Board of Optometry	44,000	45,000
Subd. 8. Board of Pharmacy	349,900	353,400
Subd. 9. Board of Podiatry	5,700	5,900
Subd. 10. Board of Psychology	123,000	120,400
Subd. 11. Board of Veterinary Medicine	68,400	69,900
Subd. 12. Revenue		

The commissioner of finance shall not permit the allotment, encumbrance, or expenditure of money appropriated in this section in excess of the anticipated biennial revenues from fees collected by the boards. Neither this provision nor Minnesota Statutes, section 214.06, applies to transfers from the general contingent account, if the amount transferred does not exceed the amount of surplus revenue accumulated by the transferee during the previous five years.

Sec. 9. GOODS AND EQUIPMENT EXCEPTION.

The appropriations contained in this act do not include any funds for purchase of goods or equipment under a master lease-purchase program except for those items with a total cost exceeding \$100,000 and with a projected useful life of at least ten years.

	1986	1987
\$		\$

Sec. 10. PROVISIONS.

For the biennium ending June 30, 1987, money appropriated to the commissioner of corrections and the commissioner of human services in this act for the purchase of provisions within the item "current expense" must be used solely for that purpose. Money so provided and not used for purchase of provisions must be canceled into the fund from which appropriated, except that money so provided and not used for the purchase of provisions because of population decreases may be transferred and used for the purchase of medical and hospital supplies with the approval of the governor after consulting with the legislative advisory commission. The allowance for food may be adjusted annually according to the United States department of labor, bureau of labor statistics publication, producer price index, upon the approval of the commissioner of finance. Adjustments for fiscal year 1986 and fiscal year 1987 shall be based on the June 1985 and June 1986 producer price index respectively, but the adjustment shall be prorated if the wholesale food price index adjustment would require money in excess of this appropriation.

Sec. 11. TRANSFERS OF MONEY.

Subdivision 1. Governor's Approval Required.

For the biennium ending June 30, 1987, the commissioners of human services, corrections, economic security, and health shall not transfer money to or from the object of expenditure "personal services" to or from the object of expenditure "claims and grants," as shown on the official worksheets of the conferees of the senate and house of representatives, a true copy of which is on file in the office of the commissioner

	1986	1987
	\$	\$

of finance, except for services for the blind and for those transfers that have the written approval of the governor after consulting with the legislative advisory commission.

Subd. 2. Transfers of Unencumbered Appropriations.

For the biennium ending June 30, 1987, the commissioners of human services, corrections, and health, by direction of the governor after consulting with the legislative advisory commission, may transfer unencumbered appropriation balances and positions among all programs.

Sec. 12. APPROVED COMPLEMENT.

For the biennium ending June 30, 1987, the approved complements for which funds are appropriated in this act are full-time equivalent positions.

Additional employees may be employed on the basis of public necessity or emergency with the written approval of the governor, but the governor shall not approve the additional personnel until he has consulted with the legislative advisory commission. Requests for increases in the approved complement must be forwarded to the appropriate committees on finance of the legislature at least 30 days before the legislative advisory commission meeting.

Sec. 13. Minnesota Statutes 1984, section 129A.03, is amended to read:

129A.03 [POWERS AND DUTIES.]

The commissioner shall:

(a) Develop and administer the long-term sheltered workshops and work activity programs and perform the duties as specified in section 129A.08;

(b) Provide vocational rehabilitation services such as: diagnostic and related services incidental to determination of eligibility for services to be provided, including medical diagnosis and vocational diagnosis; vocational counseling, training and instruction, including personal adjustment training; physical restoration, including corrective surgery, therapeutic treatment, hospitalization and prosthetic devices, all of which shall be obtained from appropriate established agencies; transportation; occupational and business licenses or permits, customary tools and equipment, maintenance, books, supplies and training materials; initial stocks and supplies; placement; acquisition of vending stands or other equipment, initial stocks and supplies for small business enterprises; supervision and management of small business enterprises, merchandising programs or services rendered by severely disabled persons; establishment, improvement, maintenance or extension of public and other nonprofit rehabilitation facilities, centers, workshops, demonstration projects and research. These services shall be provided for handicapped persons in the state whose capacity to earn a living has in any way been destroyed or impaired through industrial accident or otherwise; these persons are entitled to free choice of vendor for any medical or dental services provided under this paragraph;

(c) Formulate plans of cooperation with the commissioner of labor and industry for providing services to workers covered under the workers' compensation act. Those plans are effective only if approved by the governor;

(d) Maintain a contractual relationship with the United States as authorized by the act of congress approved September 1, 1954, known as the "Social Security Amendments of 1954," Public Law 761, Section 221, and the act approved October 30, 1972, known as the Social Security Amendments of 1972, Public Law 92-603, and subsequent amendments. Under the contract, the state will undertake to make determinations referred to in those public laws with respect to all individuals in Minnesota, or with respect to a class or classes of individuals in this state that is designated in the agreement at the state's request. It is the purpose of this relationship to permit the citizens of this state to obtain all benefits available under federal law;

(e) Provide an in-service training program for department employees by paying for its direct costs with state and federal funds;

(f) Conduct research and demonstration projects; provide training and instruction, including establishment and maintenance of research fellowships and traineeships, along with all necessary stipends and allowances; disseminate information to the handicapped and general public; and provide technical assistance relating to vocational rehabilitation;

(g) Receive and disburse pursuant to law money and gifts available from governmental and private sources for the purpose of vocational rehabilitation. *Money received from workers' compensation carriers for vocational rehabilitation services to injured workers must be deposited in the general fund;*

(h) Design all state plans of vocational rehabilitation services required as a condition to the receipt and disbursement of any money available from the federal government;

(i) Cooperate with other public or private agencies or organizations for the purpose of vocational rehabilitation. Money received from school districts, governmental subdivisions, mental health centers or boards, and private nonprofit organizations is appropriated to the commissioner for conducting joint or cooperative vocational rehabilitation programs;

(j) Enter into contractual arrangements with instrumentalities of federal, state, or local government and with private individuals, organizations, agencies or facilities with respect to providing vocational rehabilitation services;

(k) Take other actions required by state and federal legislation relating to vocational rehabilitation and disability determination programs;

(l) Hire staff and arrange services and facilities necessary to perform the duties and powers specified in this section; and

(m) Adopt, amend, suspend or repeal rules necessary to implement or make specific programs that the commissioner by sections 129A.01 to 129A.09 is empowered to administer.

Sec. 14. 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 169.121 or 169.123 shall pay a (\$100) \$150 fee before his or her 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) a separate account to be known as the county probation reimbursement account. Funds in this account are appropriated to the commissioner of corrections for the costs that counties assume under Laws 1979, chapter

698, of providing probation and parole services to wards of the commissioner of corrections. These funds are provided in addition to any funds which the counties currently receive under section 260.311, subdivision 5.

Sec. 15. [129A.061] [REQUIREMENTS FOR CERTIFICATION.]

Subdivision 1. [BENEFITS.] A long-term sheltered workshop must, as a condition for receiving program certification, provide participants in a long-term employment program the personnel benefits prescribed in rules adopted by the commissioner of the department of economic security.

Subd. 2. [GRIEVANCE PROCEDURE.] A long-term sheltered workshop must, as a condition for receiving program certification, provide to participants in a long-term employment program a grievance procedure which has as its final step provisions for final and binding arbitration.

Sec. 16. Minnesota Statutes 1984, section 129A.07, subdivision 1, is amended to read:

Subdivision 1. Every city, town, county, nonprofit corporation, or combination thereof establishing a community long-term sheltered workshop or work activity program shall appoint a long-term sheltered workshop board of no fewer than nine members before becoming eligible for the assistance provided by sections 129A.06 to 129A.08. When any city, town, or county singly establishes such a workshop or work activity program, the board shall be appointed by the chief executive officer of the city or the chairman of the governing board of the county or town. When any combination of cities, towns, counties or nonprofit corporations establishes a workshop or work activity program, the chief executive officers of the cities, nonprofit corporations and the chairmen of the governing bodies of the counties or towns shall appoint the board. If a nonprofit corporation singly establishes a workshop or work activity program, the corporation shall appoint the board of directors. Membership on a board shall be representative of the community served and shall include a handicapped person. One-third to one-half of the board shall be representative of industry or business. The remaining members should be representative of lay associations for the handicapped, labor, the general public, and education, welfare, medical, and health professions. Nothing in sections 129A.06 to 129A.08 shall be construed to preclude the appointment of elected or appointed public officials or members of the board of directors of the sponsoring nonprofit corporation to the board, so long as representation described above is preserved. *If a county establishes a workshop or work activity program and manages the workshop with county employees, the gov-*

erning board shall be the county board of commissioners and other provisions of this chapter pertaining to membership on the governing board shall not apply.

Sec. 17. Minnesota Statutes 1984, section 129A.08, subdivision 5, is amended to read:

Subd. 5. [RULE AUTHORITY.] In addition to the powers already conferred on him by law, the commissioner shall promulgate rules on:

(a) state certification of all long-term sheltered workshops and work activity programs;

(b) eligibility of community long-term sheltered workshops and work activity programs to receive state grants;

(c) standards for qualification of personnel and quality of professional service and for in-service training and education leave programs for personnel;

(d) eligibility for service so that no person will be denied service on the basis of race, creed or color;

(e) regulatory fees for consultation services;

(f) standards and criteria by which handicapped persons are to be judged eligible for the services;

(g) evaluation criteria for long-term sheltered workshops; and

(h) program evaluation criteria for work activity programs in order to determine the extent to which these programs meet the goals and objectives established in state and federal law relating to work activity programs.

The rules on evaluation criteria for long-term sheltered workshops must be in effect by July 1, (1985) 1986. The rules must be used in making allocations for fiscal years beginning after June 30, (1986) 1987.

Sec. 18. Minnesota Statutes 1984, section 241.71, is amended to read:

241.71 [CREATION OF ADVISORY TASK FORCE.]

The commissioner of corrections may appoint an advisory task force on the woman offender in corrections. The task force shall have no more than 20 members and shall reflect a statewide geographical representation. The provisions of

section 15.059, subdivision 6, shall govern the (EXPIRATION,) terms, expenses, and removal of members of the advisory task force.

Sec. 19. Minnesota Statutes 1984, section 256E.08, subdivision 1, is amended to read:

Subdivision 1. [RESPONSIBILITIES.] The county board of each county shall be responsible for administration, planning and funding of community social services. Each county board shall singly or in combination with other county boards as provided in section 256E.09 prepare a social services plan and shall update the plan biennially. Upon final approval of the plan by the county board or boards, the plan shall be submitted to the commissioner. The county board shall distribute money available pursuant to sections 256E.06 and 256E.07 for community social services.

The authority and responsibilities of county boards for social services for groups of persons identified in section 256E.03, subdivision 2, shall include contracting for or directly providing: (1) an assessment of the needs of each person applying for services which estimates the nature and extent of the problem to be addressed and identifies the means available to meet the person's needs for services; (2) protection for safety, health or well-being by providing services directed at the goal of attaining the highest level of independent functioning appropriate to the individual preferably without removing those persons from their homes; (3) a means of facilitating access of physically handicapped or impaired persons to services appropriate to their needs.

A county board may delegate authority to a county welfare board established under chapter 393, to provide or approve contracts for the purchase of the kinds of community social services that were provided or contracted for by the county welfare boards before the enactment of Laws 1979, chapter 324. The county board must determine how citizens will participate in the planning process, give final approval to the community social services plan, and distribute community social services money.

Sec. 20. Minnesota Statutes 1984, section 260.311, subdivision 5, is amended to read:

Subd. 5. [REIMBURSEMENT OF COUNTIES.] In order to reimburse the counties for the cost which they assume under Laws 1959, Chapter 698, of providing probation and parole services to wards of the commissioner of corrections and to aid the counties in achieving the purposes of this section, the commissioner shall annually, from funds appropriated for that purpose, pay 50 percent of the costs of probation officers' salaries to all counties of not more than 200,000 population. Nothing

herein shall be deemed to invalidate any payments to counties made pursuant to this section before the effective date of Laws 1963, Chapter 694. Salary costs include fringe benefits, but only to the extent that fringe benefits do not exceed those provided for state civil service employees. On or before July 1 of each even numbered year each county or group of counties shall submit to the commissioner of corrections an estimate of its costs under this section. Reimbursement shall be made on the basis of the estimate or actual expenditures incurred, whichever is less. Salary costs shall not be reimbursed unless county probation officers are paid salaries commensurate with the salaries paid to comparable positions in the classified service of the state civil service. The salary range to which each county probation officer is assigned shall be determined by the authority having power to appoint probation officers, and shall be based on the officer's length of service and performance. The appointing authority shall annually assign each county probation officer to a position on the salary scale commensurate with the officer's experience, tenure, and responsibilities. The judge shall file with the county auditor an order setting each county probation officer's salary. Time spent by a county probation officer as a court referee shall not qualify for reimbursement. Reimbursement shall be prorated if the appropriation is insufficient. *A new position eligible for reimbursement under this section may not be added by a county without the written approval of the commissioner of corrections. When a new position is approved, the commissioner shall include the cost of the position in calculating each county's share.*

Sec. 21. Minnesota Statutes 1984, section 401.01, subdivision 1, is amended to read:

Subdivision 1. For the purpose of more effectively protecting society and to promote efficiency and economy in the delivery of correctional services, the commissioner is hereby authorized to make grants to assist counties in the development, implementation, and operation of community based corrections programs including, but not limited to preventive or diversionary correctional programs, probation, parole, community corrections centers, and facilities for the detention or confinement, care and treatment of persons convicted of crime or adjudicated delinquent. *The commissioner may authorize the use of a percentage of a grant for the operation of an emergency shelter, or make a separate grant for the rehabilitation of a facility owned by the grantee and used as a shelter, to bring the facility into compliance with state and local laws pertaining to health, fire, and safety, and to provide security.*

Sec. 22. Minnesota Statutes 1984, section 517.08, subdivision 1b, is amended to read:

Subd. 1b. [TERM OF LICENSE; FEE.] The clerk shall examine upon oath the party applying for a license relative to

the legality of the contemplated marriage. If at the expiration of a five-day period, he is satisfied that there is no legal impediment to it, he shall issue the license, containing the full names of the parties before and after marriage, and county and state of residence, with the district court seal attached, and make a record of the date of issuance. The license shall be valid for a period of six months. In case of emergency or extraordinary circumstances, a judge of the county court or a judge of the district court of the county in which the application is made, may authorize the license to be issued at any time before the expiration of the five days. The clerk shall collect from the applicant a fee of (\$40) \$45 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital statistics the reports of marriage required by this section. If the license should not be used within the period of six months due to illness or other extenuating circumstances, it may be surrendered to the clerk for cancellation, and in that case a new license shall issue upon request of the parties of the original license without fee. A clerk who knowingly issues or signs a marriage license in any manner other than as provided in this section shall pay to the parties aggrieved an amount not to exceed \$1,000.

Sec. 23. Minnesota Statutes 1984, section 517.08, subdivision 1c, is amended to read:

Subd. 1c. [DISPOSITION OF LICENSE FEE.] Of the marriage license fee collected pursuant to subdivision 1b, the clerk shall pay (\$25) \$30 to the state treasurer to be deposited in the special revenue fund to be used as follows: (\$15) \$6.75 is appropriated to the commissioner of corrections for the purposes of funding grant programs for emergency shelter services and support services to battered women under sections 611A.31 to 611A.36, and \$23.25 is appropriated to the commissioner of economic security for (ADMINISTERING) displaced homemaker programs (ESTABLISHED BY JULY 1, 1983,) under section 4.40 (: AND \$10 IS APPROPRIATED TO THE COMMISSIONER OF ECONOMIC SECURITY FOR THE PURPOSE OF FUNDING DISPLACED HOMEMAKER PROGRAMS ESTABLISHED AFTER JULY 1, 1983, UNDER SECTION 4.40 IN AREAS OF THE STATE WHERE THOSE PROGRAMS PREVIOUSLY DID NOT EXIST OR ADJUNCT PROGRAMS THAT EXTEND ACCESS TO CURRENT PROGRAMS IN NORTHEASTERN MINNESOTA, ON A MATCHING BASIS WITH LOCAL FUNDS PROVIDING 20 PERCENT OF THE COSTS AND STATE FUNDS PROVIDING 80 PERCENT. OF THE \$15 FOR THE PURPOSES OF FUNDING GRANT PROGRAMS FOR EMERGENCY SHELTER SERVICES AND SUPPORT SERVICES TO BATTERED WOMEN UNDER SECTIONS 611A.31 TO 611A.36 AND FOR ADMINISTERING DISPLACED HOMEMAKER PROGRAMS ESTABLISHED BY JULY 1, 1983, UNDER SECTION 4.40, \$6.75 IS APPROPRIATED TO THE COMMISSIONER OF

CORRECTIONS AND \$8.25 IS APPROPRIATED TO THE COMMISSIONER OF ECONOMIC SECURITY. THE COMMISSIONER OF ECONOMIC SECURITY MAY TRANSFER MONEY TO AND FROM THE APPROPRIATION DESIGNATED IN THIS SUBDIVISION FOR THE ADMINISTRATION OF DISPLACED HOMEMAKER PROGRAMS ESTABLISHED BY JULY 1, 1983, AND THE APPROPRIATION DESIGNATED FOR PROGRAMS ESTABLISHED AFTER JULY 1, 1983, IF NECESSARY TO CONTINUE THE ADMINISTRATION OF PROGRAMS ESTABLISHED BY JULY 1, 1983, WHILE DEVELOPING AND ADMINISTERING PROGRAMS ESTABLISHED AFTER THAT DATE AS REQUIRED IN THIS SUBDIVISION). *The commissioner of economic security may use money appropriated in this subdivision for the administration of a displaced homemaker program regardless of the date on which the program was established.*

Sec. 24. Minnesota Statutes 1984, section 611A.34, subdivision 1, is amended to read:

Subdivision 1. [CREATION.] Within 60 days after the effective date of sections 611A.31 to 611A.36, the commissioner shall appoint a nine member advisory council to advise him on the implementation of sections 611A.31 to 611A.36. The provisions of section 15.059 shall govern the terms (,) and removal of members (, AND EXPIRATION) of the advisory council. Council members shall not receive per diem, but shall receive expenses in the same manner and amount as state employees.

Sec. 25. [EFFECTIVE DATE.]

Section 15 of this article is effective August 1, 1985. Section 16 of this article is effective retroactively to October 1, 1984.

ARTICLE 2

Section 1. Minnesota Statutes 1984, section 72A.20, is amended by adding a subdivision to read:

Subd. 17. [PROHIBITION OF EXCLUSIVE DEALING.] Prohibiting a provider under agreement with a health care plan from entering into agreements with other health care plans shall constitute an unfair method of competition and an unfair and deceptive act or practice unless:

(1) *the provider is a natural person who is an employee of the health care plan; or*

(2) *the provider is a corporation owned by the health care plan.*

For the purposes of this subdivision "provider" means any person who furnishes health services and is licensed or otherwise authorized to render such services in the state. For the purposes of this subdivision "health care plan" means a non-profit health service plan under chapter 62C, health maintenance organization under chapter 62D, insurance company under chapter 62A or an organization permitted by section 72A.20, subdivision 15.

Sec. 2. 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 SUBDIVISION 2) granted by a local agency pursuant to 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. 3. 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. 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 commissioner 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. No physician shall be denied the privilege of treating a recipient required to utilize a hospital under contract with the commissioner as long as the physician meets the credentialing standards of an individual hospital.*

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.] In order to provide medical services to medical assistance recip-

ients, the commissioner may contract with health maintenance organizations licensed and operating pursuant to chapter 62D and with health insurers or service plan corporations licensed and operating pursuant to chapter 62A or 62C, respectively, provided that pursuant to the contract with the commissioner those health insurers or service plan corporations shall agree to be subject to the requirements of section 62D.04, subdivision 1, clauses (a), (b), (c), (d) and (f). These health insurers, service plan corporations, and health maintenance organizations 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. Services by skilled nursing facilities and intermediate care facilities including ICF I, ICF II, and ICF-MR services shall be the responsibility of the prepaid health plan for the initial three consecutive months of residence in the long-term care facility. After the initial three consecutive calendar months of residence in the long-term care facility the cost of the long-term care services shall become the responsibility of the state. The commissioner may limit the number of contracts under this section through competitive bidding negotiation and renegotiation; provided, however, that the commissioner shall not limit the number of contracts to only one prepaid health plan within any 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 at the time of initial enrollment in a prepaid health plan. Recipients who become residents of long-term care facilities after enrolling in a prepaid health plan may voluntarily disenroll from the prepaid health plan after residing in the long-term care facility for three consecutive calendar months. 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.

The commissioner of human services shall submit quarterly progress reports to the chair of the house human services division of the appropriations committee and the chair of the senate health and human services subcommittee of the finance committee on the cost containment measures enacted by the 1985 legislature.

Sec. 9. Minnesota Statutes 1984, section 256B.04, subdivision 14, is amended to read:

Subd. 14. [COMPETITIVE BIDDING.] The commissioner shall utilize volume purchase through competitive bidding under the provisions of chapter 16, to provide the following items:

- (1) Eyeglasses;
- (2) 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, 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; *and*
- (5) *Nonemergency medical transportation.*

Sec. 10. Minnesota Statutes 1984, section 256B.15, is amended to read:

256B.15 [POLICY REGARDING CLAIMS AGAINST ESTATES AND LIENS.]

Subdivision 1. [CLAIMS AGAINST ESTATES.] If a person receives any medical assistance hereunder, on his death, if he is single, or on the death of the person and his surviving spouse, if he is married, and only at a time when he has no surviving child who is under 21 or is blind or totally disabled, the total amount paid for medical assistance rendered for the person *and his spouse*, after age 65, without interest, shall be filed as a claim against the estate of the person in the court having jurisdiction to probate the estate. The claim shall be considered an expense of the last illness of the decedent for the purpose of section 524.3-805. Any statute of limitations that purports to limit any county agency or the state agency, or both, to recover for medical assis-

tance granted hereunder shall not apply to any claim made hereunder for reimbursement for any medical assistance granted hereunder. Counties may retain one-half of the nonfederal share of medical assistance collections from estates that are directly attributable to county effort.

Subd. 2. [LIENS AGAINST REAL PROPERTY OF NURSING HOME RESIDENTS.] The commissioner may, after written notice to the person and opportunity for hearing, place a lien on the real property of a medical assistance recipient of any age, who is an inpatient in a skilled nursing facility, intermediate care facility or intermediate care facility for the mentally retarded because of medical assistance claims paid or to be paid for that individual. A lien may not be filed on the homestead if (a) the person is reasonably expected, as certified in writing by the attending physician, to be discharged and to return home for permanent residence within six months of entry to the facility, or (b) the person's spouse, child under age 21, blind or disabled child of any age or sibling with an equity interest in the homestead who resided with the person at least one year prior to the person's institutionalization, is residing in the homestead. Any lien imposed under this subdivision shall dissolve upon the individual's discharge from the medical institution and return home.

Subd. 3. [LIENS AGAINST REAL OR PERSONAL PROPERTY FOR INCORRECT PAYMENTS.] Following a court judgment that benefits were incorrectly paid to or on behalf of an individual, the commissioner may place a lien on the individual's property, both personal and real, for medical assistance claims paid or to be paid on the individual's behalf.

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 prepaid health plans or 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 256B.48, is amended by adding a subdivision to read:

Subd. 6. [MEDICARE CERTIFICATION.] All nursing homes certified as skilled nursing facilities under the medical assistance program shall participate in Medicare part A and part B unless, after submitting an application, Medicare certification is denied by the federal health care financing administration. Medicare review will be conducted at the time of the annual

medical assistance review. Charges for Medicare-covered services provided to residents who are simultaneously eligible for medical assistance and Medicare must be billed to Medicare part A or part B prior to billing medical assistance. Medical assistance may be billed only for charges not reimbursed by Medicare.

Sec. 13. 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, *podiatric services as covered in chapter 256B*, 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 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 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) 1985 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 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 5 payments for which state payments are not made.

Sec. 14. 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. 15. 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; and*

(iii) *nonemergency medical transportation.*

Sec. 16. [501.126] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 15 and 16, the terms defined in this section have the meanings given them.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of human services.

Subd. 3. [DISCRETIONARY TRUST.] "Discretionary trust" means a trust which provides that the trustee shall pay to or apply for a beneficiary only so much of the income and principal or either as the trustee in his or her complete or uncontrolled discretion sees fit to pay or apply.

Subd. 4. [TRUSTEE.] "Trustee" means an individual trustee or corporation having trust powers under wills, agreements, court orders, and other instruments.

Sec. 17. [501.127] [PAYMENT OF CERTAIN COSTS OF MEDICAL ASSISTANCE.]

Notwithstanding the provisions of section 501.125, subdivision 2, any other law to the contrary, and the terms of the instrument creating the trust, if the settlor of a discretionary trust has a duty to support the beneficiary and the beneficiary is a recipient of medical assistance under chapter 256B, the commissioner shall apply to the court having jurisdiction over the trust for an order directing payment from the income or principal of the trust in the amount necessary to satisfy the duty of the settlor. The courts shall in the case of a beneficiary of a discretionary trust who is the settlor or the settlor's spouse, order the trustee to satisfy part or all of the legal obligation without regard to whether the trustee has then exercised or may thereafter exercise his or her discretion in favor of the beneficiary.

Sec. 18. [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, and sheltered workshops 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. 19. [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 July 1, 1987.

Sec. 20. [COMMISSION REVIEW AND RECOMMENDATIONS OF HOSPITAL STUDY.]

Subdivision 1. [HOSPITAL STUDY.] The legislative commission on long-term health care in Minnesota Statutes, section 256B.504, 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.

Sec. 21. [FEASIBILITY STUDY OF HOME EQUITY CONVERSION FOR LONG-TERM HEALTH CARE.]

Subdivision 1. [FEASIBILITY STUDY.] The commissioner of human services, with the assistance of the commissioner of commerce, shall contract with the director of the housing finance agency to study and report to the legislature concerning the feasibility of a home equity conversion program to finance 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. 22. [REPEALER.]

Minnesota Statutes 1984, section 256.045, subdivision 2, is repealed effective July 1, 1985.

Sec. 23. [EFFECTIVE DATE.]

Sections 1 to 15 and 18 and 19 are effective July 1, 1985. Sections 16 and 17 are effective the day following final enactment for discretionary trusts in existence at that time or created thereafter.

ARTICLE 3

Section 1. Minnesota Statutes 1984, section 256D.06, subdivision 4, is amended to read:

Subd. 4. When a general assistance grant is used to pay a negotiated rate for a recipient living in a licensed or certified facility, the rate payable hereunder to that facility shall be no more than that paid by an individual not receiving general assistance. The maximum rate payable under this section shall not exceed \$800 per month and shall be adjusted by the annual percentage changes in the urban consumer price index (CPI-U) for Minneapolis-St. Paul as published by the Bureau of Labor Statistics between the two previous Octobers, new series index (1967-100).

Sec. 2. [256D.44] [NEGOTIATED RATE FACILITIES.]

Subdivision 1. [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 subdivision 2, 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. 2. [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.

ARTICLE 4

Section 1. Minnesota Statutes 1984, section 129A.01, is amended to read:

129A.01 [DEFINITIONS.]

For the purposes of this chapter, the following terms shall have the meanings given them:

(a) "Department" means the department of economic security;

(b) "Commissioner" means the commissioner of economic security;

(c) "Vocational rehabilitation services" means those services and goods so defined in the federal Rehabilitation Act of 1973 and section 129A.03, clause (b);

(d) "Handicapped person" means a person who because of a substantial physical, mental or emotional disability or dysfunction requires special services in order to enjoy the benefits of society;

(e) "Long-term sheltered workshop" means a facility where any manufacture or handiwork is carried on and which is operated for the primary purpose of providing remunerative employment to those handicapped persons who, as a result of physical or mental disability, are unable to participate in competitive employment. A long-term sheltered workshop shall

supply such employment (1) as a step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market, or (2) during such time as employment opportunities for them in the competitive labor market do not exist;

(f) "Work activity program" means a program which utilizes manufacturing activities and other production work for the primary purpose of providing basic vocational skills development for the handicapped;

(g) "Sheltered employee" means a handicapped person working for pay while participating in a long-term sheltered workshop program.

(h) "*Center for independent living*" means a private non-profit organization incorporated under Minnesota law and operated for the purpose of providing independent living services to persons with disabilities. Boards of directors for the center for independent living are composed of community representatives. Fifty-one percent of the board members must be individuals who are either severely disabled themselves or spouses or parents of severely disabled persons.

Sec. 2. [129A.10] [INDEPENDENT LIVING SERVICES.]

Subdivision 1. [SERVICES OFFERED.] Independent living services are those services designed to materially improve opportunities for persons with disabilities to live and function more independently in their home, family, and community, and the services include:

(1) *intake counseling to determine the individual's needs for services;*

(2) *referral and counseling services with respect to attendant care;*

(3) *counseling and advocacy with respect to legal and economic rights and benefits;*

(4) *independent living skills, training, and counseling;*

(5) *housing and transportation referral and assistance;*

(6) *surveys, directories, and other activities to identify appropriate housing and accessible transportation and other support services;*

(7) *peer counseling;*

(8) *education and training necessary to living in the community and participating in community affairs;*

(9) *individual and group social and recreational activities;*

(10) *attendant care and training of personnel to provide the care; and*

(11) *other necessary services which are not inconsistent with sections 1 and 2.*

Subd. 2. [ADMINISTRATION.] This section shall be administered by the department of economic security through the division of vocational rehabilitation. The department may employ staff as reasonably required to administer this section and may accept and receive funds from nonstate sources for the purpose of effectuating this section.

Subd. 3. [CERTIFICATION.] No applicant center for independent living may receive funding under this section unless it has received certification from the division of vocational rehabilitation.

The division of vocational rehabilitation shall involve disabled consumers and other interested persons to consider performance evaluation criteria in order to formulate rules by which centers will be certified by July 1, 1986.

The division of vocational rehabilitation shall review the programs for centers of independent living receiving funds from this section to determine their adherence to standards adopted by rule and if the standards are substantially met, shall issue appropriate certifications.

Subd. 4. [APPLICATION OF CENTERS FOR INDEPENDENT LIVING.] The division of vocational rehabilitation shall require centers for independent living to complete application forms, expenditure reports, and proposed plans and budgets. These reports must be in the manner and on the form prescribed by the division. When applying, the center for independent living shall agree to provide reports and records, and make available records for audit as may be required by the division of vocational rehabilitation.

The applicant center for independent living shall be notified in writing by the division concerning the approval of budgets and plans.

ARTICLE 5

Section 1. [256B.094] [WAIVERED SERVICES EXCEPTION.]

Only persons receiving home and community-based alternative services under the federal waiver plan on or before April 16, 1985, are eligible to receive these services. Provisions of section 8 shall not apply to these persons.

Sec. 2. Minnesota Statutes 1984, section 256B.501, subdivision 1, is amended to read:

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.

(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, RESPIRE 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 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.

Sec. 3. Minnesota Statutes 1984, section 256B.501, subdivision 2, is amended to read:

Subd. 2. [AUTHORITY.] The commissioner shall establish procedures and rules for determining rates for care of residents of intermediate care facilities for the mentally retarded which qualify as vendors of medical assistance (, WAIVERED SERVICES,) and for provision of training and habilitation services. Approved rates shall be established on the basis of methods and

standards that the commissioner finds adequate to provide for the costs that must be incurred for the quality care of residents in efficiently and economically operated facilities and services. The procedures shall specify the costs that are allowable for payment through medical assistance. The commissioner may use experts from outside the department in the establishment of the procedures.

Sec. 4. Minnesota Statutes 1984, section 256B.501, subdivision 5, is amended to read:

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 WAIVERED SERVICE OR) to residents of an intermediate care facility for mentally retarded persons 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 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 re-

ceiving 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.

Sec. 5. Minnesota Statutes 1984, section 256B.501, subdivision 8, is amended to read:

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 (WAIVERED SERVICES OR) training and habilitation services for very dependent persons with special needs in an amount in excess of the rates allowed pursuant to subdivisions 2, 4, 5, and 6, and procedures to be followed for rate limitation exemptions for intermediate care facilities for mentally retarded persons. No excess payment or limitation exemption shall be authorized unless the need for the service is documented in the individual service plan of the person or persons to be served, the type and duration of the services needed are stated, and there is a basis for estimated cost of the services.

The commissioner shall evaluate the services provided pursuant to this subdivision through program and fiscal audits.

Sec. 6. [REPEALER.]

Minnesota Statutes 1984, sections 256B.092; 256B.19, subdivision 3; 256B.501, subdivision 4; and Laws 1983, chapter 312, article 9, section 10, are repealed.

ARTICLE 6

Section 1. [PUBLIC GUARDIANSHIP STUDY.]

Subdivision 1. [TASK FORCE.] The commissioner of human services shall establish a task force to study public guardianship under Minnesota Statutes, 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.

ARTICLE 7

Section 1. 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 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) 1986, and a preliminary report shall be made to the legislature by February 15, (1985) 1986, on the feasibility of permanent implementation and on the cost effectiveness of each of the demonstration programs.

Sec. 2. Minnesota Statutes 1984, section 256.871, subdivision 4, is amended to read:

Subd. 4. [EMERGENCY DEFINED.] *An emergency is defined as a sudden or unexpected occurrence which could not have been foreseen by the applicant and is not in the applicant's control. Emergencies which create the need for such assistance include natural disasters such as floods, fires, or storms; civil disorders, strikes, illness, accident, death, eviction from shelter, migrant families in necessitous circumstances, or other crises, as defined by the commissioner, in accordance with directives of the*

United States secretary of health (, EDUCATION, AND WELFARE) and human services.

ARTICLE 8

Section 1. 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 assistance 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 who is unable to secure suitable employment due to inability to communicate in the English language, provided that the person is not an illegal alien, and who, if assigned to a language skills program by the local agency, is participating in that program;*

(g) *a person not described in clause (a) or (c) who is diagnosed by a licensed physician or licensed consulting psychologist*

as mentally retarded or mentally ill, and that condition prevents the person from obtaining or retaining employment;

(h) 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;

(i) a person who is unable to obtain or retain employment because advanced age significantly affects his or her ability to seek or engage in substantial work;

(j) a person completing a secondary education program;

(k) a family with one or more minor children; provided, that if all the children are six years of age or older, all the adult members of the family are in compliance with section 256D.111; and provided further, that if one or more of the children are under the age of six and if the family contains more than one adult member, all the adult members except one adult member are in compliance with section 256D.111;

(l) 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; or

(m) a person who is certified by the commissioner of economic security before July 1, 1985, 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.

ARTICLE 9

Section 1. Minnesota Statutes 1984, section 268.671, is amended to read:

268.671 [CITATION.]

Sections 268.671 to 268.686 may be cited as the "Minnesota (EMERGENCY) Employment and Economic Development (MEED) Act."

Sec. 2. Minnesota Statutes 1984, section 268.672, subdivision 2, is amended to read:

Subd. 2. [COORDINATOR.] "Coordinator" means the Minnesota (EMERGENCY) employment *and economic* development coordinator appointed under section 268.674.

Sec. 3. Minnesota Statutes 1984, section 268.672, subdivision 6, is amended to read:

Subd. 6. [ELIGIBLE JOB APPLICANT.] "Eligible job applicant" means a person who: (1) has been a resident of this state for at least one month, (2) is unemployed, (3) is not receiving and is not qualified to receive unemployment compensation or workers' compensation, and (4) is determined by the employment administrator to be likely to be available for employment by an eligible employer for the duration of the job.

(IN ADDITION,) A farmer (WHO RESIDES IN A COUNTY QUALIFIED UNDER FEDERAL DISASTER RELIEF AND) *or any member of a farm family household who can demonstrate severe household financial need (MAY) shall* be considered unemployed under this subdivision.

Sec. 4. Minnesota Statutes 1984, section 268.672, subdivision 11, is amended to read:

Subd. 11. [PROGRAM.] "Program" means the Minnesota (EMERGENCY) employment *and economic* development program created by sections 268.671 to 268.686 consisting of temporary work relief projects in the government and non-profit agencies and new *permanent* job creation in the private sector.

Sec. 5. Minnesota Statutes 1984, section 268.673, subdivision 1, is amended to read:

Subdivision 1. [APPOINTMENT.] The governor shall appoint a Minnesota (EMERGENCY) employment *and economic* development coordinator to administer the provisions of sections 268.671 to 268.686. The coordinator shall be within the department of economic security, but shall be responsible directly to the governor. The coordinator shall have the powers necessary to carry out the purposes of the program.

Sec. 6. Minnesota Statutes 1984, section 268.673, subdivision 2, is amended to read:

Subd. 2. [RESPONSIBILITIES.] The coordinator shall:

(a) Obtain an inventory of community needs from each local governmental subdivision and compile a statewide inventory of needs within 30 days after his appointment;

(b) Enter into a contract with one or more employment administrators in each service delivery area;

(c) Review the (EMERGENCY) employment *and economic* development plan submitted by the employment administrator of each service delivery area and approve satisfactory plans. If an employment administrator submits an unsatisfactory plan, the coordinator shall assist the employment administrator in developing a satisfactory one;

(d) Coordinate the program with other state agencies;

(e) Coordinate administration of the program with the general assistance (PROGRAM) *and aid to families with dependent children programs and make maximum use of grant diversions from those programs*;

(f) Set policy regarding disbursement of program funds; and

(g) Perform general program marketing and monitoring functions.

Sec. 7. Minnesota Statutes 1984, section 268.674, subdivision 1, is amended to read:

Subdivision 1. [CREATION.] There is created a Minnesota (EMERGENCY) employment *and economic* development task force to advise the coordinator in the administration of sections 268.671 to 268.686.

Sec. 8. Minnesota Statutes 1984, section 268.675, subdivision 1, is amended to read:

268.675 [ALLOCATION OF FUNDS AMONG SERVICE DELIVERY AREAS.]

Subdivision 1. [SERVICE DELIVERY AREA PORTION.] Eighty percent of the funds available for allocation to employment administrators for the program must be allocated among service delivery areas as follows: (1) each service delivery area shall be eligible to receive that proportion of the funds available which equals the number of unemployed persons in the service delivery area divided by the total number of unemployed persons in the state for the 12-month period ending the most recent March 31; (2) however, 15 percent of the amount which would be allocated under paragraph (1) to each service delivery area in which the unemployment rate, for the 12-month period ending the most recent March 31, is less than the statewide unemployment rate on that date shall not be allocated according to paragraph (1). This amount shall be pooled and distributed at the discretion of the coordinator only to employment administrators

in (THESE) service delivery areas with lower than average unemployment rates who have demonstrated outstanding performance (FROM MAY 1, 1984, TO AUGUST 1, 1984,) in placement of (PERSONS) applicants whose income and resources are less than the standard of assistance established pursuant to section 256D.05, subdivision 1, or who would otherwise be eligible to receive (GENERAL ASSISTANCE) aid to families with dependent children, as shown by:

(i) the proportion of (GENERAL ASSISTANCE ELIGIBLE) the applicants who have been placed in permanent private sector jobs under the program, relative to the total number of (GENERAL ASSISTANCE ELIGIBLE) the applicants placed under the program; or

(ii) the proportion of (GENERAL ASSISTANCE ELIGIBLE) the applicants placed in all jobs under the program, relative to total job placements under the program.

(b) Ten percent of the funds available for allocation to employment administrators under the program must be allocated at the discretion of the coordinator to employment administrators:

(1) who will maximize the use of the funds through coordination with other programs and state, local, and federal agencies, through the use of matching funds or through the involvement of low-income constituent groups;

(2) who have demonstrated need beyond the allocation available under clause (1);

(3) who have demonstrated outstanding performance in job creation; or

(4) who have demonstrated that the unemployed persons in the service delivery area incur unusual costs related to employment under sections 268.671 to 268.686.

Sec. 9. 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) whose income and resources are less than the standard of assistance established pursuant to section 256D.05, subdivision 1;

(3) applicants who are eligible to receive aid to families with dependent children; and

(4) applicants living in farm households who can 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) only those applicants described in (CLAUSE (2) THAN TO THOSE DESCRIBED IN CLAUSE (1)) clauses (1) to (4), and who otherwise satisfy the definition of an "eligible job applicant" in section 268.672, subdivision 6, are eligible for a job or job training program under section 268.677.

Sec. 10. 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 determined 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 permanent 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 temporary nonprofit jobs with eligible government and nonprofit agencies during the biennium.

Sec. 11. Minnesota Statutes 1984, section 268.677, is amended to read:

268.677 [USE OF FUNDS.]

Funds appropriated for the purposes of sections 268.671 to 268.686 may be used as follows:

(a) To provide a state contribution for wages and fringe benefits for eligible job applicants for a maximum of 1,040 hours over a maximum period of 26 weeks per job applicant. For eligible job applicants participating in a job training program, the state contribution for wages may be used for a maximum period of 52 weeks per job applicant. The state contribution for wages shall be up to \$4 per hour for each eligible job applicant employed. The state contribution for fringe benefits may be up to \$1 per hour for each eligible job applicant employed. However,

the employer may use funds from other sources to provide increased wages to the applicants it employs. At least 75 percent of the funds appropriated for the program must be used to pay wages for eligible job applicants;

(b) Notwithstanding the limitations of paragraph (a), funds may be used to provide a state contribution for wages and fringe benefits in permanent private sector jobs for eligible job applicants who had previously held temporary nonprofit jobs with eligible government and nonprofit agencies for which a state contribution had been made, and who:

(1) are priority job applicants provided by section 268.676, subdivision 1; and

(2) have been unemployed for a period of one year. The use of funds under this paragraph shall be for a maximum of 1,040 hours over a maximum period of 26 weeks per job applicant.

((B)) (c) To reimburse the commissioner of economic security in an amount not to exceed one percent of the funds appropriated for the actual cost of administering sections 268.671 to 268.686, and to reimburse the employment administrators in an amount not to exceed (4-1/2) five percent of the funds appropriated for their actual cost of administering sections 268.671 to 268.686. The commissioner of economic security and the employment administrators shall reallocate funds from other sources to cover the administrative costs of this program whenever possible;

((C)) (d) To provide child care services or subsidies to applicants employed under sections 268.671 to 268.686;

((D)) (e) To provide workers' compensation coverage to applicants employed in temporary nonprofit jobs by government or nonprofit agencies under sections 268.671 to 268.686;

((E)) (f) To provide job search assistance, labor market orientation, job seeking skills, and referral for other services;

((F)) (g) To purchase supplies and materials for projects creating permanent improvements to public property in an amount not to exceed one percent of the funds appropriated.

The employment administrator of each service delivery area shall submit to the coordinator a spending plan establishing that funds allocated to the service delivery area will be used in the manner required by sections 268.671 to 268.686. Any funds allocated to the service delivery area for which there is no spending plan approved by the coordinator shall cancel back to the Minnesota (EMERGENCY) employment and economic development

account and may be reallocated by the coordinator to other employment administrators.

Sec. 12. Minnesota Statutes 1984, section 268.678, subdivision 2, is amended to read:

Subd. 2. [EMPLOYMENT AND ECONOMIC DEVELOPMENT PLAN.] Each employment administrator shall develop an (EMERGENCY) employment *and economic* development plan for his service delivery area under guidelines developed by the coordinator and submit it to the coordinator within the period allowed by the coordinator. To the extent feasible, the employment administrator shall seek input from potential eligible employers and the public.

Sec. 13. Minnesota Statutes 1984, section 268.679, subdivision 1, is amended to read:

Subdivision 1. [ENERGY AND ECONOMIC DEVELOPMENT AUTHORITY.] The energy and economic development authority shall publicize the Minnesota (EMERGENCY) employment *and economic* development program and shall provide staff assistance as requested by employment administrators in the screening of businesses and the collection of data to the extent feasible under its existing budget and staff complement.

Sec. 14. Minnesota Statutes 1984, section 268.68, is amended to read:

268.68 [ELIGIBLE GOVERNMENT AND NONPROFIT AGENCY EMPLOYMENT.]

A government or nonprofit agency is an eligible employer with respect to temporary work relief projects that are determined by the employment administrator to have long-term benefit to or are needed by the community including, but not limited to, jobs in permanent public improvement projects, residential or public building weatherization projects, reforestation projects, mine-land reclamation projects, planting or tree trimming projects, soil conservation projects, natural resource development projects, and community social service programs such as child care and home health care. *Employment administrators to the greatest extent practicable shall place only those applicants deemed hard to employ by the administrator in temporary nonprofit jobs.*

Sec. 15. Minnesota Statutes 1984, section 268.681, subdivision 3, is amended to read:

Subd. 3. [PAYBACK.] A business receiving funds under this program shall repay 70 percent of the amount initially received for each eligible job applicant employed, if the employee does not continue in the employment of the business beyond the

six-month subsidized period. If the employee continues in the employment of the business for one year or longer after the six-month subsidized period, the business need not repay any of the funds received for that employee's wages. If the employee continues in the employment of the business for a period of less than one year after the expiration of the six-month subsidized period, the business shall receive a proportional reduction in the amount it must repay. If an employer dismisses an employee for good cause and works in good faith with the program administrator to employ and train another person referred by the employment administrator, the payback formula shall apply as if the original person had continued in employment.

A repayment schedule shall be negotiated and agreed to by the employment administrator and the business prior to the disbursement of the funds and is subject to renegotiation. The employment administrator shall forward payments received under this subdivision to the coordinator on a monthly basis. The coordinator shall deposit these payments in the Minnesota (EMERGENCY) employment *and economic* development account created by subdivision 4.

Sec. 16. Minnesota Statutes 1984, section 268.681, subdivision 4, is amended to read:

Subd. 4. [MINNESOTA (EMERGENCY) EMPLOYMENT AND ECONOMIC DEVELOPMENT ACCOUNT.] The Minnesota (EMERGENCY) employment *and economic* development account is created in the state treasury. All payments from businesses pursuant to subdivision 3 shall be deposited in this account, and all funds in the account are appropriated to the commissioner of economic security for the purpose of making disbursements pursuant to section 268.675.

Sec. 17. Minnesota Statutes 1984, section 268.685, is amended to read:

268.685 [TERMINATION; NOTIFICATION.]

The commissioner of economic security shall immediately terminate the Minnesota (EMERGENCY) employment *and economic* 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 shall immediately notify the commissioner of human services of the program's termination. The commissioner of human services shall immediately notify each local agency referring recipients under section 256D.112 of the program's termination and require the local agency to cease transferring recipients.

On the date the program is terminated, any balance remaining in the Minnesota (EMERGENCY) employment *and economic* development account established under section 268.681, subdivi-

sion 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. 18. Minnesota Statutes 1984, section 268.83, is amended to read:

268.83 [SUITABLE EMPLOYMENT FOR PURPOSES OF GENERAL ASSISTANCE.]

For purposes of eligibility for general assistance pursuant to sections 256D.01 to 256D.21, a job provided through the Minnesota (EMERGENCY) employment and economic development jobs program is "suitable employment," as that term is defined in section 256D.02, subdivision 13.

Sec. 19. [REPEALER.]

Minnesota Statutes 1984, section 268.686; Laws 1983, chapter 312, article 7, section 16; and Laws 1984, chapter 654, article 5, section 50, are repealed.

ARTICLE 10

Section 1. Minnesota Statutes 1984, section 62E.52, subdivision 2, is amended to read:

Subd. 2. "Eligible person" means any person who is a resident of Minnesota and who, while a resident of Minnesota, has been found by the commissioner to have incurred an obligation to pay:

(1) qualified *medical* expenses for himself and any dependents in any 12 consecutive months exceeding:

(a) (40) 25 percent of his household income up to (\$15,000) \$20,000, plus (50) 40 percent of his household income between (\$15,000) \$20,000 and (\$25,000) \$30,000, plus (60) 50 percent of his household income in excess of (\$25,000) \$30,000; or

(b) (\$2,500) \$3,000, whichever is greater; or

(2) qualified nursing home expenses for himself and any dependents in any 12 consecutive months exceeding 20 percent of his household income.

Sec. 2. Minnesota Statutes 1984, section 62E.52, subdivision 3, is amended to read:

Subd. 3. "Qualified *medical* expense" means any charge incurred subsequent to July 1, (1977) 1985, and *within 18 months*

prior to application for coverage under sections 62E.51 to 62E.55 for a health service which is included in the list of covered services described in section 62E.06, subdivision 1, and for which no third party is liable. Expenses related to organ transplants or other experimental procedures must not be considered qualified medical expenses for purposes of sections 62E.51 to 62E.55.

Sec. 3. Minnesota Statutes 1984, section 62E.52, subdivision 7, is amended to read:

Subd. 7. "Commissioner" means the commissioner of (HUMAN SERVICES) *commerce or a designee.*

Sec. 4. Minnesota Statutes 1984, section 62E.52, is amended by adding a subdivision to read:

Subd. 9. [FINANCIAL NEED.] "*Financial need*" means *the demonstrated need of the applicant for financial assistance to meet the reasonable costs of qualified medical expenses as determined from financial information on the applicant by the uniform methodology used by the higher education coordinating board for purposes of the state grant-in-aid program or similar determination of an applicant's ability to pay which takes into consideration both income and assets. In no instance shall an applicant pay less than \$3,000.*

Sec. 5. Minnesota Statutes 1984, section 62E.53, subdivision 1, is amended to read:

Subdivision 1. Any person who believes that he or she is or will become an eligible person may submit an application for state assistance to the commissioner. *Applications may be obtained from the business office of any licensed acute care hospital in Minnesota.* The application shall include a listing of expenses incurred prior to the date of the application and shall designate the date on which the 12 month period for computing expenses began. *No applicant seeking assistance under sections 62E.51 to 62E.55 may list as an expense in his or her application any income spent in order to become eligible for medical assistance under chapter 256B or general assistance medical care under chapter 256D. Insurance premiums, however, may be included in the expenses used in determination of eligibility under this section.*

Sec. 6. Minnesota Statutes 1984, section 62E.53, subdivision 2, is amended to read:

Subd. 2. If the commissioner determines that an applicant is an eligible person, (HE) *the commissioner* shall pay

(1) (90 PERCENT OF) all qualified expenses of the eligible person and (HIS) dependents (IN EXCESS OF:) *of the eligible person*

((A) 40 PERCENT OF HIS HOUSEHOLD INCOME UNDER \$15,000, PLUS 50 PERCENT OF HIS HOUSEHOLD INCOME BETWEEN \$15,000 AND \$25,000, PLUS 60 PERCENT OF HIS HOUSEHOLD INCOME IN EXCESS OF \$25,000; OR)

((B) \$2,500;)

(WHICHEVER IS GREATER) *for which the eligible person can demonstrate a financial need as defined in section 62E-52 for the 12 month period in which the applicant becomes an eligible person and*

(2) all qualified nursing home expenses of the eligible person and his dependents in excess of 20 percent of his household income. Provided, however, that the payment of qualified nursing home expenses shall not be made until the end of the fiscal year. If the appropriation for the payment of qualified nursing home expenses is inadequate to pay all qualified nursing home expenses, the commissioner shall prorate the payments among all eligible persons in proportion to their share of the total of the qualified nursing home expenses of all eligible persons.

Sec. 7. Minnesota Statutes 1984, section 62E.53, subdivision 3, is amended to read:

Subd. 3. The commissioner (SHALL BY RULE ESTABLISH PROCEDURES) *may contract with insurers and others for administrative services and for determining whether and to what extent qualified expenses are reasonable charges. (UNLESS OTHERWISE PROVIDED FOR BY RULE CHARGES SHALL BE REVIEWED FOR REASONABLENESS BY THE SAME PROCEDURES USED TO REVIEW AND LIMIT REIMBURSEMENT UNDER THE PROVISIONS OF CHAPTER 256B.)* If the commissioner determines that the charge for a health service is excessive, he may limit his payment to the reasonable charge for that service. If the commissioner determines that a health service provided to an eligible person was not medically necessary, he may refuse to pay for the service. The commissioner may contract with a review organization as defined in section 145.61, in making any determinations as to whether or not a charge is excessive and in making any determination as to whether or not a service was medically necessary. If the commissioner in accordance with this section refuses to pay all or a part of the charge for a health service, the unpaid portion of the charge shall be deemed to be an unconscionable fee, against the public policy of this state, and unenforceable in any action brought for the recovery of moneys owed.

Section 8. Minnesota Statutes 1984, section 62E.53, subdivision 4, is amended to read:

Subd. 4. No applicant shall be eligible for state assistance under sections 62E.51 to 62E.55 unless he has authorized the commissioner of (HUMAN SERVICES) *commerce* in writing to examine all personal medical records developed while the applicant received the medical care for which state assistance is sought. The commissioner shall use the medical records only for the purpose of investigating whether or not a health services vendor has submitted a claim for reimbursement, a cost report or a rate application which the vendor knows to be false in whole or in part, or in order to determine whether or not the medical care provided to the applicant was medically necessary. This written authorization shall be presented to the vendor of medical care before the commissioner gains access to the records. The vendor of medical care shall receive notification from the commissioner at least 24 hours before the commissioner gains access to such records. Notwithstanding any other law to the contrary, a vendor of medical care shall not be subject to any civil or criminal liability for providing access to medical records to the commissioner pursuant to this subdivision.

Sec. 9. Minnesota Statutes 1984, section 62E.531, subdivision 1, is amended to read:

Subdivision 1. When the commissioner pays for or becomes liable for payments for health services under the provisions of sections 62E.51 to 62E.55, the department of (HUMAN SERVICES) *commerce* shall have a lien for payments and liabilities for the services upon any and all causes of action, *including actions under the workers' compensation act of this state*, which accrue to the person to whom the services were furnished, or to his legal representatives, as a result of injuries which directly or indirectly led to the incurring of qualified expenses.

The department may perfect and enforce its lien by following the procedures set forth in sections 514.69, 514.70, and 514.71, except that it shall have one year from the date when the last item of health service was furnished in which to file its verified lien statement. The statement shall be filed with the appropriate clerk of court in the county in which the recipient of the services resides or in the county in which the action was filed.

Sec. 10. Minnesota Statutes 1984, section 62E.531, subdivision 3, is amended to read:

Subd. 3. Upon furnishing assistance under the provisions of sections 62E.51 to 62E.55, the department of (HUMAN SERVICES) *commerce* shall be subrogated, to the extent of its payments for health services, to any rights the eligible person or (HIS) *a dependent of the eligible person may have under the*

terms of any plan of health coverage, as defined in section 62E.02, subdivision 9 or *insurance, as defined in section 79.01, subdivision 3*. The right of subrogation shall not attach prior to written notice of the exercise of subrogation rights to the issuer of the plan of health coverage.

The (ATTORNEY GENERAL, OR THE APPROPRIATE COUNTY ATTORNEY, ACTING UPON DIRECTION FROM THE ATTORNEY GENERAL,) *commissioner* may institute (OR JOIN A) *appropriate* civil action (AGAINST THE ISSUER OF THE PLAN OF HEALTH COVERAGE) to recover under this (SUBDIVISION) *section*.

ARTICLE 11

Section 1. [144.8093] [EMERGENCY MEDICAL SERVICES FUND.]

Subdivision 1. [CITATION.] This section is the "Minnesota emergency medical services system support act."

Subd. 2. [ESTABLISHMENT AND PURPOSE.] In order to develop, maintain, and improve regional emergency medical services systems, the department of health shall establish an emergency medical services system fund. The fund shall be used for the general purposes of promoting systematic, cost effective delivery of emergency medical care throughout the state; identifying common local, regional, and state emergency medical system needs and providing assistance in addressing those needs; undertaking special projects of statewide significance that will enhance the provision of emergency medical care in Minnesota; providing for public education about emergency medical care; promoting the exchange of emergency medical care information; ensuring the ongoing coordination of regional emergency medical services systems; and establishing and maintaining training standards to ensure consistent quality of emergency medical services throughout the state.

Subd. 3. [USE AND RESTRICTIONS.] Designated regional emergency medical services systems may use emergency medical services system funds to support local and regional emergency medical services as determined within the region, with particular emphasis given to supporting and improving emergency trauma and cardiac care and training. No part of a region's share of the fund may be used to directly subsidize any life support transportation service operations or rescue service operations or to purchase any vehicles or parts of vehicles for a life support transportation service or a rescue service.

Subd. 4. [DISTRIBUTION.] Money from the fund shall be distributed on the bases listed in this subdivision. Eighty percent of the fund shall be distributed annually on a contract for services

basis with each of the eight regional emergency medical services systems designated by the commissioner of health. The systems shall be governed by a body consisting of appointed representatives from each of the counties in that region and shall also include representatives from emergency medical services organizations. The commissioner shall contract with a regional entity only if the contract proposal satisfactorily addresses proposed emergency medical services activities in the following areas: personnel training, transportation coordination, public safety agency cooperation, communications systems maintenance and development, public involvement, health care facilities involvement, and system management. If each of the regional emergency medical services systems submits a satisfactory contract proposal, then this part of the fund shall be distributed evenly among the regions. If one or more of the regions does not contract for the full amount of its even share or if its proposal is unsatisfactory, then the commissioner may reallocate the unused funds to the remaining regions on a pro rata basis. Six and two-thirds percent of the fund shall be used by the commissioner to support regionwide reporting systems and to provide other regional administration and technical assistance. Thirteen and one-third percent shall be distributed by the commissioner as discretionary grants for special emergency medical services projects with potential statewide significance.

Sec. 2. [PINE COUNTY COMMUNITY HEALTH SERVICES.]

Pine county may exercise the powers of a county to provide an integrated system of community health services under Minnesota Statutes, sections 145.911 to 145.922, and is eligible for assistance under section 145.921 without regard to any population limits set by those sections and whether or not it acts in combination with a contiguous county.

Sec. 3. [LOCAL APPROVAL.]

Section 2 of this article is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the Pine county board of commissioners."

Delete the title and insert:

"A bill for an act relating to the organization and operation of state government; appropriating money for human services, corrections, health, and other purposes with certain conditions; amending Minnesota Statutes 1984, sections 62E.52, subdivisions 2, 3, 7, and by adding a subdivision; 62E.53, subdivisions 1, 2, 3, and 4; 62E.531, subdivisions 1 and 3; 72A.20, by adding a subdivision; 129A.01; 129A.03; 129A.07, subdivision 1; 129A.08, subdivision 5; 171.29, subdivision 2; 241.71; 256.045, subdivision 3, and by adding a subdivision; 256.737; 256.871, subdivision 4; 256.969, subdivisions 1, 2, and by adding a subdivision; 256B.02,

by adding a subdivision; 256B.04, subdivision 14; 256B.15; 256B.19, subdivision 1; 256B.48, by adding a subdivision; 256B.501, subdivisions 1, 2, 5, and 8; 256D.03, subdivisions 4 and 6; 256D.04; 256D.05, subdivision 1; 256D.06, subdivision 4; 256E.-08, subdivision 1; 260.311, subdivision 5; 268.671; 268.672, subdivisions 2, 6, 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; 268.685; 268.83; 401.01, subdivision 1; 517.08, subdivisions 1b and 1c; 611A.34, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 129A; 144; 256B; 256D; and 501; repealing Minnesota Statutes 1984, sections 256.045, subdivision 2; 256B.092; 256B.19, subdivision 3; 256B.501, subdivision 4; and 268.686; Laws 1983, chapter 312, article 7, section 16; Laws 1983, chapter 312, article 9, section 10; and Laws 1984, chapter 654, article 5, section 50."

The motion prevailed and the amendment was adopted.

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

Anderson, R., moved to amend S. F. No. 1525, as amended, as follows:

Page 8, delete line 9, and insert:

"\$15,792,500 \$15,806,000"

Page 8, delete line 17, and insert:

"\$18,608,100 \$18,653,800"

Page 19, line 29, delete "*participants*" and insert "*employees*"

Page 19, line 34, delete "*participants*" and insert "*employees*"

The motion prevailed and the amendment was adopted.

Stanius, Bishop, Gruenes, Fjoslien and Tompkins moved to amend S. F. No. 1525, as amended, as follows:

Page 2, line 10, after "General" delete the figures and insert "\$960,523,800 \$988,124,500 \$1,948,648,300"

Page 2, line 12, after "Total" delete the figures and insert "\$960,985,400 \$988,609,100 \$1,949,594,500"

Page 2, line 20, after "Appropriation" delete the figures and insert "\$803,672,300 \$848,180,600"

Page 3, line 58, after "Maintenance" delete the figures and insert "\$522,180,700 \$571,243,800"

Page 5, delete line 6 and insert "\$384,035,300 \$422,057,700"

Page 6, after line 40, insert:

"Notwithstanding any law to the contrary, home and community-based alternative services for the mentally retarded provided under the federal waiver plan must be limited to 1,000 people."

Page 7, line 19, after "Health" delete the figures and insert "\$197,005,700 \$190,731,600"

Page 7, delete line 31, and insert "\$142,851,600 \$137,183,800"

Page 9, line 56, after "Appropriation" delete the figures and insert "\$41,267,400 \$21,531,900"

Page 10, delete line 14, and insert "\$1,562,700 \$1,059,700"

Pages 47 to 50, delete Article 5 and insert:

"ARTICLE 5

Section 1. Minnesota Statutes 1984, section 252.28, subdivision 1, is amended to read:

Subdivision 1. [DETERMINATIONS; BIENNIAL RE-DETERMINATIONS.] *In conjunction with the appropriate county boards*, 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.

Sec. 2. Minnesota Statutes 1984, section 256B.092, subdivision 1, is amended to read:

Subdivision 1. [COUNTY OF FINANCIAL RESPONSIBILITY; DUTIES.] Before any services shall be rendered to mentally retarded persons in need of social service and medical assistance, the county of financial responsibility shall conduct a diagnostic evaluation in order to determine whether the person is or may be mentally retarded. If a client is diagnosed mentally retarded, that county must conduct a needs assessment, develop an individual service plan, *provide ongoing case management services at the level identified in the individual service plan*, and authorize placement for services. 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.

Sec. 3. Minnesota Statutes 1984, section 256B.092, is amended by adding a subdivision to read:

Subd. 1a. [CASE MANAGEMENT SERVICES.] Case management services include diagnosis, an assessment of the individual's service needs, an individual service plan, an individual habilitation plan, and methods for providing, evaluating and monitoring the services identified in the plan.

Sec. 4. Minnesota Statutes 1984, section 256B.092, is amended by adding a subdivision to read:

Subd. 1b. [INDIVIDUAL SERVICE AND HABILITATION PLANS.] The individual service and habilitation plans must

- (1) include the results of the diagnosis and assessment,*
- (2) identify goals and objectives for the client, and*
- (3) identify specific services to be provided to the client.*

The individual habilitation plan shall carry out the goals and objectives of the individual service plan.

Sec. 5. Minnesota Statutes 1984, section 256B.092, subdivision 2, is amended to read:

Subd. 2. [MEDICAL ASSISTANCE.] To assure quality case management to those county clients who are eligible for medical assistance, the commissioner shall, *upon request by the county board*: (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.

Sec. 6. 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.* 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, *other health professionals* or other persons as necessary to make this evaluation. (OTHER PERSONS MAY BE INVITED) *The case manager, with the concurrence of the client or the client's legal representative, may invite other persons 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.

Sec. 7. Minnesota Statutes 1984, section 256B.092, subdivision 8, is amended to read:

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) *assess* 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 assistance 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) *identify the cost implications of recommendations in (f), above;*

(h) make recommendations to a court as may be needed to assist the court in making commitments of mentally retarded persons; and

((H)) (i) inform clients that appeal may be made to the commissioner pursuant to section 256.045.

Sec. 8. Minnesota Statutes 1984, section 256B.503, is amended to read:

256B.503 [RULES.]

To implement Laws 1983, chapter 312, article 9, sections 1 to 7, the commissioner shall promulgate emergency and permanent rules in accordance with sections 14.01 to 14.38. *Rules adopted to implement Laws 1983, chapter 312, article 9, section 5, must (a) be in accord with the provisions of Minnesota Statutes, chapter 256E, (b) set standards for case management which include, encourage and enable flexible administration, (c) require the county boards to develop individualized procedures governing case management activities, (d) consider criteria promulgated under section 256B.092, subdivision 3, and the federal waiver plan, (e) identify cost implications to the state and to county boards, and (f) require the screening teams to make recommendations to the county case manager for development of the individual service plan.*

The commissioner shall promulgate permanent rules to implement this section by July 1, 1986. Emergency rules promulgated under this section are effective until that date."

Amend the title as follows:

Page 1, at the end of line 10, after the semicolon insert "252.28;"

Page 1, line 14, after "subdivision 14;" insert "256B.092, subdivisions 1, 2, 7 and 8, and by adding subdivisions;"

Page 1, line 16, after the first semicolon, delete to the end of the line

Page 1, line 29, delete "256B.092;"

Page 1, line 30, delete "256B.19, subdivision 3; 256B.501, subdivision 4:"

Page 1, line 32, delete "Laws 1983, chapter 312, article 9, section 10;"

A roll call was requested and properly seconded.

Wynia moved to amend the Stanius et al. amendment as follows:

Page 1, after line 14 insert:

“Page 6, delete line 6 and insert: “Beginning December 1, 1985,””

Page 1, delete lines 24 to 27

A roll call was requested and properly seconded.

The question was taken on the Wynia amendment to the Stanius et al. amendment and the roll was called.

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

There were 56 yeas and 72 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	Neuenschwander	Rice	Vellenga
Brinkman	Kelly	Norton	Rivness	Voss
Carlson, D.	Knuth	O'Connor	Sarna	Welle
Carlson, L.	Kostohryz	Olson, E.	Scheid	Wynia
Clark	Lieder	Osthoff	Schoenfeld	
Cohen	Long	Otis	Segal	
Ellingson	McLaughlin	Pappas	Simoneau	
Greenfield	Metzen	Peterson	Skoglund	

Those who voted in the negative were:

Anderson, R.	Dyke	Johnson	Piepho	Thiede
Backlund	Erickson	Kiffmeyer	Poppenhagen	Thorson
Becklin	Fjoslien	Knickerbocker	Quist	Tjornhom
Bennett	Forsythe	Krueger	Redalen	Tompkins
Bishop	Frederick	Kvam	Rees	Uphus
Blatz	Frederickson	Levi	Richter	Valan
Boerboom	Frerichs	Marsh	Rodosovich	Valento
Boo	Gruenes	McDonald	Rose	Vanasek
Brown	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	Onnen	Sherman	
DenOuden	Heap	Ozment	Stanisus	
Dimler	Himle	Pauly	Sviggum	

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

Staten requested a division of the Stanius et al. amendment to S. F. No. 1525, as amended.

The first portion of the Stanius et al. amendment to S. F. No. 1525, as amended, reads as follows:

Page 9, line 56, after "Appropriation" delete the figures and insert "\$41,267,400 \$21,531,900"

Page 10, delete line 14, and insert "\$1,562,700 \$1,059,700"

The question was taken on the first portion of the Stanius et al. amendment and the roll was called.

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

There were 70 yeas and 59 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

The second portion of the Stanius et al. amendment to S. F. No. 1525, as amended, reads as follows:

Page 2, line 10, after "General" delete the figures and insert:

"\$960,523,800 \$988,124,500 \$1,948,648,300"

Page 2, line 12, after "Total" delete the figures and insert:
"\$960,985,400 \$988,609,100 \$1,949,594,500"

Page 2, line 20, after "Appropriation" delete the figures and insert: "\$803,672,300 \$848,180,600"

Page 3, line 58, after "Maintenance" delete the figures and insert: "\$522,180,700 \$571,243,800"

Page 5, delete line 6 and insert: "\$384,035,300 \$422,057,700"

Page 6, after line 40, insert:

"Notwithstanding any law to the contrary, home and community-based alternative services for the mentally retarded provided under the federal waiver plan must be limited to 1,000 people."

Page 7, line 19, after "Health" delete the figures and insert:
"\$197,005,700 \$190,731,600"

Page 7, delete line 31, and insert: "\$142,851,600 \$137,183,800"

Pages 47 to 50, delete Article 5 and insert:

"ARTICLE 5

Section 1. Minnesota Statutes 1984, section 252.28, subdivision 1, is amended to read:

Subdivision 1. [DETERMINATIONS; BIENNIAL REDETERMINATIONS.] *In conjunction with the appropriate county boards, 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.*

Sec. 2. Minnesota Statutes 1984, section 256B.092, subdivision 1, is amended to read:

Subdivision 1. [COUNTY OF FINANCIAL RESPONSIBILITY; DUTIES.] Before any services shall be rendered to mentally retarded persons in need of social service and medical assistance, the county of financial responsibility shall conduct a diagnostic evaluation in order to determine whether the person is or may be mentally retarded. If a client is diagnosed mentally retarded, that county must conduct a needs assessment, develop an individual service plan, *provide ongoing case management services at the level identified in the individual service plan*, and

authorize placement for services. 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.

Sec. 3. Minnesota Statutes 1984, section 256B.092, is amended by adding a subdivision to read:

Subd. 1a. [CASE MANAGEMENT SERVICES.] Case management services include diagnosis, an assessment of the individual's service needs, an individual service plan, an individual habilitation plan, and methods for providing, evaluating and monitoring the services identified in the plan.

Sec. 4. Minnesota Statutes 1984, section 256B.092, is amended by adding a subdivision to read:

Subd. 1b. [INDIVIDUAL SERVICE AND HABILITATION PLANS.] The individual service and habilitation plans must

- (1) include the results of the diagnosis and assessment,*
- (2) identify goals and objectives for the client, and*
- (3) identify specific services to be provided to the client.*

The individual habilitation plan shall carry out the goals and objectives of the individual service plan.

Sec. 5. Minnesota Statutes 1984, section 256B.092, subdivision 2, is amended to read:

Subd. 2. [MEDICAL ASSISTANCE.] To assure quality case management to those county clients who are eligible for medical assistance, the commissioner shall, upon request by the county board: (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.

Sec. 6. 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.* 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, *other health professionals* or other persons as necessary to make this evaluation. (OTHER PERSONS MAY BE INVITED) *The case manager, with the concurrence of the client or the client's legal representative, may invite other persons* 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.

Sec. 7. Minnesota Statutes 1984, section 256B.092, subdivision 8, is amended to read:

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) *assess* 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 assistance 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) *identify the cost implications of recommendations in (f), above;*

(h) *make recommendations to a court as may be needed to assist the court in making commitments of mentally retarded persons; and*

((H)) (i) *inform clients that appeal may be made to the commissioner pursuant to section 256.045.*

Sec. 8. Minnesota Statutes 1984, section 256B.503, is amended to read:

256B.503 [RULES.]

To implement Laws 1983, chapter 312, article 9, sections 1 to 7, the commissioner shall promulgate emergency and permanent rules in accordance with sections 14.01 to 14.38. *Rules adopted to implement Laws 1983, chapter 312, article 9, section 5, must (a) be in accord with the provisions of Minnesota Statutes, chapter 256E, (b) set standards for case management which include, encourage and enable flexible administration, (c) require the county boards to develop individualized procedures governing case management activities, (d) consider criteria promulgated under section 256B.092, subdivision 3, and the federal waiver plan, (e) identify cost implications to the state and to county boards, and (f) require the screening teams to make recommendations to the county case manager for development of the individual service plan.*

The commissioner shall promulgate permanent rules to implement this section by July 1, 1986. Emergency rules promulgated under this section are effective until that date."

Amend the title as follows:

Page 1, at the end of line 10, after the semicolon insert "252.28;"

Page 1, line 14, after "subdivision 14;" insert "256B.092, subdivisions 1, 2, 7 and 8, and by adding subdivisions;"

Page 1, line 16, after the first semicolon, delete to the end of the line

Page 1, line 29, delete "256B.092;"

Page 1, line 30, delete "256B.19, subdivision 3; 256B.501, subdivision 4;"

Page 1, line 32, delete "Laws 1983, chapter 312, article 9, section 10;"

The question was taken on the second portion of the Stanius et al. amendment and the roll was called.

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

There were 119 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, R. Becklin Rodosovich

The motion prevailed and the second portion of the Stanius et al. amendment was adopted.

Staten moved to amend S. F. No. 1525, as amended.

A roll call was requested and properly seconded.

Blatz requested a division of the Staten amendment to S. F. No. 1525, as amended.

The first portion of the Staten amendment to S. F. No. 1525, as amended, reads as follows:

Page 28, after line 25, insert:

"Sec. 4. Minnesota Statutes 1984, section 256.967, is amended to read:

256.967 [MEDICAL CARE PAYMENTS; LIMITATIONS ON FEES.]

(FOR THE BIENNIUM ENDING JUNE 30, 1985) *Beginning June 1, 1986*, all payments for vendors of medical care under general assistance medical care shall be based upon this standard: the 50th percentile of usual and customary fees based upon medical assistance billings during calendar year (1978) 1982. All payments for vendors of medical care under medical assistance shall be limited to the 50th percentile of usual and customary fees based upon billings during calendar year (1979) 1982 for physician services, dental care, vision care, podiatric services, chiropractic care, physical therapy, occupational therapy, speech pathologists, audiologists, mental health centers, psychologists, public health clinics, and independent laboratory and x-ray services."

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

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

There were 58 yeas and 69 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

The second portion of the Staten amendment to S. F. No. 1525, as amended, reads as follows:

Page 6, delete lines 6 to 20 and insert:

"Of this appropriation, \$9,209,000 is available in fiscal year 1986 and \$11,165,000 is available in fiscal year 1987 to fund the preadmission screening/alternative care grants activity in the income maintenance program."

Renumber subsequent sections and correct the internal cross-references

Amend the title as follows:

Page 1, line 12, after "4;" insert "256.967;"

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

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

There were 47 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Murphy	Rest	Staten
Battaglia	Jaros	Neuenschwander	Rice	Tunheim
Begich	Jennings, L.	Norton	Rodosovich	Vellenga
Brandl	Kahn	O'Connor	Sarna	Voss
Brown	Knuth	Osthoff	Scheid	Welle
Carlson, L.	Krueger	Otis	Schoenfeld	Wenzel
Clark	Lieder	Pappas	Segal	Wynia
Cohen	Long	Peterson	Simoneau	
Elioff	McLaughlin	Piper	Skoglund	
Ellingson	Minne	Price	Sparby	

Those who voted in the negative were:

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

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

Wynia moved to amend S. F. No. 1525, as amended, as follows:

Page 2, line 20, after "Appropriation" delete the figures and insert:

"\$801,997,300 \$844,968,600"

Page 3, line 39, after "Services" delete the figures and insert "\$69,484,100 \$71,555,800"

Page 3, line 48, delete the figures and insert "\$11,162,500 \$13,199,200"

Page 3, after line 48, insert:

"Notwithstanding any other law to the contrary \$548,000 is appropriated during the biennium to the department of human services for grants to be distributed to counties for families under stress in order to prevent child abuse. Of this amount \$490,000 is appropriated for fiscal year 1986 and \$58,000 for fiscal year 1987."

Page 3, line 58, delete "\$518,862,700" and insert "\$518,580,700"

Page 5, line 6, delete "\$380,717,300" and insert "\$380,435,300"

Page 5, delete lines 15 to 23

Page 7, line 19, delete "\$198,590,770" and insert "\$198,440,770"

Page 8, line 17, delete "\$18,137,300" and insert "\$17,987,300"

Page 8, delete lines 18 to 58

Page 9, delete lines 1 to 16

Page 11, line 53, after "Appropriation" delete the figures and insert:

"\$84,866,100 \$88,461,400"

Page 12, line 3, after "Services" delete the figures and insert:

"\$20,741,800 \$21,215,700"

Page 12, delete line 8 and insert "\$8,172,000 \$8,481,000"

Page 12, delete lines 9 to 13 and insert

"Notwithstanding any law to the contrary, there is no appropriation for the biennium for the West Central Regional Juvenile Center."

Page 41, delete lines 15 to 36

Page 42, delete lines 1 to 4

A roll call was requested and properly seconded.

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

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

There were 58 yeas and 69 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, R.	DenOuden	Haukoos	Onnen	Sherman
Backlund	Dimler	Heap	Ozment	Stanius
Becklin	Dyke	Himle	Pauly	Svigum
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
Brinkman	Frerichs	Marsh	Richter	Valan
Burger	Gruenes	McDonald	Rose	Valento
Carlson, D.	Gutknecht	McPherson	Schafer	Waltman
Carlson, J.	Halberg	Miller	Schreiber	Zaffke
Clausnitzer	Hartinger	Olson, S.	Seaberg	Spk. Jennings, D.
Dempsey	Hartle	Omann	Shaver	

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

Skoglund moved to amend S. F. No. 1525, as amended, as follows:

Page 8, delete lines 19 to 40 and insert "be transferred to the commissioner of health to pay the St. Paul Ramsey medical

center for up to 100 of the autopsies at a cost not to exceed \$500 per autopsy and transportation to the medical center. St. Paul Ramsey medical center shall be responsible for reimbursing physicians and pathologists outside of the metropolitan area for their services and other expenses related to the removal, transportation, and storage of the decedent's brain."

Page 27, after line 5, insert:

"Sec. 2. [145.131] [FINDINGS AND PURPOSE.]

The legislature finds that Alzheimer's and other dementia diseases occur in recipients of medical assistance. The costs the state pays in terms of human suffering, lost productivity, and medical assistance expenditures are enormous.

The legislature also finds that research for the identification, cause, cure, and prevention of Alzheimer's and other dementia diseases requires autopsies and pathological studies of suspected victims. Expenses for autopsies and pathological studies are not provided for recipients of medical assistance.

Sec. 3. [145.132] [AUTHORIZED REMOVAL OF BRAIN.]

If the attending physician of a recipient of medical assistance is of the opinion that the deceased recipient was a victim of Alzheimer's disease, the physician or a designated pathologist may remove the brain of the decedent. Before the physician removes the brain, the physician shall obtain the permission of the decedent's next of kin, the authorization of the county coroner or medical examiner, and the authorization of the appropriate department of the St. Paul Ramsey medical center. The extracted brain shall be immediately transported to the St. Paul Ramsey medical center in a manner prescribed by the St. Paul Ramsey medical center.

Sec. 4. Minnesota Statutes 1984, section 390.11, is amended by adding a subdivision to read:

Subd. 11. If the coroner is informed by a physician or pathologist that a dead person is suspected of having had Alzheimer's disease, the coroner shall authorize the removal of the brain of the dead person for the purposes of sections 1 and 2."

Renumber subsequent sections and correct the internal cross-references

Amend the title as follows:

Page 1, line 25, after "268.83;" insert "390.11, by adding a subdivision;"

Page 1, line 27, after "144;" insert "145;"

A roll call was requested and properly seconded.

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

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

There were 67 yeas and 62 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion prevailed and the amendment was adopted.

Greenfield moved to amend S. F. No. 1525, as amended, as follows:

Page 30, after line 3, insert:

"Sec. 6. [256.9671] [FAIR PRICING STANDARD.]

In no case shall the payments to vendors under the medical assistance program or the general assistance medical care pro-

gram exceed the charges paid during the same period by any third party payor or insurer for the same or similar drugs, laboratory services, medical equipment and medical supplies."

Renumber subsequent sections

Amend the title as follows :

Page 1, line 27, after "144;" insert "256;"

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 118 yeas and 10 nays as follows :

Those who voted in the affirmative were :

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

Those who voted in the negative were :

Erickson	Knickerbocker	Miller	Poppenhagen	Thiede
Gutknecht	Kvam	Onnen	Stanius	Zaffke

The motion prevailed and the amendment was adopted.

Wynia moved to amend S. F. No. 1525, as amended, as follows :

Page 70, after line 9, insert new sections to read :

"Section 5. [Truth in Budgeting/Deficiencies]

The appropriations in Section 2, Subdivision 5, do not reflect the following financial requirements:

(a) *\$18,661,600 in increased medical assistance nursing home expenditures due to the underfunding of the projected caseload in the nursing home pre-admission screening and alternative care grant program;*

(b) *\$20,000,000 in the medical assistance deficiency created pursuant to Section 2, Subdivision 5(b);*

(c) *\$2,818,400 in Minnesota supplemental assistance for persons who are mentally retarded and living in the community;*

Section 6. [Truth in Budgeting/Cost Shifts to Counties]

The appropriation in Section 2, Subdivision 1, shifts financial responsibility to counties without accompanying transfer of financial resources for the following items:

(a) *\$3,536,000 in general assistance and Minnesota supplemental assistance payments on behalf of mentally ill residing in negotiated rate facilities with monthly expenses in excess of \$800;*

(b) *Continuing costs of caring for mentally retarded people moved out of state hospitals in accordance with the Welsch v. Levine Consent Decree and mentally retarded people currently living in the communities who will need services during the biennium.*

Section 7. [Truth in Budgeting/Resolution Adjustment]

\$58,600,000 of the reduction in the aid to families with dependent children account from the governor's recommendation is due to the retention of mortgage registration tax receipts by county treasurers. As a result of this action, the total state spending limit shall be adjusted, pursuant to House Resolution No. 3, to \$10,503,400,000 and the total limit on revenues shall be adjusted to \$10,753,000,000 for the biennium."

Renumber the remaining sections accordingly.

A roll call was requested and properly seconded.

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

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

There were 56 yeas and 72 nays as follows :

Those who voted in the affirmative were :

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

Those who voted in the negative were :

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

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

S. F. No. 1525, A bill for an act relating to the organization and operation of state government; authorizing cost containment programs in medical assistance and general assistance medical care programs; establishing a permanency planning program for children at risk of out-of-home placement; appropriating money for human services, corrections, health, and other purposes with certain conditions; amending Minnesota Statutes 1984, sections 62D.12, by adding a subdivision; 62E.06, subdivision 1; 129A.03; 214.06, subdivision 1; 241.01, subdivision 7; 241.71; 252.025, subdivision 1; 254.05; 256.045, subdivision 3, and by adding a subdivision; 256.737; 256.82, subdivision 2; 256.87, subdivision 1; 256.969, subdivisions 1, 2, and by adding a subdivision; 256B.02, by adding a subdivision; 256B.04, subdivision 14; 256B.062; 256B.19, subdivision 1; 256B.48, by adding a subdivision; 256B.69, subdivision 4; 256D.01, subdivisions 1a and 1b; 256D.03, subdivisions 4 and 6; 256D.37, subdivisions 1 and 2; 256E.08, subdivision 1; 260.311, subdivision 5; 260.38; 268.38, subdivisions 2, 10, and 11; 268.685; 290.089, subdivision 2; 363.03, by adding a subdivision; 390.11, by adding a subdivision; 393.07, subdivision 2; 401.01, subdivision 1; 401.13; 517.08, sub-

divisions 1b and 1c; 611A.22; and 611A.34, subdivision 1; Laws 1984, chapter 616, section 1; proposing coding for new law in Minnesota Statutes, chapters 62A; 144; 256; and 256B; proposing coding for new law as Minnesota Statutes, chapter 256F; repealing Minnesota Statutes 1984, sections 256.045, subdivision 2; 256.966, subdivision 2; 256.967; 259.405; and 268.686.

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 57 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

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

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker :

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested :

H. F. No. 88, A bill for an act relating to education; providing for aids to education, aids to libraries, state payments for teacher retirement contributions, and the distribution of tax revenues; granting certain powers and duties to school boards, school districts, the state board of education, the board of teaching, and the higher education coordinating board; modifying certain components of foundation aid; modifying the basic maintenance mill rate; modifying computation of pupil units; repealing revenue equity; modifying the computation of summer program aid, transportation aid, special education aid, secondary vocational aid, and other aids; establishing an aid and levy formula for excellence in teaching and curriculum; providing for a temporary definition of school bus; providing for measurement of pupil progress; establishing mastery learning pilot projects; requiring state board of teaching to field test plans for assessment of new teachers; appropriating money; amending Minnesota Statutes 1984, sections 120.06, subdivision 1; 120.10, subdivision 1; 120.-11; 120.15; 120.17, subdivision 3, and by adding a subdivision; 121.88; 121.882, subdivision 2, and by adding a subdivision; 121.-904, subdivisions 4a and 4c; 121.912, subdivision 1; 122.86, subdivision 1; 123.33, by adding a subdivision; 123.36, subdivision 1; 123.58, by adding a subdivision; 123.705, subdivision 1; 123.-742, subdivision 7, and by adding subdivisions; 123.7431, subdivision 1; 124.09; 124.14, subdivision 4; 124.17, by adding subdivisions; 124.19, subdivision 1; 124.195, subdivision 9; 124.2138, subdivision 2; 124.223; 124.225, subdivisions 1, 3, 4b, 7a, 7b, 8a, 8b, and 10; 124.246, subdivision 2; 124.247, subdivision 3; 124.26, subdivisions 1 and 6; 124.271, subdivision 2b, and by adding a subdivision; 124.2711, subdivision 1; 124.272, subdivision 3; 124.273, subdivision 1b; 124.32, subdivisions 1b, 1d, 2, 5, and 10; 124.48, by adding a subdivision; 124.573, subdivision 2; 124.574, subdivision 2b; 124.646, subdivision 1; 124A.02, subdivisions 6, 7, 8, 9, 16, and by adding a subdivision; 124A.03, subdivisions 3, 4, and by adding a subdivision; 124A.033, subdivisions 2 and 3, and by adding a subdivision; 124A.037; 124A.06, subdivisions 1 and 3a; 124A.08, subdivisions 3a and 5; 124A.10, subdivision 3a; 124A.12, subdivision 3a; 124A.14, subdivision 5a; 124A.16, subdivisions 2 and 4; 125.05, subdivisions 1 and 5; 125.12, by adding a subdivision; 125.17, by adding a subdivision; 125.185, subdivision 4; 125.60, subdivisions 3 and 7; 126.64, subdivision 2; 129B.-17; 129B.20; 129B.21; 129B.35; 129B.36; 129B.38, subdivision 1; 129B.39; 129B.40; 134.31, subdivisions 2 and 3; 134.35; 134.351, subdivision 1; 136D.27; 136D.74, subdivision 2; 136D.87; 275.125, subdivisions 5b, 5d, 8, 8a, and 8b, and by adding subdivisions; 290.06, by adding a subdivision; 298.28, subdivision 1; 354.06, subdivision 1; 354.43, subdivision 3; 354A.12, subdivision 2; 355.208; 355.209; 355.287; 355.288; 355.46, subdivision 3; and

Laws 1973, chapter 683, section 26, subdivision 17, as amended; Laws 1984, chapter 463, article 9, section 9; proposing coding for new law in Minnesota Statutes, chapters 121; 123; 124; 124A; 126; 129B; 134; and 136A; repealing Minnesota Statutes 1984, sections 120.17, subdivision 1a; 120.172, subdivision 3; 122.84; 122.85; 122.89; 123.3511; 123.3512; 123.3513; 124.201, subdivisions 3, 4, and 5; 124.2138, subdivision 2; 124.225, subdivisions 4a, 8c, 8d, 8e, 8f, 8g, and 8h; 124.247, subdivision 6; 124.271, subdivisions 2 and 2a; 124.273, subdivisions 2b and 5; 124.32, subdivision 9a; 124A.03, subdivision 5; 124A.035, subdivision 6; 124A.037; 125.611, subdivisions 3, 4, 5, 6, and 7; 126.64, subdivision 1; 129B.03; 129B.33; 129B.34; 275.125, subdivision 2j; 354.43, subdivisions 1, 4, and 5; 354A.12, subdivision 3; 355.46, subdivisions 1, 2, and 5; and 355.47.

PATRICK E. FLAHAVEN, Secretary of the Senate

Olsen, S., moved that the House refuse to concur in the Senate amendments to H. F. No. 88, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1639, A bill for an act relating to state government; appropriating money to the department of transportation and other agencies with certain conditions; modifying agencies and responsibilities; providing for regulation of certain activities and practices; prescribing funds, accounts, bonding, and fees; amending Minnesota Statutes 1984, sections 15.0591, subdivision 2; 17.101, subdivision 2; 17.717, by adding a subdivision; 17A.10, subdivision 2; 17A.11; 25.39, subdivision 4; 138.94; 168.12, subdivisions 1 and 5; 174.32, subdivisions 1, 2, 3, and by adding a subdivision; 299A.01, subdivision 6; 340.14, subdivision 2; 349.12, subdivisions 11, 13, 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, 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; 352D.02, subdivision 1; 360.024; 473.373, subdivision 4; 473.375, subdivision 4, and by adding a subdivision; 473.38, subdivision 2; 473.384, subdivision 6; 473.386, subdivision 2; 473.388; 473.39; 473.404, subdivision 7; 473.405, subdivision 12; 473.408, subdivision 4, and by adding a subdivision; 473.435, subdivision 2; 473.446, subdivisions 1, 1a, 2a, and 3;

609.75, subdivision 3; 609.761; proposing coding for new law in Minnesota Statutes, chapters 219; and 473; proposing coding for new law as Minnesota Statutes, chapter 297C; repealing Minnesota Statutes 1984, sections 17.717, subdivision 6; 349.19, subdivision 4; 349.212; 349.213, subdivision 2; 473.373, subdivisions 2 and 7; 473.384, subdivision 7; 473.408, subdivisions 3, 3A, 3B, and 5; 473.436; 473.438; and 473.446, subdivision 6.

PATRICK E. FLAHAVEN, Secretary of the Senate

Forsythe moved that the House refuse to concur in the Senate amendments to H. F. No. 1639, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1109:

Frerichs, Osthoff and Bennett.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1639:

Valan, Seaberg, Johnson, Poppenhagen and Kalis.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 88:

Olsen, S.; Erickson; Thiede; Backlund and Kostohryz.

MOTIONS AND RESOLUTIONS

Burger moved that the names of Kiffmeyer and Clark be added as authors on H. F. No. 1437. The motion prevailed.

Murphy moved that the name of Clark be added as an author on H. F. No. 1651. The motion prevailed.

Skoglund moved that the name of Clark be added as an author on H. F. No. 1654. The motion prevailed.

Tomlinson moved that H. F. No. 1572 be returned to its author. The motion prevailed.

House Resolution No. 30 was reported to the House.

HOUSE RESOLUTION NO. 30

A house resolution commending and congratulating Arnold T. Baland for his longtime contribution to public awareness in Minnesota of the nature and importance of our freedoms under our democratic system of government.

Whereas, Arnold T. Baland of Virginia, Minnesota, founded Project Democracy in 1960 and has directed that organization for 25 years; and

Whereas, he has, through Project Democracy, organized annual high school oral and written competitions on themes involving the importance of our freedoms enjoyed under our democratic system of government; and

Whereas, he has sought and received broad community support, both monetary and other, from elected officials, businesses, industry, labor, civic organizations, and individuals for Project Democracy; and

Whereas, the countless hours he has dedicated to Project Democracy have resulted in greater awareness among members of the public of the nature and importance of our system of government; and

Whereas, he is currently listed in Who's Who in Minnesota and the History of Minnesota, has served as President of the Chamber of Commerce of Virginia, Minnesota, was voted Outstanding Senior Citizen and was honored by Mayor Jalmer Johnson and business persons of Virginia on "Arnold Baland Appreciation Day" on July 6, 1977; and

Whereas, Mayor Johnson, on May 1, 1984, named Arnold T. Baland "The Spirit of Project Democracy" in a formal commendation to him from the people of Virginia in appreciation for his longtime efforts in making "the public aware of the voice of youth in these trying times"; *Now, Therefore,*

Be It Resolved by the House of Representatives of the State of Minnesota that Arnold T. Baland is commended for his work with and dedication to the youth of northeastern Minnesota and is congratulated for the honors received by him for his role in founding and directing Project Democracy.

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 Arnold T. Baland.

Elioff moved that House Resolution No. 30 be now adopted. The motion prevailed and House Resolution No. 30 was adopted.

McDonald and Fjoslien introduced:

House Resolution No. 33, A house resolution commemorating the allied victory in Europe over the forces of Nazism and Fascism.

SUSPENSION OF RULES

McDonald moved that the rules be so far suspended that House Resolution No. 33 be now considered and be placed upon its adoption. The motion did not prevail.

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

SPECIAL ORDERS

Levi moved that the bills on Special Orders 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.

ADJOURNMENT

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, May 9, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

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1909

STATE OF MINNESOTA

SEVENTY-FOURTH SESSION - 1985

FIFTY-SIXTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MAY 9, 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 Oliver Sandahl, Willmar Baptist Church, Willmar, 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	Long	Peterson	Stanius
Beard	Frederick	Marsh	Piepho	Staten
Becklin	Frederickson	McDonald	Piper	Sviggum
Begich	Frerichs	McEachern	Poppenhagen	Thiede
Bennett	Greenfield	McKasy	Price	Thorson
Bishop	Gruenes	McLaughlin	Quinn	Tjornhom
Blatz	Gutknecht	McPherson	Quist	Tomlinson
Boerboom	Halberg	Metzen	Redalen	Tompkins
Boo	Hartinger	Miller	Rest	Tunheim
Brandl	Hartle	Minne	Rice	Uphus
Brinkman	Haukoos	Munger	Richter	Valan
Brown	Heap	Murphy	Riveness	Valento
Burger	Himle	Nelson, D.	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	

A quorum was present.

Lieder and Rees were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Schafer 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. 587, 883, 1581, 1633 and 1627 and S. F. Nos. 352, 1431 and 966 have been placed in the members' files.

S. F. No. 352 and H. F. No. 323, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

McKasy moved that the rules be so far suspended that S. F. No. 352 be substituted for H. F. No. 323 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 966 and H. F. No. 1541, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Riveness moved that the rules be so far suspended that S. F. No. 966 be substituted for H. F. No. 1541 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

May 6, 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 Files:

H. F. No. 1065, 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.

H. F. No. 204, relating to higher education; creating a student advisory council to the higher education coordinating board; requiring, as nearly as possible, one-sixth of the terms of voting members of the higher education coordinating board to expire each year; amending Minnesota Statutes 1984, section 136A.02, subdivisions 1 and 1a, and by adding a subdivision.

H. F. No. 468, 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.

H. F. No. 1, 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.

H. F. No. 951, relating to the Minnesota historical society; authorizing local heritage preservation commissions; amending Minnesota Statutes 1984, section 471.193.

H. F. No. 656, 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.

H. F. No. 863, 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.

H. F. No. 230, relating to state lands; authorizing the sale of certain surplus state land in Dakota county to the city of Hastings.

H. F. No. 1570, relating to agriculture; creating an exception to the corporate farming law; amending Minnesota Statutes 1984, section 500.24, subdivision 3.

H. F. No. 94, relating to agriculture; changing certain soil and water conservation priorities; amending Minnesota Statutes 1984, section 40.036, subdivisions 1 and 3; repealing Minnesota Statutes 1984, sections 40.036, subdivisions 4, 5, and 6; and 40.038, subdivision 1.

H. F. No. 507, relating to Hennepin county; setting the form in which county board members' salaries must be stated; amending Laws 1982, chapter 577, section 14.

H. F. No. 982, relating to veterans; providing space in the veterans service building for certain veterans organizations; amending Minnesota Statutes 1984, section 197.59.

H. F. No. 247, relating to local government; providing conditions for the adoption or amendment of comprehensive municipal plans; providing for resolution of conflicts between a zoning ordinance and the comprehensive municipal plan; amending Minnesota Statutes 1984, sections 462.355, subdivisions 2 and 3; 462.357, subdivision 2; and 473.858, subdivision 1.

H. F. No. 759, 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.

H. F. No. 825, 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.

H. F. No. 852, relating to state lands; directing conveyance of an easement over certain state lands to the city of Duluth.

H. F. No. 580, relating to economic development; providing for the election of certain community development corporation directors; amending Minnesota Statutes 1984, section 116M.04, subdivision 6.

H. F. No. 565, relating to soil and water conservation; changing powers and duties of the state board; amending Minnesota Statutes 1984, section 40.03, subdivision 4.

H. F. No. 454, 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.

H. F. No. 698, relating to intoxicating liquor; authorizing the city of North Mankato to issue one short-term, on-sale liquor license.

H. F. No. 256, 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.

H. F. No. 831, relating to crimes; prescribing the powers of the governor and commissioner of corrections with respect to extradition under treaty; amending Minnesota Statutes 1984, section 243.515.

H. F. No. 730, 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.

Sincerely,

RUDY PERPICH
Governor

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

May 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 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>
	1	58	May 6	May 6
	94	59	May 6	May 6
	204	60	May 6	May 6
	230	61	May 6	May 6
	247	62	May 6	May 6
	256	63	May 6	May 6
	454	64	May 6	May 6

<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>
	468	65	May 6	May 6
	507	66	May 6	May 6
	565	67	May 6	May 6
	580	68	May 6	May 6
	656	69	May 6	May 6
	698	70	May 6	May 6
	730	71	May 6	May 6
	759	72	May 6	May 6
	825	73	May 6	May 6
	831	74	May 6	May 6
	852	75	May 6	May 6
	863	76	May 6	May 6
	951	77	May 6	May 6
	982	78	May 6	May 6
	1065	79	May 6	May 6
	1570	80	May 6	May 6

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Forsythe from the Committee on Appropriations 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, sections 16A.128; and 16A.1281.

Reported the same back with the following amendments:

Page 1, line 22, delete "*directly*"

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. 827, A bill for an act relating to public safety; appropriating money to purchase mobile communications equipment for state patrol.

Reported the same back with the following amendments:

Page 1, line 19, delete "*general*" and insert "*trunk highway*"

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. 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 following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 241.021, is amended by adding a subdivision to read:

Subd. 6. [BACKGROUND STUDIES.] The commissioner of corrections is authorized to do background studies on personnel employed by any facility serving children or youth that is licensed under this section. A clerk of any court, the bureau of criminal apprehension, a prosecuting attorney, a county sheriff, or a chief of a local police department shall assist in these studies by providing to the commissioner, or the commissioner's representative, all criminal conviction data available

from local, state, and national criminal history record repositories, including the criminal justice data communications network, pertaining to the following individuals: applicants, operators, all persons living in the household, and all staff of any facility subject to background studies under this subdivision.

Sec. 2. [241.80] [PREVENTION OF SEXUAL EXPLOITATION BY PSYCHOTHERAPISTS.]

The commissioner of corrections shall establish, as part of the program for victims of sexual assault, a program of public and professional education concerning sexual exploitation by psychotherapists. To the extent of available appropriations, the commissioner shall, in consultation with the task force established in Laws 1984, chapter 631:

(1) develop policy and procedure models and materials for use by professionals, professional organizations, educational institutions, and employers and supervisors;

(2) develop education and training programs for professionals, professional organizations, educational institutions, and employers and supervisors;

(3) collect and distribute information on the problem of sexual exploitation by psychotherapists;

(4) develop manuals, brochures, and other informational materials for distribution to the public, professionals and professional organizations, educational institutions, and employers and supervisors;

(5) educate participants in the administrative, civil, and criminal complaint systems on the laws concerning sexual exploitation, the rights of victims, and other matters;

(6) provide information and referral services, and facilitate advocacy, crisis intervention, and other assistance to victims of sexual exploitation through existing programs, including the state sexual assault network;

(7) develop a statement of the rights of psychotherapy clients, relating to sexual exploitation, which could be included in existing bills of rights;

(8) promote public awareness of the problem of sexual exploitation and the rights of psychotherapy clients; and

(9) provide recommendations to the legislature concerning the need for services or legislation.

At the request of the legislature, the commissioner shall report on the problem of sexual exploitation by psychotherapists and the activities of the department under this section.

Sec. 3. Laws 1984, chapter 631, section 1, subdivision 1, is amended to read:

Subdivision 1. [CREATION; MEMBERSHIP.] The commissioner of corrections shall appoint a task force to study the problem of sexual exploitation by counselors and therapists. The task force shall consist of not more than 18 members who are broadly representative of the state, including representatives of professional organizations, board of medical examiners, board of psychology, and board of nursing, agencies and individuals offering counseling or therapy services, the legal community, appropriate state agencies, women's organizations, mental health advocacy organizations, men's organizations, and consumers. The terms, compensation, and removal of members are as provided in section 15.059, *except that members shall be reimbursed for expenses at the discretion of the commissioner within the limits of available appropriations.*

Sec. 4. Laws 1984, chapter 631, section 1, subdivision 4, is amended to read:

Subd. 4. [EXPIRATION.] The task force expires on July 1, (1985) 1986.

Sec. 5. [TASK FORCE TO STUDY THE REGULATION OF PSYCHOTHERAPISTS.]

Subdivision 1. [TASK FORCE ESTABLISHED.] An advisory task force is created to study and report to the commissioner of health and the legislature on the need for licensing or regulation of currently unregulated occupations, professions, and individuals engaging in psychotherapy. The task force shall consist of no more than 16 members, including a psychologist appointed by the board of psychology, a nurse appointed by the board of nursing, a psychiatrist appointed by the board of medical examiners, and the following members appointed by the commissioner of health:

- (1) *a social worker;*
- (2) *a chemical dependency counselor;*
- (3) *a marriage and family therapist;*
- (4) *a counselor;*
- (5) *two public members knowledgeable about psychotherapy or the regulation of occupations and professions; and*

(6) up to seven additional members who have knowledge and expertise in the procedures and issues related to the regulation of occupations and professions.

The task force shall report its findings and recommendations to the commissioner of health and the legislature by June 30, 1986. In addition to addressing the criteria for regulation specified in Minnesota Statutes, section 214.001, subdivision 2, and other matters the task force considers appropriate, the report must address (a) the need to create consequences for psychotherapists who exploit, mistreat, or otherwise harm a client, including consequences that are directly related to their practice of psychotherapy including prohibitions of the right to practice; and (b) the need for a system of redress with the state, for victims of misconduct by psychotherapists, that is directly related to the psychotherapist's practice.

Sec. 6. [EXPIRATION.]

The advisory task force created by section 5 shall expire on July 1, 1986."

Delete the title and insert:

"A bill for an act relating to corrections; authorizing the commissioner of corrections to do background studies on personnel employed by certain licensed facilities; requiring the commissioner of corrections to establish a program to prevent sexual exploitation by psychotherapists; extending the sexual exploitation task force; creating an advisory task force to study the regulation of psychotherapists; amending Minnesota Statutes 1984, section 241.021, by adding a subdivision; Laws 1984, chapter 631, section 1, subdivisions 1 and 4; proposing coding for new law in Minnesota Statutes, chapter 241."

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. 1243, A bill for an act relating to the Minnesota historical society; requiring it to develop instructional materials on Minnesota history; proposing coding for new law in Minnesota Statutes, chapter 126.

Reported the same back with the following amendments:

Page 1, line 11, after "history" insert "and government"

Page 1, line 17, delete "6" and insert "3"

Pages 1 and 2, delete section 3

Page 2, line 10, delete the third "*the*"

Page 2, line 11, after "*materials*" insert "*on Minnesota history for students at the appropriate grade level*"

Page 2, delete sections 5 and 6

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after "history" insert "and government"

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. 1253, A bill for an act relating to state lands; conveying land to Olmsted county.

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

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

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.

Reported the same back with the following amendments:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1984, section 105.41, subdivision 5, is amended to read:

Subd. 5. Records of the amount of water appropriated or used shall be recorded for each such installation and such readings and the total amount of water appropriated shall be reported annually to the commissioner of natural resources on or

before February 15 of the following year upon forms to be supplied by the commissioner.

The records shall be submitted with an annual water appropriation processing fee in the amount established in accordance with the following schedule of fees for each water appropriation permit in force at any time during the year: (a) irrigation permits, (\$10) \$15 for (EACH) *the first permitted (40) 160 acres or portion thereof, and \$25 for each additional permitted 160 acres or portion thereof*; (b) for nonirrigation permits, \$5 for each ten million gallons or portion thereof permitted each year (, BUT NOT TO). *However, in no case shall the fee exceed a total (FEE) of (\$250) \$500 per permit.* The fee is payable regardless of the amount of water appropriated during the year. Failure to pay the fee is sufficient cause for revoking a permit. No fee may be imposed on any state agency, as defined in section 16B.01, or federal governmental agency holding a water appropriation permit.”

Page 1, line 15, delete “*tansfer*” and insert “*transfer*”

Page 2, line 2, after “\$750” insert “*to cover actual costs*”

Renumber the section accordingly

Amend the title as follows :

Page 1, line 3, after “permit” insert “and annual water appropriation processing”

Page 1, line 4, delete “section” and insert “sections 105.41, subdivision 5; 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 :

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.

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

H. F. No. 1552, A bill for an act relating to taxation; 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; amending Minnesota Statutes 1984, sections 273.136, subdivisions 1, 2, and 4; 287.05, subdivision 1; 287.08; 287.09; 287.12; 287.21, subdivision 2; 287.23; 287.25; 287.28; 287.29, subdivision 1; 287.33; 287.35; 298.225; 298.24, subdivision 4; 298.27; 298.28, subdivisions 1 and 2; and 298.282, subdivisions 1, 4, and 5; repealing Minnesota Statutes 1984, sections 273.136, subdivision 3; 287.27; 287.29, subdivision 3; and 287.32.

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

The report was adopted.

Forsythe from the Committee on Appropriations 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, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 326.

Reported the same back with the following amendments:

Page 2, line 3, after the period insert "Up to 24 months of practical plumbing experience prior to registration as an apprentice may be applied to the four-year experience requirement. However, none of this practical plumbing experience may be applied if the person did not have any practical plumbing experience in the 12-month period immediately prior to registration. The commissioner may adopt rules to evaluate whether the person's past practical plumbing experience is applicable in preparing for the journeyman's examination."

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. 1320, A bill for an act relating to health; establishing a system of regional poison information centers; providing for

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.

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

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

S. F. No. 1374, A bill for an act relating to state parks; establishing lease rate for a certain part of Fort Snelling state park.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 376, 827, 1070, 1243, 1253, 1256, 1359 and 1552 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 352, 966, 125, 1320 and 1374 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Dempsey, Marsh, McDonald, Miller and Kiffmeyer introduced:

H. F. No. 1660, A bill for an act relating to crimes; redefining the "claim of right" defense to criminal trespass; amending Minnesota Statutes 1984, section 609.605.

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

Segal and Onnen introduced :

H. F. No. 1661, A bill for an act relating to human services; requiring the commissioner to develop a process for quality of care evaluation of facilities for adult mentally ill persons; requiring a report; amending Minnesota Statutes 1984, section 245.783.

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

Metzen introduced :

H. F. No. 1662, A bill for an act relating to contracts; providing for payments from contractors to subcontractors; amending Minnesota Statutes 1984, sections 337.01, subdivision 1; 337.03; 337.04; 337.05, subdivision 1; and 337.06; proposing coding for new law in Minnesota Statutes, chapter 337.

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

Dempsey, Valento, Dimler, Piepho and Quist introduced :

H. F. No. 1663, A bill for an act relating to crimes; repealing the "claim of right" defense to criminal trespass; amending Minnesota Statutes 1984, section 609.605.

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

Redalen, Bishop, Piper and Begich introduced :

H. F. No. 1664, A bill for an act relating to local government; regulating contracts for the purchase of fuel by a municipality required for generation of municipal power; amending Minnesota Statutes 1984, section 471.345, by adding a subdivision.

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

Erickson, Gutknecht, Waltman, Dyke and Poppenhagen introduced:

H. F. No. 1665, A bill for an act relating to workers' compensation; providing for comprehensive changes based on the Florida law; proposing coding for new law as Minnesota Statutes, chapter 176B; repealing Minnesota Statutes 1984, chapter 176, as amended.

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:

DenOuden, Miller, Rose, Knickerbocker and Kalis introduced:

H. A. No. 42, A proposal to study the functions and duties of the agencies of state government that deal with water resources.

The advisory was referred to the Committee on Appropriations.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1382, A bill for an act relating to courts; providing for transcript fees; amending Minnesota Statutes 1984, section 486.06.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 88, A bill for an act relating to education; providing for aids to education, aids to libraries, state payments for teacher retirement contributions, and the distribution of tax revenues; granting certain powers and duties to school boards, school districts, the state board of education, the board of teaching, and the higher education coordinating board; modifying certain components of foundation aid; modifying the basic maintenance mill rate; modifying computation of pupil units; repealing revenue equity; modifying the computation of summer program aid, transportation aid, special education aid, secondary vocational aid, and other aids; establishing an aid and levy formula for excellence in teaching and curriculum; providing for a temporary definition of school bus; providing for measurement of pupil progress; establishing mastery learning pilot projects; requiring state board of teaching to field test plans for assessment of new teachers; appropriating money; amending Minnesota Statutes 1984, sections 120.06, subdivision 1; 120.10, subdivision 1; 120.11; 120.15; 120.17, subdivision 3, and by adding a subdivision; 121.88; 121.882, subdivision 2, and by adding a subdivision; 121.904, subdivisions 4a and 4c; 121.912, subdivision 1; 122.86, subdivision 1; 123.33, by adding a subdivision; 123.36, subdivision 1; 123.58, by adding a subdivision; 123.705, subdivision 1; 123.742, subdivision 7, and by adding subdivisions; 123.7431, subdivision 1; 124.09; 124.14, subdivision 4; 124.17, by adding subdivisions; 124.19, subdivision 1; 124.195, subdivision 9; 124.2138, subdivision 2; 124.223; 124.225, subdivisions 1, 3, 4b, 7a, 7b, 8a, 8b, and 10; 124.246, subdivision 2; 124.247, subdivision 3; 124.26, subdivisions 1 and 6; 124.271, subdivision 2b, and by adding a subdivision; 124.2711, subdivision 1; 124.272, subdivision 3; 124.273, subdivision 1b; 124.32, subdivisions 1b, 1d, 2, 5, and 10; 124.48, by adding a subdivision; 124.573, subdivision 2; 124.574, subdivision 2b; 124.646, subdivision 1; 124A.02, subdivisions 6, 7, 8, 9, 16, and by adding a subdivision; 124A.03, subdivisions 3, 4, and by adding a subdivision; 124A.033, subdivisions 2 and 3, and by adding a subdivision; 124A.037; 124A.06, subdivisions 1 and 3a; 124A.08, subdivisions 3a and 5; 124A.10, subdivision 3a; 124A.12, subdivision 3a; 124A.14, subdivision 5a; 124A.16, subdivisions 2 and 4; 125.05, subdivisions 1 and 5; 125.12, by adding a subdivision; 125.17, by adding a subdivision; 125.185, subdivision 4; 125.60, subdivisions 3 and 7; 126.64, subdivision 2; 129B.17; 129B.20; 129B.21; 129B.35; 129B.36; 129B.38, subdivision 1; 129B.39; 129B.40; 134.31, subdivisions 2 and 3; 134.35; 134.351, subdivision 1; 136D.27; 136D.74, subdivision 2; 136D.87; 275.125, subdivisions 5b, 5d, 8, 8a, and 8b, and by adding subdivisions; 290.06, by adding a subdivision; 298.28, subdivision 1; 354.06, subdivision 1; 354.43, subdivision 3; 354A.12, subdivision 2; 355.208; 355.209; 355.287; 355.288; 355.46, subdivision 3; and Laws 1973, chapter 683, section 26, subdivision 17, as amended; Laws 1984, chapter 463, article 9, section 9; proposing coding for new law in Minnesota Statutes, chapters 121; 123; 124; 124A; 126; 129B; 134; and 136A; repealing Minnesota Statutes 1984, sections 120.17, subdivision 1a; 120.172, subdivision 3; 122.84;

122.85; 122.89; 123.3511; 123.3512; 123.3513; 124.201, subdivisions 3, 4, and 5; 124.2138, subdivision 2; 124.225, subdivisions 4a, 8c, 8d, 8e, 8f, 8g, and 8h; 124.247, subdivision 6; 124.271, subdivisions 2 and 2a; 124.273, subdivisions 2b and 5; 124.32, subdivision 9a; 124A.03, subdivision 5; 124A.035, subdivision 6; 124A.037; 125.611, subdivisions 3, 4, 5, 6, and 7; 126.64, subdivision 1; 129B.03; 129B.33; 129B.34; 275.125, subdivision 2j; 354.43, subdivisions 1, 4, and 5; 354A.12, subdivision 3; 355.46, subdivisions 1, 2, and 5; and 355.47.

The Senate has appointed as such Committee Messrs. Nelson; Pehler; Peterson, R. W.; Ms. Peterson, D. C., and Mr. Peterson, D. L.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 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 Senate has appointed as such Committee Ms. Berglin, Messrs. Spear and Johnson, D. E.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 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 Senate has appointed as such Committee Messrs. Dicklich, Dieterich and Benson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 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 Senate has appointed as such Committee Ms. Berglin, Messrs. Spear and Johnson, D. E.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 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 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, chapter 379; repealing Minnesota Statutes 1984, section 375.18, subdivisions 4, 5, and 6.

The Senate has appointed as such Committee Messrs. Bertram, DeCramer and Isackson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on

the amendments adopted by the Senate to the following House File:

H. F. No. 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 Senate has appointed as such Committee Messrs. Vega; Moe, D. M., and Frederickson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1639, A bill for an act relating to state government; appropriating money to the department of transportation and other agencies with certain conditions; modifying agencies and responsibilities; providing for regulation of certain activities and practices; prescribing funds, accounts, bonding, and fees; amending Minnesota Statutes 1984, sections 15.0591, subdivision 2; 17.101, subdivision 2; 17.717, by adding a subdivision; 17A.10, subdivision 2; 17A.11; 25.39, subdivision 4; 138.94; 168.12, subdivisions 1 and 5; 174.32, subdivisions 1, 2, 3, and by adding a subdivision; 299A.01, subdivision 6; 340.14, subdivision 2; 349.12, subdivisions 11, 13, 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, 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; 352D.02, subdivision 1; 360.024; 473.373, subdivision 4; 473.375, subdivision 4, and by adding a subdivision; 473.38, subdivision 2; 473.384, subdivision 6; 473.386, subdivision 2; 473.388; 473.39; 473.404, subdivision 7; 473.405, subdivision 12; 473.408, subdivision 4, and by adding a subdivision; 473.435, subdivision 2; 473.446, subdivisions 1, 1a, 2a, and 3; 609.75, subdivision 3; 609.761; proposing coding for new law in Minnesota Statutes, chapters 219; and 473; proposing coding for new law as Minnesota Statutes, chapter 297C; repealing Minnesota Statutes 1984, sections 17.717, subdivision 6; 349.19, subdivision 4; 349.212; 349.213, subdivision 2; 473.373, subdivisions 2 and 7; 473.384, subdivision 7; 473.408, subdivisions 3, 3A, 3B, and 5; 473.436; 473.438; and 473.446, subdivision 6.

The Senate has appointed as such Committee Mr. Langseth, Mrs. Lantry, Messrs. Purfeerst, Schmitz and Mehrkens.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 231, A bill for an act relating to St. Louis county; authorizing a private sale of certain tax-forfeited land.

PATRICK E. FLAHAVER, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Boo moved that the House concur in the Senate amendments to H. F. No. 231 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 231, 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; providing for the debt limit of the city of McGregor; requiring land within the Fond du Lac Indian reservation to be offered for sale to the Fond du Lac band; authorizing a private sale of certain tax-forfeited land in St. Louis county; authorizing the city of Thomson to levy in excess of its per capita limitation for 1985.

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 116 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Brandl	Cohen	Forsythe	Heap
Anderson, R.	Brinkman	Dempsey	Frederick	Himle
Battaglia	Brown	DenOuden	Frederickson	Jacobs
Becklin	Burger	Dimler	Frerichs	Jaros
Begich	Carlson, D.	Dyke	Greenfield	Jennings, L.
Bennett	Carlson, J.	Elioff	Gruenes	Johnson
Bla'z	Carlson, L.	Ellingson	Gutknecht	Kahn
Boerboom	Clark	Erickson	Hartle	Kalis
Boo	Clausnitzer	Fjoslien	Haukoos	Kelly

Kiffmeyer	Nelson, D.	Poppenhagen	Segal	Valan
Knickerbocker	Neuenschwander	Price	Shaver	Valento
Knuth	Norton	Quist	Sherman	Vanasek
Kvam	O'Connor	Redalen	Simoneau	Vellenga
Levi	Olson, E.	Rest	Skoglund	Voss
Long	Omann	Richter	Solberg	Waltman
McDonald	Onnen	Riveness	Sparby	Welle
McEachern	Osthoff	Rodosovich	Stanisus	Wenzel
McLaughlin	Otis	Rose	Svigum	Wynia
McPherson	Ozment	Sarna	Thorson	Zaffke
Metzen	Pappas	Schafer	Tjornhom	Spk. Jennings, D.
Miller	Pauly	Scheid	Tomlinson	
Minne	Peterson	Schoenfeld	Tompkins	
Munger	Piepho	Schreiber	Tunheim	
Murphy	Piper	Seaberg	Uphus	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 191, 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, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 471.

PATRICK E. FLAHAVER, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Piepho moved that the House concur in the Senate amendments to H. F. No. 191 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 191, 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, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 471.

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 111 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Becklin	Blatz	Brandl	Burger
Anderson, R.	Begich	Boerboom	Brinkman	Carlson, D.
Battaglia	Bishop	Boo	Brown	Carlson, J.

Carlson, L.	Jacobs	Munger	Quist	Tjornhom
Clark	Jaros	Murphy	Redalen	Tomlinson
Clausnitzer	Jennings, L.	Nelson, D.	Rest	Tompkins
Cohen	Johnson	Neuenschwander	Richter	Tunheim
Dempsey	Kahn	Norton	Riveness	Uphus
DenOuden	Kalis	O'Connor	Rodosovich	Valan
Dyke	Kiffmeyer	Olson, E.	Rose	Valento
Elioff	Knickerbocker	Omann	Sarna	Vanasek
Erickson	Knuth	Onnen	Schafer	Vellienga
Fjoslien	Kvam	Osthoff	Scheid	Voss
Forsythe	Levi	Otis	Schoenfeld	Waltman
Frederick	Long	Ozment	Seaberg	Welle
Frederickson	Marsh	Pappas	Shaver	Wenzel
Ferichs	McEachern	Pauly	Sherman	Wynia
Gruenes	McKasy	Peterson	Simoneau	Zaffke
Gutknecht	McLaughlin	Piepho	Skoglund	Spk. Jennings, D.
Hartle	McPherson	Piper	Solberg	
Haukoos	Metzen	Poppenhagen	Stanius	
Heap	Miller	Price	Sviggum	
Himle	Minne	Quinn	Thorson	

Those who voted in the negative were :

Bennett Dimler

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker :

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Seaberg moved that the House concur in the Senate amendments to H. F. No. 374 and that the bill be repassed as amended by the Senate. The motion prevailed.

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.03, 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, 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 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 1525, A bill for an act relating to the organization and operation of state government; authorizing cost containment programs in medical assistance and general assistance medical care programs; establishing a permanency planning program for children at risk of out-of-home placement; appropriating money for human services, corrections, health, and other purposes with certain conditions; amending Minnesota Statutes 1984, sections 62D.12, by adding a subdivision; 62E.06, subdivision 1; 129A.03; 214.06, subdivision 1; 241.01, subdivision 7; 241.71; 252.025, subdivision 1; 254.05; 256.045, subdivision 3,

and by adding a subdivision; 256.737; 256.82, subdivision 2; 256.87, subdivision 1; 256.969, subdivisions 1, 2, and by adding a subdivision; 256B.02, by adding a subdivision; 256B.04, subdivision 14; 256B.062; 256B.19, subdivision 1; 256B.48, by adding a subdivision; 256B.69, subdivision 4; 256D.01, subdivisions 1a and 1b; 256D.03, subdivisions 4 and 6; 256D.37, subdivisions 1 and 2; 256E.08, subdivision 1; 260.311, subdivision 5; 260.38; 268.38, subdivisions 2, 10, and 11; 268.685; 290.089, subdivision 2; 363.03, by adding a subdivision; 390.11, by adding a subdivision; 393.07, subdivision 2; 401.01, subdivision 1; 401.13; 517.08, subdivisions 1b and 1c; 611A.22; and 611A.34, subdivision 1; Laws 1984, chapter 616, section 1; proposing coding for new law in Minnesota Statutes, chapters 62A; 144; 256; and 256B; proposing coding for new law as Minnesota Statutes, chapter 256F; repealing Minnesota Statutes 1984, sections 256.045, subdivision 2; 256.966, subdivision 2; 256.967; 259.405; and 268.686.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Samuelson, Knutson, Solon, Spear and Ms. Berglin.

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

Anderson, R., 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. 1525. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 1219.

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. 1429.

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. 295 and 879.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 31, 567 and 1159.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1219, 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; providing for appeals; amending Minnesota Statutes 1984, sections 112.36, subdivision 2; 112.37, subdivision 1a; 112.401; and 473.882, subdivision 1; 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.

Waltman moved that S. F. No. 1219 and H. F. No. 1279, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1429, 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.

Bishop moved that S. F. No. 1429 and H. F. No. 1359, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 295, A bill for an act relating to counties; authorizing a special levy for county agricultural society and park and recreation purposes for Hubbard county; authorizing a special levy for support of the Clearwater county hospital; authorizing a special levy for tourism and agriculture promotion in Cass county; requiring a reverse referendum under certain circumstances; increasing the amount of loans available to certain counties for design and construction costs of district heating and qualified energy improvements; allowing municipalities to accelerate repayment of principal of energy loans; authorizing county regulation of pawnbrokers, second-hand, and junk dealers; designating Hubbard county as a fiscal agent; amending Minnesota Statutes 1984, section 116J.36, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 471.

The bill was read for the first time.

Zaffke moved that S. F. No. 295 and H. F. No. 757, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 879, 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 116J.58, subdivision 1; 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 subdivisions; 116M.08, subdivisions 11, 13, 16, 19, 20, and by adding subdivisions; 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.

Heap moved that S. F. No. 879 and H. F. No. 1080, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 31, A bill for an act relating to motorboat safety; requiring liability insurance on watercraft; strengthening prohibitions and penalties regarding operation of motorboat while under the influence of alcohol or a controlled substance; providing a penalty; amending Minnesota Statutes 1984, sections 361.02, subdivision 9; 361.03, by adding subdivisions; and 361.12; proposing coding for new law in Minnesota Statutes, chapter 361.

The bill was read for the first time.

Blatz moved that S. F. No. 31 and H. F. No. 456, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 567, A bill for an act relating to real property; changing notice period required for cancellation of contract for deed; designating vendor's attorney as an agent; eliminating the mortgage registration tax on contracts for deed; 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; amending Minnesota Statutes 1984, sections 47.20, subdivision 15; 559.21, subdivisions 3, 4, and 6, and by adding subdivisions; 580.031; 583.02; 583.03; 583.04; 583.05; 583.07; and 583.10; repealing Minnesota Statutes 1984, sections 287.02; and 559.21, subdivisions 1, 1a, and 2; and Laws 1983, chapter 215, section 16, as amended.

The bill was read for the first time.

Halberg moved that S. F. No. 567 and H. F. No. 601, now on Special Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1159, 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.

Heap moved that S. F. No. 1159 and H. F. No. 916, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

The Speaker called Halberg to the Chair.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Schreiber requested immediate consideration of H. F. Nos. 1596, 1623 and 1627.

H. F. No. 1596, A bill for an act relating to taxation; sales tax; providing for elimination of double taxation in sale and leaseback transactions; appropriating money; amending Minnesota Statutes 1984, sections 297A.01, subdivision 4; and 297A.15, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Kvam	Ozment	Skoglund
Anderson, R.	Fjoslien	Levi	Pappas	Solberg
Battaglia	Forsythe	Long	Pauly	Sparby
Beard	Frederickson	Marsh	Peterson	Stanius
Becklin	Frerichs	McDonald	Piepho	Staten
Begich	Greenfield	McEachern	Piper	Sviggum
Bennett	Gruenes	McLaughlin	Poppenhagen	Thorson
Bishop	Gutknecht	McPherson	Price	Tjornhom
Blatz	Halberg	Metzen	Quinn	Tomlinson
Boerboom	Hartinger	Miller	Quist	Tompkins
Brandl	Hartle	Minne	Redalen	Tunheim
Brinkman	Haukoos	Munger	Rest	Uphus
Brown	Heap	Murphy	Rice	Valan
Burger	Jacobs	Nelson, D.	Richter	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
DenOuden	Kiffmeyer	Omann	Seaberg	Wynia
Dimler	Knickerbocker	Onnen	Segal	Zaffke
Dyke	Knuth	Ostloff	Shaver	Spk. Jennings, D.
Elioff	Kostohryz	Otis	Simoneau	

Those who voted in the negative were:

Rivness

The bill was passed and its title agreed to.

Backlund was excused while in conference.

H. F. No. 1623 was reported to the House.

Redalen moved to amend H. F. No. 1623, the first engrossment, as follows:

Page 3, line 22, after "Association" insert "*or the Arabian Horse Registry of America, Inc. or the Appaloosa Horse Club, Inc. or the Half-Arabian Registry and Anglo-Arab Registry or the American Paint Horse Association*"

The motion prevailed and the amendment was adopted.

H. F. No. 1623, A bill for an act relating to taxation; limiting tax on certain sales of horses; amending Minnesota Statutes 1984, section 297A.01, subdivision 3.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 69 yeas and 53 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dimler	Jacobs	Olson, E.	Shaver
Backlund	Dyke	Jaros	Omann	Sparby
Beard	Erickson	Jennings, L.	Onnen	Stanius
Becklin	Fjoslien	Johnson	Ozment	Sviggum
Bennett	Frederick	Kiffmeyer	Pauly	Thiede
Bishop	Frederickson	Knickerbocker	Piepho	Thorson
Blatz	Frerichs	Kvam	Poppenhagen	Tompkins
Boerboom	Gruenes	Levi	Quist	Uphus
Boo	Gutknecht	Marsh	Redalen	Valan
Carlson, D.	Halberg	McDonald	Richter	Valento
Carlson, J.	Hartinger	McPherson	Rose	Waltman
Clausnitzer	Hartle	Metzen	Schafer	Wenzel
Cohen	Haukoos	Miller	Schoenfeld	Zaffke
Dempsey	Heap	Olsen, S.	Seaberg	

Those who voted in the negative were:

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

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

H. F. No. 1627, A bill for an act relating to taxation; property; clarifying the process for appealing certain assessments to the tax or district court; delaying the effective date of the requirement of appearances before county board of equalization for tax appeals; amending Minnesota Statutes 1984, sections 271.01, subdivision 5; and 278.01, subdivision 1; Laws 1984, chapter 502, article 11, section 6.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Battaglia	Begich	Blatz	Brinkman
Anderson, R.	Beard	Bennett	Boerboom	Burger
Backlund	Becklin	Bishop	Brandl	Carlson, D.

Carlson, J.	Haukoos	Metzen	Piper	Stanius
Carlson, L.	Heap	Miller	Poppenhagen	Sviggunn
Clark	Himle	Minne	Price	Thiede
Clausnitzer	Jacobs	Munger	Quist	Thorson
Cohen	Jaros	Murphy	Redalen	Tjornhom
Dempsey	Jennings, L.	Nelson, D.	Rest	Tomlinson
DenOuden	Johnson	Nelson, K.	Rice	Tompkins
Dimler	Kahn	Neuenschwander	Richter	Tunheim
Dyke	Kalis	Norton	Riveness	Uphus
Elioff	Kelly	O'Connor	Rodosovich	Valan
Ellingson	Kiffmeyer	Ogren	Rose	Valento
Erickson	Knickerbocker	Olsen, S.	Sarna	Vanasek
Fjoslien	Knuth	Olson, E.	Schafer	Vellenga
Frederick	Kostohryz	Omann	Scheid	Voss
Frederickson	Kvam	Onnen	Schoenfeld	Waltman
Frerichs	Levi	Osthoff	Seaberg	Welle
Greenfield	Long	Otis	Segal	Wenzel
Gruenes	Marsh	Ozment	Shaver	Wyrnia
Gutknecht	McDonald	Pappas	Simoneau	
Halberg	McEachern	Pauly	Skoglund	
Hartinger	McLaughlin	Peterson	Solberg	
Hartle	McPherson	Piepho	Sparby	

The bill was passed and its title agreed to.

SPECIAL ORDERS

S. F. No. 563 was reported to the House.

Heap moved to amend S. F. No. 563, as follows:

Page 4, after line 10, insert:

“Sec. 9. [ADOPTED EMERGENCY RULES.]

The emergency rules promulgated pursuant to Laws 1984, chapter 654, article 4, section 3, and adopted by the higher education coordinating board on March 21, 1985, are effective April 29, 1985, without further administrative action. Students may borrow retroactively under these rules to cover educational expenses incurred during the 1984-1985 academic year. These emergency rules shall expire on the date that emergency rules adopted by the board under the administrative procedure act are effective or on June 30, 1985, whichever occurs first.”

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 6, before “amending” insert “validating certain adopted emergency rules;”

The motion prevailed and the amendment was adopted.

S. F. No. 563, A bill for an act relating to education; 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; 125.031; 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.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 5 was reported to the House.

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	Boerboom	Burger	Clausnitzer
Backlund	Begich	Boo	Carlson, J.	Cohen
Battaglia	Bennett	Brandl	Carlson, L.	Dempsey
Beard	Blatz	Brinkman	Clark	DenOuden

Dyke	Jaros	Metzen	Price	Thorson
Elioff	Johnson	Miller	Quinn	Tjornhom
Ellingson	Kahn	Murphy	Redalen	Tompkins
Erickson	Kalis	Nelson, D.	Rest	Tunheim
Fjoslien	Kelij	Neuenschwander	Richter	Uphus
Forsythe	Kiffmeyer	O'Connor	Riveness	Valento
Frederick	Knickerbocker	Ogren	Rodosovich	Vanasek
Frederickson	Knuth	Olsen, S.	Rose	Vellenga
Frerichs	Kostohryz	Olson, E.	Sarna	Voss
Greenfield	Krueger	Omann	Schafer	Waltman
Gruenes	Kvam	Onnen	Scheid	Welle
Gutknecht	Levi	Osihoff	Segal	Wenzel
Halberg	Long	Otis	Shaver	Wynia
Hartinger	Marsh	Ozment	Simoneau	Zaffke
Hartle	McDonald	Pappas	Skoglund	Spk. Jennings, D.
Haukoos	McEachern	Peterson	Stanius	
Heap	McKasy	Piepho	Staten	
Himle	McLaughlin	Piper	Sviggum	
Jacobs	McPherson	Poppenhagen	Thiede	

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.

Schafer moved to amend S. F. No. 5, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 124.246, subdivision 2, is amended to read:

Subd. 2. [AID.] An eligible district shall receive \$1.04 in fiscal year 1984 and \$1.08 in fiscal (YEAR) *years 1985, 1986 and 1987* for each pupil, in average daily membership, enrolled in a public elementary, secondary or area vocational-technical or nonpublic elementary or secondary school. Aid for nonpublic school pupils shall be paid to the district upon request by or on behalf of the pupils. No district shall receive less than \$1,040 in fiscal year 1984 and \$1,080 in fiscal (YEAR) *years 1985, 1986 and 1987*.

Sec. 2. 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 commis-

sioner. 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. 3. 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. 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.

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 application. 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 340.73, subdivision 3, is amended to read:

Subd. 3. Whoever in any way procures intoxicating liquor or nonintoxicating malt liquor for the use of any person named in this section shall be deemed to have sold it to that person. Any person violating any of the provisions of this section is guilty of a gross misdemeanor, *except that a first violation of this section is a misdemeanor in any instance where the person for whom the liquor was procured was of the age of 19 or 20 years.*

Sec. 13. 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 license 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. 14. Minnesota Statutes 1984, section 340.732, is amended to read:

340.732 [VIOLATIONS, PENALTIES.]

Any person who violates any provision of section 340.731 is guilty of a misdemeanor, *except that a first violation by a person of the age of 19 or 20 years is a petty misdemeanor.*

In addition, any person under the age of 19 years who is convicted of purchasing or attempting to purchase an alcoholic beverage in violation of section 340.731 shall have his or her driver's license or permit to drive revoked by the commissioner of public safety for a period of 30 days if the person used a driver's license or permit to purchase or attempt to purchase the alcoholic beverage.

Sec. 15. 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. 16. [REPEALER.]

Minnesota Statutes 1984, section 340.79, is repealed.

Sec. 17. [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; extending authorization for chemical use programs in schools; providing penalties; amending Minnesota Statutes 1984, sections 124.246, subdivision 2; 171.06, subdivision 3; 171.13, by adding a subdivision; 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, subdivisions 1 and 3; 340.731; 340.732; and 340.80; repealing Minnesota Statutes 1984, section 340.79.”

A roll call was requested and properly seconded.

The Speaker resumed the Chair.

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

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

There were 78 yeas and 50 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dimler	Himle	Olson, E.	Shaver
Backlund	Dyke	Johnson	Onnen	Sviggum
Battaglia	Ellingson	Kalis	Otis	Thiede
Becklin	Erickson	Kelly	Ozment	Thorson
Bennett	Fjoslien	Kiffmeyer	Pappas	Tjornhom
Blatz	Forsythe	Knickerbocker	Pauly	Tomlinson
Boerboom	Frederick	Krueger	Piepho	Tompkins
Boo	Frederickson	Kvam	Poppenhagen	Uphus
Burger	Frerichs	Levi	Quist	Valan
Carlson, D.	Gruenes	Marsh	Redalen	Valento
Carlson, J.	Gutknecht	McDonald	Rest	Vellenga
Carlson, L.	Halberg	McKasy	Richter	Waltman
Clausnitzer	Hartinger	McPherson	Schafer	Zaffke
Cohen	Hartle	Miller	Schoenfeld	Spk. Jennings, D.
Dempsey	Haukoos	Nelson, D.	Schreiber	
DenOuden	Heap	Olsen, S.	Scaberg	

Those who voted in the negative were:

Anderson, G.	Jennings, L.	Nelson, K.	Quinn	Solberg
Beard	Kahn	Neuenschwander	Rice	Sparby
Bishop	Knuth	Norton	Riveness	Stanius
Brandl	Kostohryz	O'Connor	Rodosovich	Staten
Brinkman	Long	Ogren	Rose	Tunheim
Brown	McEachern	Omann	Sarna	Vanasek
Clark	McLaughlin	Osthoff	Scheid	Voss
Greenfield	Metzen	Peterson	Segal	Welle
Jacobs	Munger	Piper	Sherman	Wenzel
Jaros	Murphy	Price	Simoneau	Wynia

The motion prevailed and the amendment was adopted.

Schafer moved to amend S. F. No. 5, as amended, as follows:

Page 1, delete section 1

Page 7, line 30, delete “4” and insert “3” and delete “10” and insert “9”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, delete "124.246, subdivision 2;"

A roll call was requested and properly seconded.

POINT OF ORDER

Staten raised a point of order pursuant to rule 3.4 that the Schafer amendment was not in order. The Speaker ruled the Staten point of order not well taken and the Schafer amendment in order.

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

Those who voted in the negative were:

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

The motion prevailed and the amendment was adopted.

Bishop moved to amend S. F. No. 5, as amended, as follows:

Page 7, delete lines 30 and 31 and insert *"This act is effective October 1, 1986 and expires October 1, 1988. Section 340.79, is revived on October 1, 1988 notwithstanding section 645.36."*

A roll call was requested and properly seconded.

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

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

There were 55 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Gruenes	Neuenschwander	Piper	Skoglund
Beard	Jacobs	Norton	Quinn	Solberg
Begich	Jaros	O'Connor	Rice	Sparby
Bishop	Jennings, L.	Ogren	Riveness	Staten
Boerboom	Kahn	Olsen, S.	Rodosovich	Tunheim
Brandl	Knuth	Olson, E.	Rose	Vanasek
Brinkman	Long	Omman	Scheid	Vellenga
Clark	McLaughlin	Osthoff	Schoenfeld	Voss
Dempsey	Miller	Pappas	Segal	Weile
Frerichs	Minne	Peterson	Sherman	Wenzel
Greenfield	Munger	Piepho	Simoneau	Wynia

Those who voted in the negative were:

Backlund	Dimler	Himle	Nelson, D.	Shaver
Battaglia	Dyke	Johnson	Onnen	Stanius
Becklin	Eloff	Kalis	Oiis	Sviggum
Bennett	Ellingson	Kelly	Ozment	Thiede
Blatz	Erickson	Kiffmeyer	Pauly	Thorson
Boo	Fjoslien	Knickerbocker	Poppenhagen	Tjornhom
Brown	Forsythe	Krueger	Price	Tomlinson
Burger	Frederick	Levi	Quist	Tompkins
Carlson, D.	Frederickson	Marsh	Redalen	Uphus
Carlson, J.	Gutknecht	McDonald	Rest	Valan
Carlson, L.	Hartering	McKasy	Richter	Valento
Clausnitzer	Hartle	McPherson	Schafer	Waltman
Cohen	Haukoos	Metzen	Schreiber	Zaffke
DenOuden	Heap	Murphy	Seaberg	Spk. Jennings, D.

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

Clark was excused between the hours of 4:40 p.m. and 5:30 p.m.

Valento moved to amend S. F. No. 5, as amended, as follows:

Page 7, delete lines 30 and 31 and insert: *"Sections 1, 2, and 8 are effective July 1, 1985. The remaining sections of this act*

are effective September 30, 1986; except that if any state bordering Minnesota has not raised its minimum drinking age for intoxicating liquor to 21 by September 30, 1986, these sections shall not become effective."

A roll call was requested and properly seconded.

Nelson, D., moved to amend the Valento amendment to S. F. No. 5, as amended, as follows:

Page 1, line 5, delete "any" and insert "Wisconsin"

Page 1, line 6, delete "state bordering Minnesota has" and insert "does"

Page 1, line 6, delete "raised" and insert "raise"

Page 1, line 7, delete "by September 30, 1986," and insert "effective on or before July 1, 1987"

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

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

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

There were 76 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Himle	Minne	Quinn	Staten
Begich	Jacobs	Munger	Rice	Sviggum
Bennett	Jaros	Murphy	Riveness	Thorson
Bishop	Jennings, L.	Neuenschwander	Rodosovich	Tunheim
Boerboom	Johnson	Norton	Rose	Uphus
Brandl	Kahn	O'Connor	Sarna	Valento
Brinkman	Knickerbocker	Ogren	Scheid	Vanasek
Brown	Knuth	Olsen, S.	Schoenfeld	Vellenga
Carlson, D.	Kostohryz	Olson, E.	Schreiber	Voss
Dempsey	Levi	Omman	Shaver	Welle
Frerichs	Long	Osthoff	Sherman	Wenzel
Greenfield	McEachern	Ozment	Simoneau	Wynia
Gruenes	McLaughlin	Pappas	Skoglund	
Halberg	McPherson	Peterson	Solberg	
Hartle	Metzen	Piepho	Sparby	
Heap	Miller	Piper	Stanius	

Those who voted in the negative were:

Anderson, R.	Beard	Boo	Carlson, L.	DenOuden
Backlund	Becklin	Burger	Clausnitzer	Dimler
Battaglia	Blatz	Carlson, J.	Cohen	Dyke

Elioff	Hartinger	McDonald	Price	Tjornhom
Ellingson	Haukoos	McKasy	Quist	Tomlinson
Erickson	Kalis	Nelson, D.	Redalen	Tompkins
Fjoslien	Kelly	Nelson, K.	Rest	Valan
Forsythe	Kiffmeyer	Onnen	Richter	Waltman
Frederick	Krueger	Otis	Schafer	Zaffke
Frederickson	Kvam	Pauly	Seaberg	Spk. Jennings, D.
Gutknecht	Marsh	Poppenhagen	Thiede	

The motion prevailed and the amendment was adopted.

Anderson, G., moved to amend S. F. No. 5, as amended, as follows:

Page 3, delete Sections 4, 5 and 6

Page 4, delete Sections 7 and 8

Page 5, delete Sections 10, 11 and 12

Page 6, delete Section 13

Page 7, delete Sections 14, 15 and 17

Amend the title:

Page 1, delete lines 11, 12 and 13

Page 1, line 14, delete "340.403, subdivision"

Page 1, delete line 15

Page 1, line 16, delete "340.80;"

A roll call was requested and properly seconded.

The Speaker called Halberg to the Chair.

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 35 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Brandl	Greenfield	Jaros	McLaughlin
Begich	Brinkman	Gruenes	Jennings, L.	Miller
Bishop	Clark	Jacobs	Kahn	Minne

Munger	Ogren	Peterson	Rodosovich	Simoneau
Neuenschwander	Omann	Piepho	Sarna	Soilberg
Norton	Osthoff	Quinn	Scheid	Uphus
O'Connor	Pappas	Rice	Sherman	Vanasek

Those who voted in the negative were:

Anderson, R.	Elioff	Kiffmeyer	Onnen	Staten
Backlund	Ellingson	Knickerbocker	Otis	Sviggum
Battaglia	Erickson	Knuth	Ozment	Thiede
Beard	Fjoslien	Kostohryz	Pauly	Thorson
Becklin	Forsythe	Krueger	Piper	Tjornhom
Bennett	Frederick	Kvam	Poppenhagen	Tomlinson
Blatz	Frederickson	Levi	Price	Tompkins
Boerboom	Frerichs	Long	Quist	Tunheim
Boo	Gutknecht	Marsh	Redalen	Valan
Brown	Halberg	McDonald	Rest	Valento
Burger	Hartinger	McEachern	Richter	Vellenga
Carlson, J.	Hartle	McPherson	Schafer	Voss
Carlson, L.	Haukoos	Metzen	Schreiber	Waltman
Clausnitzer	Heap	Murphy	Seaberg	Zaffke
Cohen	Himle	Nelson, D.	Shaver	
DenOuden	Johnson	Nelson, K.	Skoglund	
Dimler	Kalis	Olsen, S.	Sparby	
Dyke	Kelly	Olson, E.	Stanius	

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

Vanasek, O'Connor and Quinn moved to amend S. F. No. 5, as amended, as follows:

Page 7, after line 26, insert "Sec. 16. [340.99] [MINORS CONVICTIONS NOT PUBLIC.]

The conviction records of a person under 21 years of age for an alcohol related offense shall be private data. The record of the conviction shall be sealed by the court and the conviction may, at the discretion of the court, be expunged from the person's record upon the person reaching the age of 21 years. The trial of the person under the age of 21 for an alcohol related offense shall be closed to the public unless the defendant elects to have it public. This section does not apply to offenses involving the use or operation of a motor vehicle."

Renumber the sections in order

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Gruenes moved to amend S. F. No. 5, as amended, as follows:

Page 5, after line 1, insert:

"This subdivision does not affect on-campus, licensed retailers of alcoholic beverages."

The motion prevailed and the amendment was adopted.

Neuenschwander moved to amend S. F. No. 5, as amended by the Valento amendment, as follows:

In the Valento amendment, page 1, line 6, after "state" insert "or Canadian Province"

A roll call was requested and properly seconded.

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

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

There were 37 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jennings, L.	Norton	Piepho	Solberg
Begich	Kahn	O'Connor	Piper	Tunheim
Boerboom	Kalis	Ogren	Quinn	Uphus
Brandl	McKasy	Olson, E.	Rice	Vanasek
Brinkman	McLaughlin	Omann	Scheid	Wenzel
Greenfield	Metzen	Oshoff	Schoenfeld	
Gruenes	Minne	Pappas	Sherman	
Jaros	Neuenschwander	Peterson	Simoneau	

Those who voted in the negative were:

Anderson, R.	Dyke	Kiffmeyer	Ozment	Stanius
Backlund	Elioff	Knuth	Pauly	Staten
Battaglia	Ellingson	Kostohryz	Poppenhagen	Sviggum
Beard	Erickson	Krueger	Price	Thiede
Becklin	Fjoslien	Kvam	Quist	Thorson
Bennett	Forsythe	Levi	Redalen	Tjornhom
Bishop	Frederick	Long	Rest	Tomlinson
Blatz	Frederickson	Marsh	Richter	Tompkins
Boo	Frerichs	McDonald	Riveness	Valento
Brown	Gutknecht	McEachern	Rodosovich	Vellenga
Carlson, D.	Halberg	McPherson	Rose	Voss
Carlson, J.	Hartinger	Miller	Sarna	Waltman
Carlson, L.	Hartle	Murphy	Schafer	Welle
Clausnitzer	Haukoos	Nelson, D.	Schreiber	Zaffke
Cohen	Heap	Nelson, K.	Seaberg	Spk. Jennings, D.
Dempsey	Himle	Olsen, S.	Segal	
DenOuden	Jacobs	Onnen	Shaver	
Dimler	Kelly	Otis	Skoglund	

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

Schreiber moved to amend S. F. No. 5, as amended, as follows:

Delete the Valento amendment and insert:

Page 7, delete lines 30 and 31 and insert: "*Sections 1, 2, and 8 are effective July 1, 1985. The remaining sections of this act are effective September 1, 1985; except that if any state bordering Minnesota has not raised its minimum drinking age for intoxicating liquor to 21 by September 1, 1985, these sections shall not become effective. For purposes of this act, a person who has reached the age of 19 years by September 1, 1985, is deemed to have reached the age of 21.*"

A roll call was requested and properly seconded.

The question was taken on the Schreiber 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.	Ellingson	Long	Pauly	Solberg
Backlund	Frerichs	McKasy	Peterson	Sparby
Begich	Greenfield	McLaughlin	Piepho	Staten
Bennett	Gruenes	Metzen	Rice	Thorson
Bishop	Hulberg	Miller	Riveness	Tunheim
Blatz	Himie	Minne	Rodosovich	Uphus
Boerboom	Jaros	Munger	Scheid	Vanasek
Boo	Johnson	Neuenschwander	Schoenfeld	Vellenga
Brandl	Kahn	Norton	Schreiber	Voss
Brinkman	Kalis	Olsen, S.	Seaberg	Wenzel
Clark	Knuth	Olson, E.	Shaver	Wynia
Clausnitzer	Kostohryz	Osthoff	Sherman	
Dempsey	Levi	Otis	Simoncau	

Those who voted in the negative were:

Anderson, R.	Fjoslien	Krueger	Poppenhagen	Thiede
Battaglia	Forsythe	Marsh	Price	Tjornhom
Beard	Frederick	McDonald	Quinn	Tomlinson
Becklin	Frederickson	McEachern	Quist	Tompkins
Burger	Gutknecht	McPherson	Redalen	Valan
Carlson, D.	Hartinger	Murphy	Rest	Valento
Carlson, J.	Hartle	Nelson, D.	Richter	Waltman
Carlson, L.	Haukoos	Nelson, K.	Rose	Welle
Cohen	Heap	O'Connor	Sarna	Zaffke
DenOuden	Jacobs	Omann	Schafer	Spk. Jennings, D.
Dimler	Jennings, L.	Onnen	Segal	
Dyke	Kelly	Ozment	Skoglund	
Elioff	Kiffmeyer	Pappas	Stanius	
Erickson	Knickerbocker	Piper	Swiggum	

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

S. F. No. 5, A bill for an act relating to alcoholic beverages; increasing the age for licensing, sale, purchase, consumption, possession, and furnishing of alcoholic beverages; establishing programs for education on avoidable health risks related to alcohol and other drugs; increasing the fee for the reinstatement of drivers licenses revoked for alcohol-related violations; appropriating money; amending Minnesota Statutes 1984, sections 171.29, subdivision 2; 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 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 89 yeas and 43 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Elioff	Knickerbocker	Otis	Skoglund
Backlund	Ellingson	Knuth	Ozment	Sparby
Battaglia	Erickson	Kostohryz	Pauly	Stanius
Beard	Fjoslien	Krueger	Peterson	Svigum
Becklin	Forsythe	Kvam	Piper	Thiede
Bennett	Frederick	Levi	Poppenhagen	Thorson
Blatz	Frederickson	Long	Price	Tjornhom
Boo	Gutknecht	McDonald	Quist	Tompkins
Brown	Halberg	McEachern	Redalen	Tunheim
Burger	Hartinger	McKasy	Rest	Valan
Carlson, D.	Hartle	McPherson	Rice	Valento
Carlson, J.	Haukoos	Metzen	Richter	Vellenga
Carlson, L.	Heap	Murphy	Riveness	Voss
Clausnitzer	Himle	Nelson, D.	Schafer	Waltman
Cohen	Johnson	Nelson, K.	Schreiber	Welle
DenOuden	Kalis	Olsen, S.	Seaberg	Zaffke
Dimler	Kelly	Olson, E.	Segal	Spk. Jennings, D.
Dyke	Kiffmeyer	Onnen	Shaver	

Those who voted in the negative were:

Anderson, G.	Greenfield	Minne	Piepho	Solberg
Begich	Gruenes	Munger	Quinn	Staten
Bishop	Jacobs	Neuenschwander	Rodosovich	Tomlinson
Boerboom	Jaros	Norton	Rose	Uphus
Brandl	Jennings, L.	O'Connor	Sarna	Vanasek
Brinkman	Kahn	Ogren	Scheid	Wenzel
Clark	Marsh	Omamn	Schoenfeld	Wynia
Dempsey	McLaughlin	Osthoff	Sherman	
Frerichs	Miller	Pappas	Simoneau	

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

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Bennett moved that the House refuse to concur in the Senate amendments to H. F. No. 242, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Olsen, S., moved that the House refuse to concur in the Senate amendments to H. F. No. 876, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 1523, A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes to the department of education, higher education coordinating board, state board of vocational technical education, state board for community colleges, state university board, board of regents of the University of Minnesota, the Mayo medical foundation, and the College of Saint Thomas, with certain conditions; providing for state board of education membership and staff assistance, a different source for an annual appropriation, student financial aid, course equivalency, common numbering, general education requirements, fees and licenses, vocational programs and budgets, vocational board policymaking, and emergency rulemaking; amending Minnesota Statutes 1984, sections 121.02, subdivision 1; 123.743; 125.08; 136A.09; 136A.095; 136A.101; 136A.121, subdivisions 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 16, and by adding a subdivision; 136A.132, subdivisions 3, 4, 5, and 6; 136A.162; 136C.04, subdivision 15; 136C.08, subdivision 2; 136C.13, subdivision 3, and by adding a subdivision; 136C.26, subdivisions 4 and 5; 136C.28, subdivision 2; 136C.33, subdivision 1; 136C.34; 136C.36; 141.25, subdivision 8; and 141.26, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 124; 135A; and 136; repealing Minnesota Statutes 1984, sections 136A.121, subdivisions 8 and 14; 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.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Waldorf, Dicklich, Hughes, Nelson and Taylor.

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

Forsythe 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. 1523. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1525:

Anderson, R. ; Carlson, J. ; Stanius ; Becklin and Jennings, L.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 242 :

Bennett, Sparby and Marsh.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1523 :

Haukoos, Boo, Frerichs, Rose and Carlson, L.

SPECIAL ORDERS

S. F. No. 693 was reported to the House.

Bishop moved to amend S. F. No. 693, as follows :

Page 2, line 18, after "storage," insert "*forfeiture*"

Page 7, line 24, after "storage," insert "*forfeiture and*"

Page 8, line 1, after "*storage*" insert "*, forfeiture*"

The motion prevailed and the amendment was adopted.

Bishop moved to amend S. F. No. 693, as amended, as follows :

Page 2, line 33, after the period, insert :

"Any local police relief association organized under chapter 423, which received or was entitled to receive the proceeds of any sale made under this section before the enactment of Laws 1984, chapter 625, shall continue to receive and retain the proceeds of these sales."

Page 7, line 33, before the semicolon, insert "*. Any local police relief association organized under chapter 423, which received or was entitled to receive the proceeds of any sale made under this section before the enactment of Laws 1984, chapter 625, shall continue to receive and retain the proceeds of these sales*"

The motion prevailed and the amendment was adopted.

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

Jacobs, Valento, Blatz, Quinn, Begich, Ozment, Vellenga and Stanius moved to amend S. F. No. 693, as amended, as follows :

Page 8, after line 7, insert:

“Sec. 3. Minnesota Statutes 1984, section 624.731, is amended to read:

**624.731 [TEAR GAS AND TEAR GAS COMPOUNDS;
ELECTRONIC INCAPACITATION DEVICES.]**

Subdivision 1. [DEFINITIONS.] For the purposes of this section (,) :

(a) “authorized tear gas compound” means a lachrymator or any substance composed of a mixture of a lachrymator including chloroacetophenone, alpha-chloroacetophenone (,) ; phenylchloromethylketone, orthochlorobenzalmalononitrile or oleoresin capsicum, commonly known as tear gas; *and*

(b) “*electronic incapacitation device*” means a portable device which is designed or intended by the manufacturer to be used, offensively or defensively, to temporarily immobilize or incapacitate persons by means of electric pulse or current. “*Electronic incapacitation device*” does not include cattle prods, electric fences, or other electric devices which are used in agricultural, animal husbandry, or food production activities.

Subd. 2. [AUTHORIZED POSSESSION; USE.] (a) A person may possess and use an authorized tear gas compound in the exercise of reasonable force in defense of the person or his property only if it is propelled from an aerosol container, labelled with or accompanied by clearly written instructions as to its use and the dangers involved in its use, and dated to indicate its anticipated useful life.

(b) *A person may possess and use an electronic incapacitation device in the exercise of reasonable force in defense of the person or his property only if the electronic incapacitation device is labelled with or accompanied by clearly written instructions as to its use and the dangers involved in its use.*

Subd. 3. [PROHIBITED POSSESSION; USE.] (a) No person under the age of 16 (SHALL) *may* possess or use an authorized tear gas compound except by written permission of his parent or guardian, *and no person under the age of 18 may possess or use an electronic incapacitation device.*

(b) No person prohibited from possessing a pistol pursuant to section 624.713, subdivision 1, clause (b), (SHALL) *may* possess or use an authorized tear gas compound *or an electronic incapacitation device.*

(c) No person prohibited from possessing a pistol pursuant to section 624.713, subdivision 1, clauses (c) to (e), (SHALL)

may possess or use an authorized tear gas compound or an *electronic incapacitation device*, except that the certificate or other proof required for possession of a handgun shall not apply.

(d) No person shall possess or use tear gas or a tear gas compound other than an authorized tear gas compound.

Subd. 4. [PROHIBITED USE.] (a) No person shall knowingly, or with reason to know, use tear gas, a tear gas compound, (OR) an authorized tear gas compound, or an *electronic incapacitation device* on or against a peace officer who is in the performance of his duties.

(b) No person shall use tear gas, a tear gas compound, (OR) an authorized tear gas compound, or an *electronic incapacitation device* except as authorized in subdivision 2 or 6.

(c) Tear gas (OR), a tear gas compound, or an *electronic incapacitation device* shall legally constitute a weapon when it is used in the commission of a crime.

Subd. 5. [PROHIBITED SALE.] Except as permitted by subdivision 6, no person shall knowingly furnish or sell tear gas or a tear gas compound to another person. No person shall knowingly furnish or sell an authorized tear gas compound or an *electronic incapacitation device* to a person prohibited from possessing it by subdivision 3. No person shall knowingly furnish or sell an authorized tear gas compound or an *electronic incapacitation device* which fails to meet the requirements of subdivision 2. No tear gas, tear gas compound (OR), authorized tear gas compound, or *electronic incapacitation device* shall be sold or furnished on premises where non-intoxicating malt liquor as defined in section 340.001, subdivision 2, is sold on an on-sale basis or where intoxicating liquor as defined in section 340.07, subdivision 2, is sold on an on-sale or off-sale basis. No person shall sell tear gas, a tear gas compound (OR), authorized tear gas compound, or *electronic incapacitation device* in violation of local licensing requirements.

Subd. 6. [EXCEPTIONS.] Nothing in this section shall prohibit the possession or use of by, or the sale or furnishing of, tear gas, a tear gas compound, (OR) an authorized tear gas compound, or *electronic incapacitation device* to, a law enforcement agency, peace officer, the national guard or reserves, or a member of the national guard or reserves for use in their official duties, except that counties and municipalities may impose licensing requirements on sellers pursuant to subdivision 9.

Subd. 7. [EXEMPTION.] Tear gas, tear gas compounds, and authorized tear gas compounds shall not be classified as an obnoxious or harmful gas, fluid, or substance under section 609.60, clause (5).

Subd. 8. [PENALTIES.] (a) The following violations of this section shall be considered a felony:

(1) The possession or use of tear gas, a tear gas compound, (OR) an authorized tear gas compound, *or an electronic incapacitation device* by a person specified in subdivision 3, clause (b).

(2) Knowingly selling or furnishing of tear gas, a tear gas compound, (OR) an authorized tear gas compound, *or an electronic incapacitation device* to a person specified in subdivision 3, clause (b).

(3) *The use of an electronic incapacitation device as prohibited in subdivision 4, clause (a).*

(b) The following violation of this section shall be considered a gross misdemeanor and shall be punished by not less than 90 days in jail: The prohibited use of tear gas, a tear gas compound, or an authorized tear gas compound as specified in subdivision 4, clause (a).

(c) The following violations of this section shall be considered a misdemeanor:

(1) The possession or use of tear gas, a tear gas compound, (OR) an authorized tear gas compound, *or an electronic incapacitation device* which fails to meet the requirements of subdivision 2 by any person except as allowed by subdivision 6.

(2) The possession or use of an authorized tear gas compound *or an electronic incapacitation device* by a person specified in subdivision 3, clause (a) or (c).

(3) The use of tear gas, a tear gas compound, (OR) an authorized tear gas compound, *or an electronic incapacitation device* except as allowed by subdivision 2 or 6.

(4) Knowingly selling or furnishing an authorized tear gas compound *or an electronic incapacitation device* to a person specified in subdivision 3, clause (a) or (c).

(5) Selling or furnishing of tear gas or a tear gas compound other than an authorized tear gas compound to any person except as allowed by subdivision 6.

(6) Selling or furnishing of an authorized tear gas compound *or an electronic incapacitation device* on premises where intoxicating liquor is sold on an on-sale or off-sale basis or where non-intoxicating malt liquor is sold on an on-sale basis.

(7) Selling an authorized tear gas compound *or an electronic incapacitation device* in violation of local licensing requirements.

Subd. 9. [LOCAL LICENSING.] (a) For purposes of this section, "municipality" means statutory or home rule charter city or town.

(b) There is hereby conferred upon the governing body of each county, statutory or home rule charter city and town in the state the authority to license the business of vendors of *tear gas*, *tear gas compounds*, *authorized tear gas compounds*, or *electronic incapacitation devices* within their respective jurisdictions, to impose a license fee therefor, to impose qualifications for obtaining a license, the duration of licenses and to restrict the number of licenses the governing body will issue.

(c) Every person desiring a license from a local governing body shall file with the clerk of the municipality or the county board in the case of application to a county, a verified written application in the form to be prescribed by the local governing body.

(d) The local governing body may establish the grounds, notice and hearing procedures for revocation of licenses issued pursuant to this section. The local governing body may also establish penalties for sale of *tear gas*, *tear gas compounds* (OR), *authorized tear gas compounds*, or *electronic incapacitation devices* in violation of its licensing requirements.

Subd. 10. [LOCAL REGULATION.] This section shall be the exclusive regulation of the possession, use, and furnishing of *tear gas*, *tear gas compounds*, (AND) *authorized tear gas compounds*, and *electronic incapacitation devices* in Minnesota. This section shall supersede and preempt all regulation of the possession, use, and furnishing of *tear gas* (AND), *tear gas compounds*, *authorized tear gas compounds*, and *electronic incapacitation devices* by political subdivisions."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "regulating the use, possession and sale of electronic incapacitation devices; imposing penalties;"

Page 1, line 5, delete "and"

Page 1, line 6, before the period, insert "; and 624.731"

POINT OF ORDER

Wynia raised a point of order pursuant to rule 4.9 relating to who may be admitted to the floor. The Speaker ruled the point of order not well taken.

Vellenga moved to amend the Jacobs et al. amendment to S. F. No. 693, as amended, as follows:

Page 5, line 28, reinstate the stricken language and delete the new language

Page 5, line 29, delete the new language

Page 5, line 31, reinstate the stricken language and delete the new language

Page 5, line 32, delete the new language

Page 5, line 33, delete the new language

A roll call was requested and properly seconded.

Quist moved to lay the Jacobs et al. amendment to S. F. No. 693 and the Vellenga amendment to the Jacobs et al. amendment on the table.

A roll call was requested and properly seconded.

POINT OF ORDER

Skoglund raised a point of order pursuant to section 399 of "Mason's Manual of Legislative Procedure" that the Quist motion to lay the Jacobs et al. amendment to S. F. No. 693 and the Vellenga amendment to the Jacobs et al. amendment on the table was not in order. The Speaker ruled the Skoglund point of order not well taken and the Quist motion to lay on the table in order.

The question recurred on the Quist motion to lay the Jacobs et al. amendment to S. F. No. 693 and the Vellenga amendment to the Jacobs et al. amendment on the table and the roll was called.

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

There were 21 yeas and 90 nays as follows :

Those who voted in the affirmative were :

Boerboom	Long	Piper	Scheid	Vanasek
Burger	McLaughlin	Quist	Simoneau	Wynia
Greenfield	Osthoff	Rice	Staten	Zaffke
Gutknecht	Otis	Richter	Tomlinson	Spk. Jennings, D.
Kahn				

Those who voted in the negative were:

Anderson, G.	Dyke	Kalis	Ogren	Seaberg
Anderson, R.	Elioff	Kiffmeyer	Olson, E.	Shaver
Battaglia	Ellingson	Krueger	Omann	Sherman
Beard	Fjoslien	Kvam	Onnen	Skoglund
Begich	Forsythe	Levi	Ozment	Sparby
Bennett	Frederick	Marsh	Pappas	Stanius
Bishop	Frederickson	McDonald	Pauly	Sviggum
Blatz	Frerichs	McEachern	Peterson	Thorson
Boo	Gruenes	McPherson	Piepho	Tjornhom
Brandl	Halberg	Metzen	Poppenhagen	Tompkins
Brown	Hartinger	Miller	Redalen	Tunheim
Carlson, D.	Hartle	Munger	Rest	Uphus
Carlson, J.	Haukoos	Murphy	Riveness	Valan
Carlson, L.	Heap	Nelson, D.	Rodosovich	Valento
Clausnitzer	Himle	Nelson, K.	Rose	Vellenga
Cohen	Jacobs	Neuenschwander	Sarna	Waltman
Dempsey	Jennings, L.	Norton	Schafer	Welle
Dimler	Johnson	O'Connor	Schoenfeld	Wenzel

The motion did not prevail.

The Speaker called Halberg to the Chair.

The question recurred on the Vellenga amendment to the Jacobs et al. amendment to S. F. No. 693, as amended, and the roll was called.

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

There were 48 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Nelson, D.	Rest	Solberg
Anderson, R.	Jaros	Nelson, K.	Rice	Staten
Beard	Jennings, L.	Norton	Riveness	Tomlinson
Brandl	Kahn	Osthoff	Rodosovich	Vanasek
Carlson, L.	Kelly	Otis	Scheid	Vellenga
Clark	Knuth	Pappas	Schoenfeld	Voss
Cohen	Long	Peterson	Seaberg	Welle
DenOuden	McLaughlin	Piper	Segal	Wynia
Ellingson	Munger	Price	Simoneau	
Forsythe	Murphy	Quist	Skoglund	

Those who voted in the negative were:

Battaglia	Carlson, J.	Gruenes	Kiffmeyer	Miller
Becklin	Clausnitzer	Halberg	Knickerbocker	Neuenschwander
Begich	Dempsey	Hartinger	Krueger	Ogren
Bennett	Dimler	Hartle	Kvam	Olson, E.
Blatz	Dyke	Haukoos	Levi	Omann
Boerboom	Elioff	Heap	Marsh	Onnen
Boo	Fjoslien	Himle	McDonald	Ozment
Brinkman	Frederick	Jacobs	McEachern	Pauly
Burger	Frederickson	Johnson	McPherson	Piepho
Carlson, D.	Frerichs	Kalis	Metzen	Poppenhagen

Redalen	Shaver	Sviggum	Tunheim	Waltman
Richter	Sherman	Thorson	Uplus	Wenzel
Rose	Sparby	Tjornhom	Valan	Spk. Jennings, D.
Schafer	Stanius	Tompkins	Valento	

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

Kelly and Skoglund moved to amend the Jacobs et al. amendment to S. F. No. 693, as amended, as follows:

Page 1, delete lines 4 to 14 and insert:

"Sec. 3. [624.75] [PROHIBITING USE AND SALE OF ELECTRONIC INCAPACITATION DEVICES.]

Subdivision 1. [DEFINITION.] For purposes of this section,"

Page 1, line 15, delete "(b)"

Page 1, delete lines 22 to 24 and insert:

"Subd. 2. [PROHIBITING SALE; PENALTY.] No person may furnish or sell an electronic incapacitation device to another person. A person who violates this subdivision is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$4,000, or both.

Subd. 3. [PROHIBITING POSSESSION OR USE.] No person may possess or use an electronic incapacitation device. A person who violates this subdivision is guilty of a misdemeanor.

Subd. 4. [EXEMPTION.] Nothing in this section prohibits (1) sale or furnishing of an electronic incapacitation device to a law enforcement agency or a peace officer or (2) use of an electronic incapacitation device by a law enforcement agency or peace officer, or (3) sale, furnishing, or use of an electronic incapacitation device by a person trained in its use by a law enforcement agency."

Delete pages 2 to 6

"Sec. 4. Sec. 3 is repealed effective August 1, 1986."

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

Begich raised a point of order pursuant to rule 3.10 that the Kelly and Skoglund amendment to the Jacobs et al. amendment was not in order. The Speaker pro tempore Halberg ruled the Begich point of order not well taken and the Kelly and Skoglund amendment in order.

POINT OF ORDER

Rice raised a point of order pursuant to rule 3.9 that the Kelly and Skoglund amendment to the Jacobs et al. amendment was not in order. The Speaker pro tempore Halberg ruled the Rice point of order not well taken and the Kelly and Skoglund amendment in order.

The question recurred on the Kelly and Skoglund amendment to the Jacobs et al. amendment to S. F. No. 693, as amended, and the roll was called.

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

There were 38 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jaros	Nelson, K.	Price	Staten
Brandl	Kahn	Norton	Rest	Tomlinson
Burger	Kelly	O'Connor	Rice	Vanasek
Carlson, L.	Knuth	Osthoff	Sarna	Vellenga
Clark	Long	Otis	Scheid	Voss
Cohen	McLaughlin	Pappas	Segal	Wynia
Ellingson	Munger	Peterson	Simoneau	
Greenfield	Murphy	Piper	Skoglund	

Those who voted in the negative were:

Anderson, R.	Elioff	Kiffmeyer	Ozment	Sviggum
Battaglia	Fjoslien	Knickerbocker	Pauly	Thorson
Beard	Forsythe	Krueger	Piepho	Tjornhom
Becklin	Frederick	Kvam	Poppenhagen	Tompkins
Begich	Frederickson	Levi	Quist	Tunheim
Bennett	Frerichs	Marsh	Redalen	Uphus
Blatz	Gruenes	McDonald	Richter	Valan
Boerboom	Gutknecht	McEachern	Rodosovich	Valento
Boo	Halberg	McPherson	Rose	Waltman
Brown	Hartinger	Metzen	Schafer	Welle
Carlson, D.	Hartle	Miller	Schoenfeld	Wenzel
Carlson, J.	Haukoos	Neuenschwander	Seaberg	Zaffke
Clausnitzer	Himle	Ogren	Shaver	Spk. Jennings, D.
Dempsey	Jacobs	Olsen, S.	Sherman	
DenOuden	Jennings, L.	Olson, E.	Solberg	
Dimler	Johnson	Omann	Sparby	
Dyke	Kalis	Onnen	Stanius	

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

The question recurred on the Jacobs et al. amendment to S. F. No. 693, as amended. The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

S. F. No. 693, 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, sections 152.19, subdivision 5; and 609.531.

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 94 yeas and 28 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Elioff	Kelly	Onnen	Sherman
Battaglia	Ellingson	Kiffmeyer	Ozment	Solberg
Beard	Fjoslien	Knickerbocker	Pauly	Sparby
Becklin	Forsythe	Krueger	Peterson	Stanius
Begich	Frederick	Kvam	Piepho	Swiggum
Bennett	Frederickson	Levi	Poppenhagen	Thorson
Bishop	Frerichs	Marsh	Quiun	Tjornhom
Blatz	Gruenes	McDonald	Quist	Tompkins
Boerboom	Gutknecht	McEachern	Redalen	Tunheim
Boo	Halberg	McPherson	Rest	Uphus
Burger	Hartering	Metzen	Richter	Valan
Carlson, D.	Hartle	Miller	Riveness	Valento
Carlson, J.	Haukoos	Nelson, D.	Rodosovich	Voss
Carlson, L.	Heap	Nelson, K.	Rose	Waltman
Clausnitzer	Himle	Neuenschwander	Sarna	Welle
Dempsey	Jacobs	O'Connor	Schafer	Wenzel
DenOuden	Jennings, L.	Olsen, S.	Schoenfeld	Zaffke
Dimler	Johnson	Olsen, E.	Seaberg	Spk. Jennings, D.
Dyke	Kalis	Omann	Shaver	

Those who voted in the negative were:

Anderson, G.	Kahn	Ogren	Rice	Tomlinson
Brandl	Long	Osthoff	Scheid	Vanasek
Clark	McLaughlin	Otis	Segal	Vellenga
Cohen	Munger	Pappas	Simoneau	Wynia
Greenfield	Murphy	Piper	Skoglund	
Jaros	Norton	Price	Staten	

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

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following 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. 848, A bill for an act relating to children and families; requiring the sentencing guidelines commission to develop mitigating departure criteria for certain crimes; providing judicial procedures to protect the welfare of alleged child abuse victims; requiring notice that appropriate social services will be provided during the period of a temporary order; requiring juvenile and criminal courts to give docket priority to child abuse cases; providing for the examination of child witnesses; clarifying the admissibility of certain out-of-court statements; providing certain protections for parents in juvenile court proceedings; clarifying the scope and effect of juvenile court orders; merging the crimes of "intrafamilial sexual abuse" and "criminal sexual conduct"; eliminating certain notice requirements as applied to a minor under 10; authorizing the presence of parents at trials involving criminal sexual conduct or criminal sexual abuse when the prosecuting witness is a minor; establishing a task force on child sexual abuse; 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, by adding a subdivision; 260.191, by adding subdivisions; 260.301; 609.341, by adding a subdivision; 609.342; 609.343; 609.344; 609.345; 626.556, subdivision 11; and 630.36; repealing Minnesota Statutes 1984, sections 609.364 to 609.3644; 609.342, subdivision 3; 609.343, subdivision 3; 609.344, subdivision 3; and 609.345, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 244 and 631.

PATRICK E. FLAHAVEN, Secretary of the Senate

Blatz moved that the House refuse to concur in the Senate amendments to H. F. No. 848, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 848:

Blatz, Valento, Seaberg, Kelly and Vellenga.

GENERAL ORDERS

Levi moved that the bills on General Orders for today be continued one day. The motion prevailed.

MOTIONS AND RESOLUTIONS

Sviggum moved that the name of Ozment be added as an author on H. F. No. 942. The motion prevailed.

Carlson, J., moved that the name of Sparby be added as an author on H. F. No. 1083. The motion prevailed.

Frerichs moved that H. F. No. 1048 be recalled from the Committee on Rules and Legislative Administration and be referred to the Committee on Appropriations. The motion prevailed.

Fjoslien, Marsh, McDonald, Gutknecht and Bishop introduced :

House Resolution No. 34, A house resolution commemorating the allied victory in Europe over the forces of Nazism and Fascism.

SUSPENSION OF RULES

Fjoslien moved that the rules be so far suspended that House Resolution No. 34 be now considered and be placed upon its adoption. The motion prevailed.

HOUSE RESOLUTION NO. 34

A house resolution commemorating the allied victory in Europe over the forces of Nazism and Fascism.

Whereas, the 1930s in Europe saw the growth of Nazism and Fascism; and

Whereas, the spread of those ideologies led to World War II in which 60,000,000 people died; and

Whereas, the end of that war in Europe came on May 7, 1945, with the signing of the surrender in Reims, France; and

Whereas, since then, each May 8th has been remembered as the day the killing stopped in Europe; and

Whereas, the conclusion of the war saw the disclosure of the horror of Nazi death camps and the liberation of the survivors of those camps; and

Whereas, since that terrible war, the world has seen the founding and growth of a strong and free government and economy in West Germany; and

Whereas, the current visit of the President of the United States to West Germany properly recognizes that the United States and West Germany are now allies in the defense of freedom; *Now, Therefore,*

Be It Resolved by the House of Representatives of the State of Minnesota that it commemorates the victory in Europe in World War II with remembrance of those who died, with gratitude to those who fought against Nazi and Fascist horrors, and with thankfulness that Germany is now a strong and free ally. President Reagan has properly recognized that, despite the Nazi past, West Germany is now allied with us in defense of freedom.

Fjoslien moved that House Resolution No. 34 be now adopted.

Fjoslien moved to amend House Resolution No. 34, as follows:

Page 1, line 20, delete "properly"

Page 2, line 3, after "that" insert "West"

Page 2, line 4, delete "properly"

Page 2, after line 5, add a new paragraph to read:

"Be It Further Resolved that the Chief Clerk is directed to prepare enrolled copies of this resolution, to be authenticated by his signature and those of the Speaker and present them to representatives of the various Minnesota veterans organizations."

The motion prevailed and the amendment was adopted.

Kahn moved to amend House Resolution No. 34, as amended, as follows:

Page 1, after line 18, insert:

"Whereas, we now need to remind ourselves of our former alliance with the Soviet Union against the forces of Nazism and Fascism and work for a future of peace for all in Europe and Asia; and"

The motion prevailed and the amendment was adopted.

Fjoslien moved that House Resolution No. 34, as amended, be now adopted. The motion prevailed and House Resolution No. 34, as amended, was adopted.

ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 12:00 noon, Monday, May 13, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Monday, May 13, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA
SEVENTY-FOURTH SESSION - 1985

FIFTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, MAY 10, 1985

The Senate met on Friday, May 10, 1985, which was the Fifty-seventh 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

FIFTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, SATURDAY, MAY 11, 1985

The Senate met on Saturday, May 11, 1985, which was the Fifty-eighth 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

FIFTY-NINTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MAY 13, 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 J. A. Riveness, Director of the Words of Life Gospel Broadcast out of Thief River Falls, Karlstad, Minnesota.

The roll was called and the following members were present:

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	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
Brown	Heap	Minne	Rest	Tompkins
Burger	Himle	Munger	Rice	Uphus
Carlson, D.	Jacobs	Murphy	Richter	Valan
Carlson, J.	Jaros	Nelson, D.	Riveness	Valento
Carlson, L.	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	Olson, E.	Schreiber	Zaffke
Elioff	Knuth	Omman	Seaberg	Spk. Jennings, D.
Ellingson	Kostohryz	Onnen	Segal	

A quorum was present.

Rees and Tunheim were excused.

Vanasek was excused until 1:00 p.m. Brinkman was excused until 1:30 p.m. Clark was excused until 1:40 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. 1253, 1359, 1552, 827, 376, 1070, 1243, 1256 and 1623 and S. F. Nos. 125, 1219, 1429, 295, 879, 31, 567 and 1159 have been placed in the members' files.

S. F. No. 1429 and H. F. No. 1359, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Bishop moved that S. F. No. 1429 be substituted for H. F. No. 1359 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 31 and H. F. No. 456, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Blatz moved that the rules be so far suspended that S. F. No. 31 be substituted for H. F. No. 456 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 295 and H. F. No. 757, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Zaffke moved that the rules be so far suspended that S. F. No. 295 be substituted for H. F. No. 757 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 567 and H. F. No. 601, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Halberg moved that the rules be so far suspended that S. F. No. 567 be substituted for H. F. No. 601 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 879 and H. F. No. 1080, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Heap moved that the rules be so far suspended that S. F. No. 879 be substituted for H. F. No. 1080 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1159 and H. F. No. 916, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Heap moved that the rules be so far suspended that S. F. No. 1159 be substituted for H. F. No. 916 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

May 8, 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 Files:

H. F. No. 266, 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; 97.50, subdivision 1; 629.34, subdivision 1; and 629.40.

H. F. No. 267, relating to local government; authorizing certain political subdivisions to enter into certain joint insurance agreements.

H. F. No. 428, relating to the city of Eden Prairie; authorizing one annual one-day liquor license.

H. F. No. 537, 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.

H. F. No. 602, relating to alcoholic beverages; allowing certain extensions of credit; amending Minnesota Statutes 1984, sections 340.031, subdivision 2; and 340.405.

H. F. No. 907, 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.

H. F. No. 1197, relating to cities of Circle Pines and Lino Lakes; permitting cities to determine the size of Circle Pines utilities commission.

H. F. No. 1198, relating to local government; authorizing the creation of a youth coordinating board in the city of Minneapolis.

H. F. No. 1226, relating to local government; permitting land transfer between Ramsey county and town of White Bear.

H. F. No. 1093, A resolution memorializing the President and Secretary of Agriculture of the United States to require the government of Canada to comply with the fair trade regulations on hogs, or impose quotas and strict tariffs on Canadian hog imports.

Sincerely,

RUDY PERPICH
Governor

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

May 8, 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>
783		81	May 8	May 8
1119		82	May 8	May 8
1329		83	May 8	May 8
	266	84	May 8	May 8
	267	85	May 8	May 8
	428	86	May 8	May 8
	537	87	May 8	May 8
	602	88	May 8	May 8
	907	89	May 8	May 8
1197		90	May 8	May 8
1198		91	May 8	May 8
1226		92	May 8	May 8
1093		Resolution No. 4	May 8	May 8

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 9, 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 Files:

H. F. No. 362, 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, subdivisions 1 and 5, as amended.

H. F. No. 1199, 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.

Sincerely,

RUDY PERPICH
Governor

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

May 9, 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>
86		93	May 9	May 9
143		94	May 9	May 9
921		95	May 9	May 9
994		96	May 9	May 9

59th Day]

MONDAY, MAY 13, 1985

3877

<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>
1071		97	May 9	May 9
	362	98	May 9	May 9
	1199	99	May 9	May 9

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

SECOND READING OF SENATE BILLS

S. F. Nos. 1429, 31, 295, 567, 879 and 1159 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Dimler, Seaberg, Jacobs and Tjornhom introduced:

H. F. No. 1666, A bill for an act relating to consumer protection; providing alternative security requirements for health and social referral clubs; amending Minnesota Statutes 1984, section 325G.27, subdivision 2.

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

Schreiber, Kvam, Begich, Minne and Boo introduced:

H. F. No. 1667, A bill for an act relating to taxation; changing rate of the occupation tax on taconite and certain other ores; amending Minnesota Statutes 1984, section 298.01.

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

McLaughlin, Wynia, Burger and Boo introduced:

H. F. No. 1668, A bill for an act relating to insurance; requiring carryover of deductibles when a group health policy is replaced; 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.

Shaver introduced:

H. F. No. 1669, A bill for an act relating to taxation; income; eliminating the addition to federal adjusted gross income for employee teacher retirement contributions; amending Minnesota Statutes 1984, section 290.01, subdivision 20a.

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

Backlund was excused while in conference.

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. 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.

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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 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.

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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Miller moved that the House concur in the Senate amendments to H. F. No. 835 and that the bill be repassed as amended by the Senate. The motion prevailed.

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 by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 112 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Backlund	Boo	DenOuden	Frederick	Haukoos
Battaglia	Brinkman	Dimler	Frerichs	Heap
Beard	Burger	Dyke	Greenfield	Jacobs
Begich	Carlson, D.	Elioff	Gruenes	Jaros
Bennett	Carlson, L.	Ellingson	Gutknecht	Johnson
Bishop	Clausnitzer	Erickson	Halberg	Kahn
Blatz	Cohen	Fjoslien	Hartinger	Kalis
Boerboom	Dempsey	Forsythe	Hartle	Kelly

Kiffmeyer	Minne	Peterson	Scheid	Tomlinson
Knuth	Munger	Piepho	Schoenfeld	Tompkins
Kostohryz	Murphy	Piper	Schreiber	Uphus
Krueger	Nelson, D.	Poppenhagen	Seaberg	Valan
Kvam	Nelson, K.	Price	Segal	Valento
Levi	Neuenschwander	Quinn	Shaver	Vellenga
Lieder	Norton	Quist	Simoneau	Voss
Long	Ogren	Redalen	Skoglund	Welle
Marsh	Olsen, S.	Rest	Solberg	Wenzel
McDonald	Omann	Rice	Sparby	Wynia
McEachern	Onnen	Richter	Stanius	Zaffke
McLaughlin	Osthoff	Riveness	Swiggum	Spk. Jennings, D.
McPherson	Otis	Rodosovich	Thiede	
Metzen	Pappas	Rose	Thorson	
Miller	Pauly	Schafer	Tjornhom	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Halberg moved that the House concur in the Senate amendments to H. F. No. 216 and that the bill be repassed as amended by the Senate.

Kvam moved that the House refuse to concur in the Senate amendments to H. F. No. 216, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses.

A roll call was requested and properly seconded.

The question was taken on the Kvam motion and the roll was called. There were 31 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Battaglia	Boerboom	Erickson	Gutknecht	Kvam
Beard	Burger	Fjoslien	Hartle	McDonald
Begich	Carlson, L.	Gruenes	Kalis	McEachern

McPherson	Ogren	Redalen	Sarna	Tompkins
Metzen	Ozment	Richter	Scheid	Uphus
Munger	Quinn	Rodosovich	Solberg	Wenzel
O'Connor				

Those who voted in the negative were:

Anderson, G.	Frerichs	Lieder	Osthoff	Skoglund
Backlund	Greenfield	Long	Otis	Stanius
Bennett	Halberg	Marsh	Pauly	Svigum
Bishop	Hartinger	McKasy	Peterson	Thiede
Blatz	Haukoos	McLaughlin	Piepho	Thorson
Brandl	Heap	Miller	Piper	Tjornhom
Brown	Himle	Minne	Poppenhagen	Tomlinson
Carlson, D.	Jacobs	Murphy	Price	Valento
Clausnitzer	Jaros	Nelson, D.	Quist	Vellenga
Cohen	Johnson	Nelson, K.	Rest	Voss
Dempsey	Kahn	Neuenschwander	Rice	Waltman
Dimler	Kelly	Norton	Riveness	Welle
Dyke	Knickerbocker	Olsen, S.	Rose	Wynia
Elioff	Kostohryz	Olson, E.	Schafer	Zaffke
Forsythe	Krueger	Omann	Schoenfeld	Spk. Jennings, D.
Frederickson	Levi	Onnen	Seaberg	

The motion did not prevail.

The question recurred on the Halberg motion that the House concur in the Senate amendments to H. F. No. 216 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 216, A bill for an act relating to financial institutions; credit unions; specifying certain powers; authorizing the establishment of detached banking facilities in the city of Savage; 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, 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 111 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Carlson, L.	Frerichs	Kelly	Minne
Backlund	Clausnitzer	Greenfield	Kiffmeyer	Munger
Battaglia	Cohen	Gruenes	Knickerbocker	Murphy
Beard	Dempsey	Halberg	Knuth	Nelson, D.
Begich	DenOuden	Hartinger	Kostohryz	Nelson, K.
Bennett	Dimler	Hartle	Krueger	Neuenschwander
Bishop	Dyke	Haukoos	Levi	Norton
Blatz	Elioff	Heap	Lieder	O'Connor
Boerboom	Ellingson	Himle	Long	Ogren
Boo	Erickson	Jacobs	Marsh	Olsen, S.
Brandl	Fjoslien	Jaros	McDonald	Omann
Brown	Forsythe	Johnson	McKasy	Onnen
Burger	Frederick	Kahn	McLaughlin	Osthoff
Carlson, D.	Frederickson	Kalis	Miller	Otis

Ozment	Rest	Seaberg	Thorson	Welle
Pauly	Richter	Segal	Tjornhom	Wenzel
Peterson	Riveness	Shaver	Tomlinson	Wynia
Piepho	Rodosovich	Simoneau	Tompkins	Zaffke
Piper	Rose	Skoglund	Uphus	Spk. Jennings, D.
Poppenhagen	Sarna	Solberg	Valento	
Price	Schafer	Stanius	Vellenga	
Quinn	Scheid	Sviggum	Voss	
Quist	Schoenfeld	Thiede	Waltman	

Those who voted in the negative were:

Kvam McPherson Metzen Redalen Rice

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Blatz moved that the House concur in the Senate amendments to H. F. No. 143 and that the bill be repassed as amended by the Senate. The motion prevailed.

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, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 119 yeas and 1 nay as follows:

Those who voted in the affirmative were :

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

Those who voted in the negative were :

Olson, E.

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested :

H. F. No. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Blatz moved that the House concur in the Senate amendments to H. F. No. 449 and that the bill be repassed as amended by the Senate. The motion prevailed.

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; 570.10; and 570.13; proposing coding for new law in Minnesota Statutes, chapter 570.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Frederick	Lieder	Pappas	Solberg
Backlund	Frederickson	Long	Pauly	Sparby
Battaglia	Frerichs	Marsh	Peterson	Stanius
Bead	Greenfield	McDonald	Piepho	Staten
Begich	Gruenes	McEachern	Piper	Svigum
Bennett	Gutknecht	McLaughlin	Poppenhagen	Thiede
Bishop	Halberg	McPherson	Price	Thorson
Blatz	Hartinger	Metzen	Quinn	Tjornhom
Boerboom	Hartle	Miller	Redalen	Tomlinson
Boo	Haukoos	Minne	Rest	Tompkins
Brandl	Heap	Munger	Rice	Uphus
Brown	Himle	Murphy	Richter	Valan
Burger	Jacobs	Nelson, D.	Riveness	Valento
Carlson, D.	Jaros	Nelson, K.	Rodosovich	Vellenga
Carlson, L.	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	Wynia
Dyke	Knickerbocker	Olson, E.	Schreiber	Zaffke
Elioff	Knuth	Omam	Seaberg	Spk. Jennings, D.
Ellingson	Kostohryz	Onnen	Segal	
Erickson	Krueger	Osthoff	Shaver	
Fjoslien	Kvam	Otis	Simoneau	
Forsythe	Levi	Ozment	Skoglund	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1641, A bill for an act relating to the organization and operation of state government; appropriating money for the general legislative, judicial, and administrative expenses of state government with certain conditions; providing for the transfer of certain money in the state treasury; authorizing land acquisition; providing for the compensation of metropolitan government per-

sonnel; fixing and limiting fees; creating, modifying, transferring, and abolishing agencies and functions; amending Minnesota Statutes 1984, sections 2.722, subdivision 1; 3.21; 3.85, subdivision 11; 3.9223, subdivision 1; 11A.07, by adding a subdivision; 11A.20, subdivision 1; 13.68, subdivision 1; 15.50, subdivision 3; 16A.055, subdivision 1; 16A.275; 16A.40; 16A.42, subdivision 2; 16A.45, subdivision 2; 16A.47; 16A.58; 16A.672, subdivisions 1, 2, and 3; 16B.09, by adding a subdivision; 16B.29; 43A.07, subdivision 2; 84B.03, subdivision 4; 85.05, subdivisions 1 and 2; 85.22, subdivision 2a; 85A.01, subdivisions 1 and 2; 85A.02, subdivisions 3, 4, 5, 7, 12, 16, and by adding subdivisions; 85A.04, subdivision 3; 86.72; 86.75; 97.4841, subdivision 3; 97.4842, subdivision 2; 97.50, subdivision 1; 98.45, by adding a subdivision; 98.46, subdivisions 2, 14, and by adding a subdivision; 98.47, subdivision 1; 100.271, subdivision 2; 115.03, by adding a subdivision; 115A.05, subdivision 1; 115A.908, subdivisions 2 and 3; 116J.76; 116M.03, by adding a subdivision; 179A.03, subdivision 17; 179A.04, subdivision 3; 179A.13; 179A.16; 179A.21; 179A.25; 192.51, subdivision 2; 196.051, by adding a subdivision; 268.05, subdivision 2; 268.07, subdivision 2a; 268.38, subdivisions 1, 2, 6, 7, and 8; 270A.07, subdivision 1; 290.50, subdivision 6; 296.421, subdivision 4, and by adding a subdivision; 297.13, subdivision 1; 361.03, subdivision 5; 361.27; 462C.05, subdivision 2, and by adding a subdivision; 462C.07, subdivision 1, and by adding a subdivision; 473.123, subdivision 5; 473.129, subdivision 2; 473.141, subdivisions 7 and 12; 473.605, subdivision 2; 473.606, subdivisions 1 and 5; 473.704, by adding a subdivision; 473.714; 487.01, subdivision 5; 609.101; proposing coding for new law in Minnesota Statutes, chapters 3; 5; 85A; 97; 116; 139; and 270; proposing coding for new law as Minnesota Statutes, chapter 116N; repealing Minnesota Statutes 1984, sections 7.01; 7.013; 7.02; 7.03; 7.04; 7.05; 7.13; 7.14; 7.15; 7.16; 7.17; 7.18; 10.18; 10.19; 10.20; 10.21; 10.22; 10.23; 16A.42, subdivision 3; 46.15; 48.87; 69.031, subdivision 2; 85A.01, subdivision 1a; 85A.03; 85A.04, subdivision 1; 115A.05, subdivision 3; 115A.201, subdivision 2; 115A.22, subdivision 4; 116M.06, subdivision 5; 116M.07, subdivision 3; 124.471; 179A.03, subdivision 3; 179A.05; 296.10; 349.212, subdivision 3, as amended; 360.301; 360.302; 360.304; 360.306; 360.388; 360.389; 403.01, subdivision 1; and Laws 1982, chapter 489, section 11.

PATRICK E. FLAHAVER, Secretary of the Senate

Forsythe moved that the House refuse to concur in the Senate amendments to H. F. No. 1641, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in

which amendment the concurrence of the House is respectfully requested:

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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Scheid moved that the House refuse to concur in the Senate amendments to H. F. No. 729, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 418, A bill for an act relating to local government; excluding firefighter and peace officer job classes from certain aspects of pay equity requirements; amending Minnesota Statutes 1984, section 179A.16, by adding a subdivision; 471.992; 471.993, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 471; repealing Minnesota Statutes 1984, section 471.9965.

PATRICK E. FLAHAVEN, Secretary of the Senate

Dempsey moved that the House refuse to concur in the Senate amendments to H. F. No. 418, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 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 Senate has appointed as such Committee Messrs. Dahl, Davis and Isackson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 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 Senate has appointed as such Committee Ms. Reichgott, Messrs. Petty, Spear, Knaak and Storm.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1109, A bill for an act relating to state government; concerning the state procurement of goods and services from

small businesses; modifying geographical distribution requirements and preference program limitations; amending Minnesota Statutes 1984, section 16B.19, subdivisions 5, 6, 9, and by adding a subdivision; 16B.21, subdivision 1; 16B.22; and 645.445, subdivision 5.

The Senate has appointed as such Committee Mrs. Adkins, Mr. Bernhagen and Ms. Peterson, D. C.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 5, A bill for an act relating to alcoholic beverages; increasing the age for licensing, sale, purchase, consumption, possession, and furnishing of alcoholic beverages; establishing programs for education on avoidable health risks related to alcohol and other drugs; increasing the fee for the reinstatement of drivers licenses revoked for alcohol-related violations; appropriating money; amending Minnesota Statutes 1984, sections 171.29, subdivision 2; 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.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Diessner, Ramstad, Purfeerst, Solon and Johnson, D. E.

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

Schafer 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. 5. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 118.

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. 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.

April 25, 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. 118, 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. 118 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 179A.04, subdivision 3, is amended to read:

Subd. 3. [OTHER DUTIES.] The director shall:

(a) provide mediation services as requested by the parties until the parties reach agreement. The director may continue to assist parties after they have submitted their final positions for interest arbitration;

(b) issue notices, subpoenas, and orders required by law to carry out duties under sections 179A.01 to 179A.25;

(c) certify to the board items of dispute between parties subject to action of the board under section 179A.16;

(d) assist the parties in formulating petitions, notices, and other papers required to be filed with the director or the board;

(e) certify the final results of any election or other voting procedure conducted under sections 179A.01 to 179A.25;

(f) adopt rules regulating the forms of petitions, notices, and orders; and the conduct of hearings and elections;

(g) receive, catalogue, and file all orders and decisions of the board, all decisions of arbitration panels authorized by sections 179A.01 to 179A.25, all grievance arbitration decisions, and the director's orders and decisions. All orders and decisions catalogued and filed shall be readily available to the public;

(h) adopt, subject to chapter 14, a grievance procedure to fulfill the purposes of section 179A.20, subdivision 4. The grievance procedure shall not provide for the services of the bureau of mediation services. The grievance procedure shall be available to any employee in a unit not covered by a contractual grievance procedure;

(i) conduct elections;

(j) maintain a schedule of state employee classifications or positions assigned to each unit established in section 179A.10, subdivision 2;

(k) collect such fees as are established by rule for empanelment of persons on the labor arbitrator roster maintained by the director or in conjunction with fair share fee challenges.

Sec. 2. Minnesota Statutes 1984, section 179A.05, subdivision 4, is amended to read:

Subd. 4. [OTHER POWERS.] In addition to the other powers and duties given it by law, the board has the following powers and duties:

(a) to hear and decide appeals from determinations of the director relating to "supervisory employee," "confidential employee," "essential employee," or "professional employee";

(b) to hear and decide appeals from determinations of the director relating to the appropriateness of a unit;

(c) to hear and decide on the record, determinations of the director relating to a fair share fee challenge;

(d) *collect such fees as are established by rule for empanelment of persons on the labor arbitrator roster maintained by the board.*

Sec. 3. Minnesota Statutes 1984, section 179A.14, subdivision 1, is amended to read:

Subdivision 1. [INITIATION OF NEGOTIATION.] (a) 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.

(b) *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, the party is subject to a fine of \$10 per day for each day the 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 director 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. 4. 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 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. 5. 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 pe-

riod 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. 6. Minnesota Statutes 1984, section 179A.17, subdivision 1, is amended to read:

179A.17 [NEW EXCLUSIVE REPRESENTATIVES.]

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. 7. 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*; 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. 8. 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 ten days, the first five 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 either party 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. 9. [EFFECTIVE DATE.]

Sections 3 to 8 are effective the day following final enactment. However, the 60-day notice requirement imposed in section 3 does not apply in 1985 if sections 3 to 8 become effective after April 25, 1985. In this event, the notice required by section 3 must be given within 30 days of the effective date of sections 3 to 8."

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 disputes; providing penalties; amending Minnesota Statutes 1984, sections 179A.04, subdivision 3; 179A.05, subdivision 4; 179A.14, subdivision 1; 179A.15; 179A.16, subdivision 7; 179A.17, subdivision 1; 179A.18, subdivisions 2 and 3."

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

Senate Conferees: TOM A. NELSON, RONALD R. DICKLICH and LYLE G. MEHRKENS.

House Conferees: STEVE SVIGGUM, HARRIET MCPHERSON and KEN NELSON.

Sviggum moved that the report of the Conference Committee on S. F. No. 118 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 118, A bill for an act relating to public employee labor relations; regulating public employee mediation; regulating me-

diation 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, 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 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Forsythe	Lieder	Pappas	Skoglund
Backlund	Frederick	Long	Pauly	Solberg
Battaglia	Frederickson	Marsh	Peterson	Sparby
Beard	Frerichs	McDonald	Piepho	Stanius
Begich	Greenfield	McEachern	Piper	Staten
Bennett	Gruenes	McLaughlin	Poppenhagen	Sviggum
Bishop	Gutknecht	McPherson	Price	Thiede
Blatz	Halberg	Metzen	Quinn	Thorson
Boerboom	Hartinger	Miller	Quist	Tjornhom
Boo	Hartle	Minne	Redalen	Tomlinson
Brandl	Haukoos	Munger	Rest	Tompkins
Brown	Heap	Murphy	Rice	Uphus
Burger	Jacobs	Nelson, D.	Richter	Valan
Carlson, D.	Jaros	Nelson, K.	Riveness	Valento
Carlson, L.	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	
Fjoslien	Levi	Ozment	Simoneau	

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. 1036 and 1118.

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. 429, 832, 925, 1171 and 1506.

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. 1176.

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. 45, 821 and 1225.

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. 1414 and 1434.

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. 363.

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. 492, 565 and 830.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1036, 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.

Greenfield moved that S. F. No. 1036 and H. F. No. 1205, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1118, A bill for an act relating to agriculture; requiring lender's response for an agricultural production input lien 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.

Brinkman moved that S. F. No. 1118 and H. F. No. 1317, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 429, A bill for an act relating to industrial development bonds; requiring the refund of application deposit to the city of Fergus Falls; appropriating money for the refund.

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

S. F. No. 832, 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.

S. F. No. 925, 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, and by adding a subdivision; 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.

Pauly moved that S. F. No. 925 and H. F. No. 922, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1171, A bill for an act relating to state lands; conveying land to Olmsted county.

The bill was read for the first time.

Bishop moved that S. F. No. 1171 and H. F. No. 1253, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1506, A bill for an act authorizing the city of Waseca to establish and provide taxes and service charges for a special service district; authorizing the city of Albert Lea to establish a port authority; authorizing the city of Austin to establish a port authority.

The bill was read for the first time.

Schoenfeld moved that S. F. No. 1506 and H. F. No. 1633, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1176, A bill for an act relating to children; requiring a new job classification in child protection; requiring continuing education; providing for a joint training program; requiring a report to the legislature; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 626.

The bill was read for the first time.

Blatz moved that S. F. No. 1176 and H. F. No. 1107, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 45, A bill for an act relating to drainage; recodifying the drainage law; amending Minnesota Statutes 1984, sections 40.072, subdivisions 3, 4, 5, 6, and 9; 40.073; 88.43, subdivision 2; 97.484; 97.50, subdivision 1; 105.42, subdivision 1; 105.471; 105.74; 105.81; 111.09, subdivision 2; 111.11; 111.13; 111.30; 111.31; 111.36; 111.78; 112.431, subdivision 2; 112.48, subdivision 1; 112.50; 112.501, subdivision 1; 112.541; 112.59; 112.60, subdivisions 1, 2, and 3; 112.64, subdivisions 2 and 3; 112.65, subdivision 1; 161.28, subdivision 1; 163.17; 357.021, subdivision 2; 375.471; 471.345, subdivision 3; 473.877, subdivision 1; and 473.-878, subdivision 4; proposing coding for new law as Minnesota Statutes, chapter 106A; repealing Minnesota Statutes 1984, chapter 106 and section 109.38.

The bill was read for the first time.

Jennings, L., moved that S. F. No. 45 and H. F. No. 442, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 821, 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.

Tomlinson moved that S. F. No. 821 and H. F. No. 883, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1225, A bill for an act relating to agriculture; exempting manufactured home parks and recreational camping areas from food handling licenses; regulating organically grown foods; amending Minnesota Statutes 1984, section 28A.15, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 31.

The bill was read for the first time.

Ogren moved that S. F. No. 1225 and H. F. No. 1086, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1414, 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.

Shaver moved that S. F. No. 1414 and H. F. No. 1490, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1434, 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.

McPherson moved that S. F. No. 1434 and H. F. No. 1129, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 363, 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; providing that the first comptroller would be elected in 1990; transferring the powers, responsibilities, and duties of the state auditor, the secretary of state, and the state treasurer to the state comptroller.

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

S. F. No. 492, 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 Appropriations.

S. F. No. 565, 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.

Kelly moved that S. F. No. 565 and H. F. No. 834, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 830, A bill for an act relating to courts; eliminating certain mileage expenses that court reporters may claim for reimbursement; eliminating the requirement that a court reporter reside in the district in which he or she is appointed; amending Minnesota Statutes 1984, section 486.05, subdivision 1.

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

There being no objection the order of business reverted to Reports of Chief Clerk.

REPORTS OF CHIEF CLERK

S. F. No. 1219 and H. F. No. 1279, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Waltman moved that the rules be so far suspended that S. F. No. 1219 be substituted for H. F. No. 1279 and that the House File be indefinitely postponed. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. No. 1219 was read for the second time.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 418:

Dempsey, Ozment and Jennings, L.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1641:

DenOuden, Piepho, Bishop, Miller and Battaglia.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 5:

Schafer, Gutknecht, McKasy, Valento and Kelly.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Levi, from the Committee on Rules and Legislative Administration, pursuant to Rule 1.9, designated the following bills as Special Orders for today, Monday, May 13, 1985, immediately preceding General Orders:

H. F. Nos. 1589, 442, 229, 607 and 1369; S. F. Nos. 954, 196, 583, 901 and 623; H. F. No. 857; S. F. Nos. 986, 71, 207, 1254, 952, 676 and 43; H. F. No. 671 and S. F. No. 40.

SPECIAL ORDERS

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.	Frederickson	Long	Pappas	Skoglund
Backlund	Frerichs	Marsh	Peterson	Solberg
Battaglia	Greenfield	McDonald	Piepho	Sparby
Beard	Gruenes	McEachern	Piper	Stanius
Begich	Gutknecht	McKasy	Poppenhagen	Staten
Bennett	Halberg	McLaughlin	Price	Sviggum
Bishop	Hartinger	McPherson	Quinn	Thiede
Blatz	Hartle	Metzen	Quist	Thorson
Boerboom	Heap	Miller	Redalen	Tjornhom
Brown	Himle	Minne	Rest	Tomlinson
Burger	Jacobs	Murphy	Richter	Tompkins
Carlson, L.	Jaros	Nelson, K.	Rodosovich	Uphus
Clausnitzer	Johnson	Neuenschwander	Rose	Valan
Coben	Kalis	Norton	Sarna	Valento
Dempsey	Keily	O'Connor	Schafer	Vellenga
DenOuden	Kiffmeyer	Ogren	Scheid	Voss
Dimler	Knickerbocker	Olsen, S.	Schoenfeld	Waltmaa
Elioff	Knuth	Olsen, E.	Schreiber	Welle
Erickson	Krueger	Omann	Seaberg	Wenzel
Fjoslien	Kvam	Onnen	Segal	Zaffke
Forsythe	Levi	Osthoff	Shaver	Spk. Jennings, D.
Frederick	Lieder	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.

Vellenga was excused between the hours of 1:15 p.m. and 3:00 p.m.

Stanius was excused while in conference.

H. F. No. 1589, 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; authorizing a court to order the release of certain information; amending Minnesota Statutes 1984, sections 13.03, subdivision 3, and by adding subdivisions; 13.08, subdivision 1, and by adding a subdivision; 13.09; 13.32, subdivision 1, and by adding a subdivision; 13.39, by adding a subdivision; 13.43, subdivision 4; 13.46, subdivisions 1, 2, 3, 7, and 10; 13.65, subdivision 1; 13.71; 13.72, by adding subdivisions; 13.82, subdivisions 1 and 5, and by adding subdivisions; 13.83, by adding a subdivision; 13.84,

subdivisions 1 and 6; 144.335, subdivision 2; and 254A.09; repealing Minnesota Statutes 1984, sections 13.73 and 13.81; proposing coding for new law in Minnesota Statutes, chapters 13 and 144.

The bill was read for the third time and placed upon its final passage.

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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 third time 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 115 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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 as Minnesota Statutes, chapter 424B.

The bill was read for the third time 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 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Brown	Erickson	Haukoos	Knickerbocker
Backlund	Burger	Fjoslien	Heap	Knuth
Battaglia	Carlson, D.	Forsythe	Himle	Kostohryz
Beard	Carlson, J.	Frederick	Jacobs	Krueger
Begich	Carlson, L.	Frederickson	Jaros	Levi
Bennett	Clausnitzer	Frerichs	Jennings, L.	Lieder
Bishop	Cohen	Greenfield	Johnson	Long
Blatz	Dempsey	Gruenes	Kahn	Marsh
Boerboom	Dimler	Gutknecht	Kalis	McDonald
Boo	Dyke	Hartinger	Kelly	McEachern
Brandl	Elioff	Hartle	Kiffmeyer	McKasy

McLaughlin	Olsen, S.	Quinn	Seaberg	Tomlinson
McPherson	Olson, E.	Quist	Segal	Tompkins
Metzen	Omann	Redalen	Shaver	Uphus
Miller	Onnen	Rest	Simoneau	Valan
Minne	Osthoff	Rice	Skoglund	Valento
Munger	Ozment	Richter	Solberg	Vanasek
Murphy	Pappas	Riveness	Sparby	Voss
Nelson, D.	Pauly	Rodosovich	Stanius	Waltman
Nelson, K.	Peterson	Rose	Staten	Wenzel
Neuenschwander	Piepho	Sarna	Sviggum	Wynia
Norton	Piper	Schafer	Thiede	Zaffke
O'Connor	Poppenhagen	Scheid	Thorson	Spk. Jennings, D.
Ogren	Price	Schoenfeld	Tjornhom	

The bill was passed and its title agreed to.

H. F. No. 1369, A bill for an act relating to retirement; Moorhead police and firefighters relief associations; clarifying receipt of amortization state aid; consolidation into the public employees police and fire fund; terminating the special fund of the Moorhead firefighters relief association; transferring of assets and records; amending Minnesota Statutes 1984, section 423A.02; 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 third time 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 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Pappas	Redalen	Schoenfeld	Staten	Valento
Pauly	Rest	Schreiber	Svigum	Vanasek
Peterson	Rice	Seaberg	Thiede	Voss
Piepho	Richter	Segal	Thorson	Waltman
Piper	Riveness	Shaver	Tjornhom	Wenzel
Poppenhagen	Rodosovich	Simoneau	Tomlinson	Wynia
Price	Sarna	Skoglund	Tompkins	Zaffke
Quinn	Schafer	Sparby	Uphus	Spk. Jennings, D.
Quist	Scheid	Stanisus	Valan	

The bill was passed and its title agreed to.

S. F. No. 954 was reported to the House.

There being no objection S. F. No. 954 was temporarily laid over on Special Orders.

S. F. No. 196 was reported to the House.

Levi moved to amend S. F. No. 196, the unofficial engrossment, as follows:

Page 5, line 34, after "*actions*" insert a comma

Page 6, line 19, delete "*that*" and insert "*who*"

Page 6, line 23, after "*actions*" insert a comma

Page 10, lines 29 to 31, delete the new language

Page 10, lines 35 and 36, delete the new language

Page 11, delete line 1

Page 11, line 2, delete everything before "*The*"

Page 12, after line 26, insert:

"Sec. 14. 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) *employee, contractee, or adult volunteer* 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."

Remember the remaining section

Page 14, line 5, after "notification" insert "of intent to interview"

Page 14, line 5, delete everything after "which" and insert "was received by a school"

Page 14, line 6, delete "child's school record" and after "10" insert ", paragraph (c),"

Amend the title as follows:

Page 1, line 12, after "10," insert "10b,"

The motion prevailed and the amendment was adopted.

The Speaker called Halberg to the Chair.

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 third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Sparby	Thiede	Tompkins	Vanasek	Wenzel
Stanius	Thorson	Uphus	Voss	Wynia
Staten	Tjornhom	Valan	Waltman	Spk. Jennings, D.
Sviggum	Tomlinson	Valento		

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

S. F. No. 583 was reported to the House.

There being no objection S. F. No. 583 was temporarily laid over on Special Orders.

S. F. No. 901 was reported to the House.

Thiede moved to amend S. F. No. 901, as follows:

Page 4, line 25, delete "*within*"

Page 4, delete line 26

Page 4, line 27, delete "*shall*" and insert "*at least once a month. This payment must*"

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

S. F. No. 901, A bill for an act relating to human services; increasing incentives for enforcing and collecting child support; requiring child support or maintenance obligors to file address or residence changes; amending Minnesota Statutes 1984, sections 256.74, subdivisions 1 and 5; 256.87, subdivisions 1a and 3; 257.58, subdivision 1; 518.55, by adding a subdivision; 518.551, subdivision 7; 518.611, subdivisions 2, 3, 4, and 6, and by adding a subdivision; 518.645; 543.20; repealing Minnesota Statutes 1984, section 257.62, 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.

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

There were 121 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	Piepho	Stanius
Carlson, D.	Hankooos	McPherson	Piper	Staten
Carlson, J.	Heap	Metzen	Poppenhagen	Swiggum
Carlson, L.	Himle	Miller	Price	Thiede
Clark	Jacobs	Minne	Quinn	Thorson
Clausnitzer	Jaros	Murphy	Quist	Tjornhom
Cohen	Jennings, L.	Nelson, D.	Redalen	Tomlinson
Dempsey	Johnson	Nelson, K.	Rest	Uphus
Dyke	Kahn	Neuenschwander	Rice	Valan
Elioff	Kelly	Norton	Richter	Valento
Ellingson	Kiffmeyer	O'Connor	Riveness	Vanasek
Erickson	Knickerbocker	Ogren	Rodosovich	Voss
Fjoslien	Knuth	Olsen, S.	Sarna	Waltman
Forsythe	Kostohryz	Olsen, E.	Schafer	Welle
Frederick	Krueger	Omann	Scheid	Wenzel
Frederickson	Kvam	Onnen	Schoenfeld	Wynia
Frerichs	Levi	Osthoff	Seaberg	Zaffke
Greenfield	Lieder	Otis	Shaver	Spk. Jennings, D.
Gruenes	Long	Ozment	Simoneau	
Gutknecht	Marsh	Pappas	Skoglund	
Halberg	McDonald	Pauly	Solberg	
Hartinger	McEachern	Peterson	Sparby	

The bill was passed and its title agreed to.

Kalis, Valan, Seaberg, Poppenhagen and Johnson were excused while in conference.

S. F. No. 954 which was temporarily laid over earlier today was again reported to the House.

Olsen, S.; Scheid; Fjoslien and Burger moved to amend S. F. No. 954, as follows:

Delete everything after the enacting clause and insert:

“Section 1. [197.131] [BOARD OF GOVERNORS—BIG ISLAND VETERANS CAMP.]

Subdivision 1. [CREATION AND MEMBERSHIP.] The board of governors of the Big Island Veterans Camp—Lake Minnetonka supervises and manages the camp. The board consists of nine members. Two members each are appointed by the state level organization of the American Legion, the Disabled American Veterans, the Military Order of the Purple Heart, and the Veterans of Foreign Wars provided that at least two appointees are Vietnam veterans. The commissioner of veterans affairs or the commissioner's designee may attend and participate in an advisory capacity at any of the board meetings. The term of each member of the board is two years or until the appointment and qualification of a successor. The board selects a chairperson and secretary from its membership who serve terms of one year.

Subd. 2. [VACANCIES AND REMOVAL.] A member of the board may be removed at any time by the organization ap-

pointing that member. Also, by written notice to the appointing organization, the board may remove the member if the member has been absent for three consecutive meetings of the board. To remove a member, the board must notify in writing the appointing organization and the member after the second consecutive missed meeting that the member may be removed if the next meeting is missed. Any vacancy on the board is filled for the remainder of the unexpired term in the same manner as the original appointment.

Sec. 2. [197.132] [POWERS AND DUTIES.]

The board of governors of the Big Island Veterans Camp—Lake Minnetonka establishes policies for the proper management of the camp. The board may contract for services needed to operate the camp including the services of a manager, may hire employees, and may make other expenditures for the procurement of materials, services, or equipment necessary for the operation of the camp. Expenditures are made upon the approval of the chairperson. The board must prepare an annual report detailing a complete report of financial transactions, usage levels, and other activities regarding the management and operation of the camp. Copies of the annual reports must be submitted to each appointing organization and to the commissioner of veterans affairs. The board may accept donations, contributions, gifts, and bequests of real or personal property that may be made for the maintenance or operation of the camp.

The board shall make the camp available to veterans using the following priorities:

- (1) qualified disabled veterans and their dependents;*
- (2) qualified veterans, their dependents, and widows of qualified veterans who were campers prior to the deed transfer; and*
- (3) qualified veterans, their dependents, and widows of qualified veterans.*

The camp must be operated as a family camp for the rest and relaxation of veterans and their dependents rather than as a program-oriented camp.

The board must publicize the camp to the greatest extent possible to make the camp's facilities known to Minnesota veterans.

The board is not a state agency. The board shall purchase liability and related insurance sufficient to indemnify the state against all claims arising from the conduct or management of the activities conducted by the board, its agents, or contractors.

Sec. 3. [197.133] [DISPOSAL OF PROPERTY AND EXPIRATION OF THE BOARD OF GOVERNORS.]

If a majority of the board determines that the disposal of the camp or a portion of the camp is in the best interests of Minnesota veterans, or if the camp is not used solely as a camp for and by disabled and other veterans and their families and operated and maintained in compliance with all state, federal, and local laws, the board may dispose of the property at market value as provided in this section. Before disposing of the property, the board shall give notice by certified mail to the commissioner of veterans affairs of its decision to dispose of the property. The commissioner shall publish the notice in the State Register. Interested governmental agencies have until the end of the next legislative session after the notice to appropriate money to purchase the property.

Proceeds realized from the disposal of the property and any assets on hand at the time of the disposal of the property, must be placed in an irrevocable trust to be used for the initiation or maintenance of veterans programs in the state of Minnesota. Trustees must be appointed in the same manner as provided for under section 1. The trustees shall consult with the commissioner of veterans affairs to determine the needs of Minnesota veterans and provide the commissioner and the committee on general legislation and veterans affairs of the house of representatives and the committee on veterans and general legislation in the senate with an annual written report on the trust. The commissioner must approve all expenditures from the trust. A certified audit of all assets, expenditures, and property must be conducted prior to any disposition of any assets under the control of the board. Any board member who would benefit directly or indirectly financially from the sale of this property must be removed by the board and a successor appointed as provided by section 1. Upon final disposition of all assets to the trust, the board must disband. Should the assets of the trust be exhausted, the trust must be terminated.

Sec. 4. [TRANSFER OF TITLE TO BIG ISLAND VETERANS CAMP—LAKE MINNETONKA.]

The department of administration must transfer the title to land, structures, and other appurtenances of Big Island Veterans Camp, as described in Minnesota Statutes 1984, section 197.13, to the board of governors of the Big Island Veterans Camp—Lake Minnetonka by quitclaim deed in a form approved by the attorney general. Prior to the transfer, the legislative auditor shall audit all funds of the camp and provide a report of the audit to the committee on general legislation and veterans affairs of the house of representatives and the committee on veterans and general legislation in the senate. In conducting the audit, the legislative auditor shall review, to the extent possible, all records of prior donations or appropriations to the camp or camp-related

groups. The property is exempt from all taxes so long as it is used as a veterans camp. The transfer must include all equipment and nonstate funds currently under control of the commissioner of veterans affairs and for use in connection with the camp. All direct costs incurred as a result of the transfer must be paid from funds under the control of the board of governors of the camp.

Sec. 5. [REPEALER.]

Minnesota Statutes 1984, sections 197.13; 197.15; 197.16; 197.17; 197.18; and 197.19, are repealed.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective the day following final enactment."

Cohen moved to amend the Olsen, S., et al. amendment to S. F. No. 954, as follows:

Page 1, line 10, delete "*and the*"

Page 1, line 11, after "*Wars*" insert "*and Vietnam veterans of America*"

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

POINT OF ORDER

Knuth raised a point of order pursuant to rule 5.8 that the Olsen, S., et al. amendment was not in order. The Speaker pro tempore Halberg ruled the Knuth point of order not well taken and the Olsen, S., et al. amendment in order.

Nelson, D., moved to amend the Olsen, S., et al. amendment to S. F. No. 954, as follows:

Page 3, line 18, after "*next*" insert "*biennial*"

A roll call was requested and properly seconded.

Anderson, R., was excused while in conference.

The question was taken on the Nelson, D., amendment to the Olsen, S., et al. amendment and the roll was called.

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

There were 47 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Kahn	Nelson, K.	Price	Sparby
Battaglia	Knuth	Neuenschwander	Quinn	Staten
Beard	Lieder	Norton	Rice	Vellenga
Brown	Long	O'Connor	Riveness	Voss
Clark	McEachern	Olson, E.	Sarna	Welle
Cohen	McLaughlin	Osthoff	Scheid	Wenzel
Elioff	Minne	Otis	Schoenfeld	Wynia
Hartinger	Munger	Pappas	Shaver	
Jaros	Murphy	Peterson	Skoglund	
Jennings, L.	Nelson, D.	Piper	Solberg	

Those who voted in the negative were:

Backlund	Dimler	Kiffmeyer	Onnen	Swiggum
Becklin	Dyke	Knickerbocker	Ozment	Thiede
Begich	Erickson	Kostohryz	Pauly	Thorson
Bennett	Fjoslien	Krueger	Piepho	Tjornhom
Bishop	Forsythe	Kvam	Poppenhagen	Tomlinson
Blatz	Frederick	Levi	Redalen	Tompkins
Boerboom	Frederickson	Marsh	Rest	Uphus
Brinkman	Frerichs	McDonald	Richter	Valento
Burger	Gutknecht	McKasy	Rodosovich	Vanasek
Carlson, J.	Hartle	McPherson	Rose	Waltman
Carlson, L.	Haukoos	Metzen	Schafer	Zaffke
Clausnitzer	Heap	Miller	Segal	
Dempsey	Himle	Olsen, S.	Simoneau	
DenOuden	Kelly	Omann	Stanius	

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

Voss moved to amend the Olsen, S., et al. amendment to S. F. No. 954, as follows:

Page 3, line 13, after "value" insert "to a governmental agency"

A roll call was requested and properly seconded.

The question was taken on the Voss amendment to the Olsen, S., et al. amendment and the roll was called.

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

There were 56 yeas and 57 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Brandl	Clark	Jacobs	Knuth
Battaglia	Brinkman	Cohen	Jaros	Krueger
Beard	Brown	Elioff	Kahn	Lieder
Begich	Carlson, L.	Greenfield	Kelly	Long

McEachern	Neuenschwander	Pappas	Riveness	Sparby
McLaughlin	Norton	Peterson	Sarna	Staten
Metzen	O'Connor	Piper	Segal	Vanasek
Minne	Ogren	Price	Shaver	Vellenga
Munger	Olson, E.	Quinn	Simoneau	Voss
Murphy	Osthoff	Rest	Skoglund	Welle
Nelson, D.	Otis	Rice	Solberg	Wynia
Nelson, K.				

Those who voted in the negative were:

Backlund	DenOuden	Hartinger	Miller	Thiede
Becklin	Dimler	Hartle	Olsen, S.	Thorson
Bennett	Dyke	Haukoos	Omann	Tjornhom
Bishop	Erickson	Heap	Onnen	Tompkins
Blatz	Fjoalien	Himle	Ozment	Uphus
Boerboom	Forsythe	Johnson	Piepho	Valan
Boo	Frederick	Kiffmeyer	Poppenhagen	Valento
Burger	Frederickson	Kvam	Redalen	Waltman
Carlson, D.	Frerichs	Levi	Richter	Zaffke
Carlson, J.	Gruenes	Marsh	Scheid	
Clausnitzer	Gutknecht	McDonald	Stanius	
Dempsey	Halberg	McPherson	Sviggum	

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

The question recurred on the Olsen, S., et al. amendment to S. F. No. 954. The motion prevailed and the amendment was adopted.

POINT OF ORDER

Knuth raised a point of order pursuant to rule 5.8 that S. F. No. 954, as amended, be re-referred to the Committee on Governmental Operations. The Speaker pro tempore Halberg ruled the point of order not well taken.

S. F. No. 954, 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 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 108 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Backlund	Dimler	Kostohryz	Otis	Shaver
Battaglia	Dyke	Krueger	Ozment	Simoneau
Beard	Elioff	Kvam	Pappas	Solberg
Becklin	Ellingson	Levi	Pauly	Sparby
Begich	Erickson	Lieder	Peterson	Stanius
Bennett	Fjoslien	Marsh	Piepho	Sviggunn
Bishop	Forsythe	McDonald	Piper	Thiede
Blatz	Frederick	McEachern	Poppenhagen	Thorson
Boerboom	Frederickson	McPherson	Price	Tjornhom
Boo	Greenfield	Metzen	Quinn	Tomlinson
Brandl	Gruenes	Miller	Quist	Tompkins
Brinkman	Gutknecht	Minne	Redalen	Uphus
Brown	Halberg	Murphy	Rest	Valento
Burger	Hartinger	Nelson, D.	Richter	Vanasek
Carlson, D.	Hartle	Nelson, K.	Riveness	Vellenga
Carlson, J.	Haukoos	Neuenschwander	Rodosovich	Waltman
Carlson, L.	Heap	O'Connor	Sarna	Welle
Clark	Himle	Olsen, S.	Schafer	Wenzel
Clausnitzer	Jacobs	Olson, E.	Scheid	Wynia
Cohen	Kelly	Omman	Schoenfeld	Zaffke
Dempsey	Kiffmeyer	Onnen	Schreiber	
DenOuden	Knickerbocker	Osthoff	Segal	

Those who voted in the negative were:

Anderson, G.	Kahn	Munger	Rice	Staten
Jaros	Knuth	Norton	Skoglund	Voss
Jennings, L.	McLaughlin			

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

S. F. No. 583 which was temporarily laid over earlier today was again reported to the House.

Blatz moved to amend S. F. No. 583, as follows:

Page 3, line 10, after "3," insert "*or of a facility providing transitional housing for battered women and their children,*"

The motion prevailed and the amendment was adopted.

S. F. No. 583, 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 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 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No 623 was reported to the House.

Bishop moved to amend S. F. No. 623, the unofficial engrossment, as follows:

Page 3, after line 3, add:

"Where there is some uncertainty as to the necessity of a permanent award, the court shall order a permanent award leaving its order open for later modification."

The motion prevailed and the amendment was adopted.

Carlson, D., was excused between the hours of 3:30 p.m. and 5:30 p.m.

S. F. No. 623, 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 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 117 yeas and 0 nays as follows :

Those who voted in the affirmative were :

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

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

H. F. No. 857 was reported to the House.

Wynia moved to amend H. F. No. 857, the second engrossment, as follows :

Page 5 to Page 6, delete sections 8 and 9

Amend the title :

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

Page 1, line 8, after the second semicolon, insert "and"

Page 1, line 9, delete everything after "1" and insert a period

A roll call was requested and properly seconded.

The Speaker resumed the Chair.

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

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

There were 41 yeas and 78 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Halberg	Minne	Price	Tomlinson
Battaglia	Kahn	Munger	Quinn	Vanasek
Beard	Kelly	Murphy	Rest	Vellenga
Begich	Knuth	Nelson, D.	Rice	Welle
Brown	Kostohryz	Norton	Riveness	Wynia
Clark	Krueger	Ogren	Skoglund	
Cohen	Lieder	Osthoff	Solberg	
Elioff	Long	Pappas	Sparby	
Greenfield	McLaughlin	Piper	Staten	

Those who voted in the negative were :

Backlund	Erickson	Knickerbocker	Pauly	Stanius
Bennett	Fjoslien	Kvam	Peterson	Sviggum
Bishop	Forsythe	Levi	Piepho	Thiede
Blatz	Frederick	Marsh	Poppenhagen	Thorson
Boerboom	Frederickson	McDonald	Quist	Tjornhom
Boo	Frerichs	McEachern	Redalen	Tompkins
Brandl	Gruenes	McKasy	Richter	Uphus
Brinkman	Gutknecht	McPherson	Rodosovich	Valan
Burger	Hartinger	Metzen	Rose	Valento
Carlson, J.	Hartie	Miller	Sarna	Voss
Carlson, L.	Haukoos	Nelson, K.	Schafer	Waltman
Clausnitzer	Heap	Neuenschwander	Schoenfeld	Wenzel
Dempsey	Himle	Olsen, S.	Schreiber	Zaffke
DenOuden	Jacobs	Onnen	Seaberg	Spk. Jennings, D.
Dimler	Johnson	Otis	Shaver	
Dyke	Kiffmeyer	Ozment	Simoneau	

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

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, subdivisions 1 and 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 third time 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 106 yeas and 12 nays as follows :

Those who voted in the affirmative were :

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

Those who voted in the negative were :

Anderson, G.	Kahn	Piper	Skoglund	Tomlinson
Clark	Kelly	Rice	Staten	Wynia
Greenfield	Pappas			

The bill was passed and its title agreed to.

S. F. No. 986 was reported to the House.

Sviggum moved to amend S. F. No. 986, as follows :

Page 2, line 7, delete "*seciton*" and insert "*section*"

Page 9, line 5, after "*for*" insert "*at least*"

The motion prevailed and the amendment was adopted.

Sviggum moved to amend S. F. No. 986, as amended, as follows :

Page 1, after line 13, insert :

"Section 1. Minnesota Statutes 1984, section 66A.08, subdivision 4, is amended to read :

Subd. 4. [EMPLOYERS' LIABILITY AND WORKERS' COMPENSATION.] (1) [ORGANIZATION.] (a) [SUB-

SCRIBERS AND ARTICLES OF INCORPORATION.]

Twenty or more persons may form an incorporated mutual employers' liability insurance association for the purpose of insuring themselves and such other persons, firms, or corporations as may become subscribers to the association against liability for compensation payable under the terms of the workers' compensation law and for the purpose of insuring against loss or damage by the sickness, bodily injury, or death by accident of any person employed by the insured or for whose injury or death the insured is responsible.

They shall subscribe and acknowledge a certificate specifying :

(aa) The name, general nature of its business, and the principal place of transacting the same; (such name shall distinguish it from all other corporations, domestic or foreign, authorized to do business in this state and end with "company," "corporation," "association," or the word "incorporated");

(bb) The period of its duration;

(cc) The names and places of residence of the incorporators;

(dd) In what board its management shall be vested and the names and addresses of those composing the board until the first election, a majority of whom shall always be residents of the state;

(ee) The highest amount of indebtedness or liability to which the corporation shall at any time be subject; and

(ff) The territory within which the association may do business.

It may contain any other lawful provisions defining and regulating the powers or business of the corporation, its officers, directors, trustees, and members.

The certificate of incorporation of every such corporation shall be submitted to the commissioner for his approval and, if he approves the same, one copy thereof shall be filed with the secretary of state and one copy with the commissioner.

(b) [BYLAWS AND SEAL.] Such association shall have the power to make bylaws for the government of its officers and the conduct of its affairs, to alter and amend the same, and to adopt a common seal.

(c) [ANNUAL MEETING; VOTING RIGHTS.] The annual meeting for the election of directors shall be held at such time (IN THE MONTH OF JANUARY) as the bylaws of the

association may direct. Of the time and place of the meeting at least 30 days previous written or printed notice shall be given to the subscribers, or the notice may be given by publication, not less than three times, in at least two daily or weekly newspapers published in the city or county wherein the association has its principal office and in the legal periodical, if any, designated by the rules of court of the proper county for the publication of legal notices. Subscribers who, during the preceding calendar year, have paid into the treasury of the association premiums amounting to more than one-half of the total premiums received by it during that year, shall constitute a quorum. At this annual meeting the subscribers shall elect, by ballot, from their own number, not less than five directors, a majority of whom shall be residents of this state, to serve for at least one year and until their successors are duly chosen. The association may provide in its bylaws for the division of its board of directors into two, three, or four classes, and for the election thereof at its annual meetings in such manner that the members of one class only shall retire and their successors be chosen each year. Vacancies may be filled by election by the board until the next annual meeting. In the choice of directors and in all meetings of the association, each subscriber shall be entitled to one vote for every \$100, or any fraction thereof, paid by him in premiums into the treasury of the association during the preceding calendar year. Subscribers may vote by proxy and the record of all votes shall be made by the secretary and show whether the same were cast in person or by proxy and shall be evidence of all these elections. Not less than three directors shall constitute a quorum. The directors shall annually choose by ballot a president, who shall be a member of the board; a secretary; a treasurer, who may be either the president or secretary; and such other officers as the bylaws may provide; and fix the salaries of the president and the secretary, as well as the salaries or compensation of such other officers and agents as the bylaws prescribe. Vacancies in any office may be filled by the directors or by the subscribers, as the bylaws shall prescribe.

(2) [REQUIREMENTS.] (a) [NUMBER OF RISKS TO QUALIFY.] These associations shall not begin to issue policies until a list of subscribers with the number of employees of each which, in the aggregate, must number not less than 5,000, together with such other information as the commissioner may require, shall have been filed at the department of commerce, nor until the president and secretary of the association shall have certified under oath that every subscription in the list so filed is genuine and made with an agreement of all the subscribers that they will take the policies subscribed for within 30 days of the granting of a license by the commissioner. In case of associations organized exclusively for the purpose of insuring creameries, cheese factories, and livestock shipping associations, these associations may begin to issue policies when the number of employees insured aggregates 300.

Upon the filing of the certificate provided for in this section, the commissioner shall make such investigations as he may deem proper and, if his findings warrant it, grant a license to the association to issue policies.

(b) [NUMBER OF RISKS REQUIRED TO CONTINUE IN BUSINESS.] If at any time the number of subscribers falls below 20, or the number of subscribers' employees within the state falls below 5,000, no further policies shall be issued until the total number of subscribers amounts to not less than 20, whose employees within the state are not less than 5,000. In case of associations organized for the purpose of insuring creameries, cheese factories, and livestock shipping associations, the number of subscribers must not fall below 200, nor the number of subscribers' employees within the state below 300.

(3) [ADDITIONAL POWERS.] (a) [MAY WRITE AUTOMOBILE INSURANCE.] Any such company authorized to write workers' compensation or liability insurance under this subdivision, when its articles of incorporation so provide, shall be permitted to insure against loss or damage to automobiles or other vehicles and their contents by collision, fire, burglary, or theft, and other perils of operation, and against liability for damage to persons or property of others by collision with such vehicles, and to insure against any loss or hazard incident to the ownership, operation, or use of motor or other vehicles, as specified in section 60A.06, subdivision 1, clause (12).

(b) [MAY WRITE GLASS INSURANCE.] Any company authorized to write workers' compensation or liability insurance under this subdivision when its articles of incorporation so provide shall be permitted to insure against loss or damage by breakage of glass located or in transit.

(c) [SPECIAL POWERS.] Any company organized under this subdivision which, for 15 years prior to the passage of Laws 1935, Chapter 136, has exclusively insured creameries, cheese factories, and livestock shipping associations, and which has assets of \$100,000 or more, may write public liability and compensation insurance coverage of creameries, cheese factories, shipping associations, farmers' elevators, cooperatively owned warehouses, cooperative filling stations, cooperative oil companies and all cooperatively owned or organized enterprises.

(4) [INTERNAL OPERATION.] (a) [POLICIES.] Policies of insurance issued by any such association may be made either with or without the seal thereof and they shall be signed by the president, or such other officers as may be designated by the directors for that purpose, and attested by the secretary.

(b) [CLASSIFICATION OF RISKS.] The board of directors may divide the subscribers into groups in accordance with the nature of their business and the probable risk of injury therein. In such case they shall fix all premiums, make all assessments, and determine and pay all dividends by and for each group in accordance with the experience thereof, but all funds of the association and the contingent liability of all subscribers shall be available for the payment of any claim against the association; provided, that (as between the association and its subscribers) until the whole of the contingent liability of the members of any group shall be exhausted, the general funds of the association and the contingent liability of the members of other groups shall not be available for the payment of losses and expenses incurred by such group in excess of the earned premiums paid by the members thereof.

(c) [CLASSIFICATION TO BE FILED.] A statement of any proposed distribution of subscribers into groups shall be filed with the department of commerce.

(d) [RATES.] The board of directors shall determine the amount of premiums which the subscribers of the association shall pay for their insurance in accordance with the nature of the business in which the subscribers are engaged and the probable risk of injury to their employees under existing conditions, and it shall fix premiums at such amounts as in its judgment shall be sufficient to enable the association to pay to its subscribers all sums which may become due and payable to their employees under provisions of law and the expenses of conducting the business of the association. In fixing the premium payable by any subscriber, the board of directors may take into account the condition of the plant, workroom, shop, farm, or premises of the subscriber in respect to the safety of those employed therein as shown by the report of any inspector appointed by the board and it may from time to time change the amount of premiums payable by any of the subscribers as circumstances may require and the condition of the plant, workroom, shop, farm, or premises of the subscribers in respect to the safety of their employees may justify and may increase the premiums of any subscriber neglecting to provide safety devices required by law, or disobeying the rules or regulations made by the board of directors in accordance with the provisions of clause (4) (g) of this subdivision.

(e) [PREMIUMS; CONTINGENT LIABILITY.] Every such company shall charge and collect on each policy a premium equal to one year's premium on the policy issued and state in the policy the estimated annual premium and provide in its bylaws for the determination of the actual premium and for the payment of same when determined. The premium thus determined shall be known as the annual premium on the policy. The company shall provide in its bylaws and specify in its policies the maximum contingent mutual liability of its members for the payment of losses and expenses not provided for by its cash fund. The contingent

liability of a member shall not be less than a sum equal and in addition to one annual premium, nor more than a sum equal to five times the amount of the annual premium or, in case of a policy written for less than one year, the contingent liability shall not be less than the proportionate fractional part of the annual premium, nor more than five times the proportionate fractional part of the annual premium. The contingent liability of the policyholder shall be plainly and legibly stated in each policy as follows: "The maximum contingent liability of the policyholder under this policy shall be a sum equal to . . . annual premium (or premiums)."

(f) [ASSESSMENTS.] When the liabilities, including unearned premiums and such other reserves as are or may be required by law and the commissioner, are in excess of the admitted assets computed on the basis allowed for its annual statement, it shall make an assessment upon its policyholders based upon the amount of one annual premium as written in the policy and not to exceed the amount of five annual premiums.

If it becomes necessary to levy the assessment, as provided by this section, no policies shall be issued until the admitted assets of the association are in excess of its liabilities.

(g) [POWER OF BOARD OF DIRECTORS.] The board of directors shall be entitled to inspect the plant, workroom, shop, farm, or premises of any subscriber and for this purpose to appoint inspectors, who shall have free access to all such premises during regular working hours, and the board of directors shall likewise from time to time be entitled to examine by their auditor or other agent the books, records, and payrolls of any subscribers for the purpose of determining the amount of premium chargeable to the subscriber.

The board of directors shall make reasonable rules and regulations for the prevention of injuries upon the premises of subscribers; and may refuse to insure, or may terminate the insurance of, any subscriber who refuses to permit these examinations and disregards such rules or regulations, and forfeit all premiums previously paid by him, but the termination of the insurance of any subscriber shall not release him from liability for the payment of assessments then or thereafter made by the board of directors to make up deficiencies existing at the termination of his insurance.

(h) [INVESTMENTS.] The association shall invest and keep invested all its funds of every description, excepting such cash as may be required in the transaction of its business, in accordance with the laws of this state or relating to the investment of funds of domestic insurance companies.

No such association shall purchase, hold, or convey real estate except as provided by section 60A.11, subdivision 6.

(i) [WITHDRAWAL OF SUBSCRIBER.] Any subscriber of the association who has complied with all its rules and regulations may withdraw therefrom by written notice to that effect sent by the subscriber by certified mail to the association and this withdrawal shall become effective on the first day of the month immediately following the tenth day after the receipt of the notice, but the withdrawal shall not release the subscriber from liability for the payment of assessments thereafter made by the board of directors to make up deficiencies existing at the date of his withdrawal and the subscriber shall be entitled to his share of any dividends earned at the date of his withdrawal.

(5) [MISCELLANEOUS.] (a) [PERJURY BY OFFICER.] If any officer of the association shall falsely make oath to any certificate required to be filed with the commissioner, he shall be guilty of perjury.

(b) [FOREIGN MUTUAL EMPLOYERS' LIABILITY ASSOCIATION.] Any mutual employers' liability insurance association of another state, upon compliance with all laws governing such corporations in general and the provisions of this subdivision may be admitted to transact business in this state. These associations shall pay to the department of commerce the fees prescribed by section 60A.14, subdivision 1.

(c) [WINDING UP AFFAIRS.] When the contracts of insurance issued by these associations shall cover in the aggregate less than 5,000 employees or, in the case of associations organized for the purpose of insuring creameries, cheese factories, and livestock shipping associations, less than 300 employees, the association shall forthwith notify the commissioner of that fact and if, at the expiration of six months from the notice, the aggregate number of employees covered by the contracts of insurance shall be less than 5,000, or, in the case of associations organized for the purpose of insuring creameries, cheese factories, and livestock shipping associations, less than 300 employees, the commissioner shall proceed under the provisions of chapter 60B."

Renumber subsequent sections

Correct internal cross-references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Sviggum moved to amend S. F. No. 986, as amended, as follows:

Page 3, after line 17, insert:

"Sec. 3. Minnesota Statutes 1984, section 176.101, subdivision 3i, is amended to read:

Subd. 3i. [LAY OFF BECAUSE OF LACK OF WORK OR RELEASED FOR OTHER THAN SEASONAL CONDITIONS.]

(a) If an employee accepts a job under subdivision 3e and begins work at that job and is subsequently unemployed at that job because of economic conditions, other than seasonal conditions, the employee shall receive monitoring period compensation pursuant to clause (b). In addition, the employer who was the employer at the time of the injury shall provide rehabilitation consultation by a qualified rehabilitation consultant if the employee remains unemployed for 45 calendar days. The commissioner may waive this rehabilitation consultation if the commissioner deems it appropriate. Further rehabilitation, if deemed appropriate, is governed by section 176.102.

(b) Upon the employee's initial return to work the monitoring period begins to run. If the employee is unemployed for the reason in clause (a), prior to the end of the monitoring period the employee shall receive monitoring period compensation. This compensation shall be paid (FOR THE LESSER OF) *until* (1) (THE WEEKS REMAINING IN) the monitoring period *expires*, or (2) (THE WEEKS EQUAL TO THE MONITORING PERIOD MINUS THE IMPAIRMENT COMPENSATION PAID TO THE EMPLOYEE. FOR PURPOSES OF THIS CLAUSE THE IMPAIRMENT COMPENSATION SHALL BE CONVERTED TO WEEKS BY DIVIDING THE IMPAIRMENT COMPENSATION RECEIVED BY THE EMPLOYEE BY THE EMPLOYEE'S COMPENSATION RATE FOR TEMPORARY TOTAL DISABILITY AT THE TIME OF THE INJURY) *the sum of monitoring period compensation paid and impairment compensation paid or payable is equal to the amount of economic recovery compensation that would have been paid if that compensation were payable, whichever occurs first.* No monitoring period compensation is payable if the unemployment occurs after the expiration of the monitoring period. Monitoring period compensation is payable at the same intervals and (IN) *at the same (AMOUNT) rate as when temporary total compensation ceased, provided that the minimum monitoring period compensation rate is 66 2/3 percent of the weekly wage for permanent partial disability as determined by section 176.011, subdivision 18 and subject to the maximums specified therein.*

(c) Compensation under this subdivision shall not be escalated pursuant to section 176.645.

(d) If the employee returns to work and is still receiving monitoring period compensation, this compensation shall cease. Any period remaining in the monitoring period upon this return to work shall be used to determine further benefits if the employee is again unemployed under clause (a).

(e) Upon the employee's return to work pursuant to this section the insurer shall notify the employee of the length of the employee's monitoring period and shall notify the employee of the amount of impairment to be paid and the date of payment.

Sec. 4. Minnesota Statutes 1984, section 176.101, subdivision 3t, is amended to read:

Subd. 3t. [MINIMUM ECONOMIC RECOVERY COMPENSATION.] (a) Economic recovery compensation pursuant to this section shall be at least 120 percent of the impairment compensation the employee would receive if that compensation were payable to the employee. (THE MONITORING PERIOD SHALL BE AT LEAST 120 PERCENT OF THE WEEKS DURING WHICH IMPAIRMENT COMPENSATION WOULD BE PAYABLE IF PAID WEEKLY.)

(b) Where an employee has suffered a personal injury for which temporary total compensation is payable but which produces no permanent partial disability and the employee is unable to return to his former employment for medical reasons attributable to the injury, the employee shall receive 26 weeks of economic recovery compensation. This paragraph shall not be used to determine monitoring period compensation under subdivision 3i and shall not be a minimum for determining the amount of compensation when an employee has suffered a permanent partial disability.”

Renumber subsequent sections

Page 8, after line 36, insert:

“Sec. 11. Minnesota Statutes 1984, section 176.191, subdivision 5, is amended to read:

Subd. 5. Where a dispute exists between an employer, insurer, the special compensation fund, the reopened case fund, or the workers' compensation reinsurance association, regarding benefits payable under this chapter, the dispute may be submitted with consent of all interested parties to binding arbitration (PURSUANT TO THE RULES OF THE AMERICAN ARBITRATION ASSOCIATION). The decision of the arbitrator shall be conclusive with respect to all issues presented except as provided in subdivisions 6 and 7. Consent of the employee is not required for submission of a dispute to arbitration pursuant to this section and the employee is not bound by the results of the arbitration. An arbitration award shall not be admissible in any other proceeding under this chapter. Notice of the proceeding shall be given to the employee.

The employee, or any person with material information to the facts to be arbitrated, shall attend the arbitration proceeding if any party to the proceeding deems it necessary. Nothing said by an employee in connection with any arbitration proceeding may be used against the employee in any other proceeding under this chapter. Reasonable expenses of meals, lost wages, and travel of the employee or witnesses in attending shall be reim-

bursed on a pro rata basis. Arbitration costs shall be paid by the parties, except the employee, on a pro rata basis.”

Renumber subsequent sections

Page 10, after line 36, insert:

“Sec. 16. Minnesota Statutes 1984, section 352E.03, is amended to read:

352E.03 [WORKERS’ COMPENSATION (COURT OF APPEALS) COURTS.]

Eligibility to receive benefits as herein provided shall be determined by the workers’ compensation (COURT OF APPEALS) *courts* in the manner provided by chapter 176. A decision of the workers’ compensation court of appeals hereunder may be reviewed by the Minnesota supreme court in the same manner and subject to the same procedures governing all other appeals from the decisions of the workers’ compensation court of appeals. *The time limitation for commencing an action under this chapter is determined by section 176.151(2).*”

Page 11, line 1, delete “13” and insert “17”

Page 11, after line 3, insert:

“Sec. 18. [EFFECTIVE DATE.]

Sections 1 to 11 and 13 to 17 are effective the day after final enactment. Section 12 is effective July 1, 1985.”

Correct all internal cross-references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Sviggum moved to amend S. F. No. 986, as amended, as follows:

Page 1, after line 13, 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.

The board shall take reasonable and prudent action regarding the management of the reinsurance association including but not limited to determining the entity who shall manage the daily affairs of the reinsurance association. The board shall report to the governor of its actions regarding the entity selected to manage the reinsurance association and the reasons for the selection.

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 representative 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."

Renumber subsequent sections

Correct all internal references

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

Begich raised a point of order pursuant to rule 5.8 that S. F. No. 986, as amended, be re-referred to the Committee on Governmental Operations. The Speaker ruled the point of order not well taken.

Begich moved to lay the Sviggum amendment to S. F. No. 986, as amended, on the table.

A roll call was requested and properly seconded.

The question was taken on the Begich motion to lay the Sviggum amendment to S. F. No. 986, as amended, on the table and the roll was called.

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

There were 56 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Battaglia	Brandl	Carlson, L.	Elioff	Jacobs
Beard	Brinkman	Clark	Ellingson	Jaros
Begich	Brown	Cohen	Greenfield	Kahn

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

Those who voted in the negative were:

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

The motion did not prevail.

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

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

There were 66 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslien	Knickerbocker	Poppenhagen	Thorson
Bennett	Forsythe	Kvam	Quist	Tjornhom
Bishop	Frederick	Levi	Redalen	Tompkins
Blatz	Frederickson	Marsh	Richter	Uphus
Boerboom	Frerichs	McDonald	Rodosovich	Valan
Boo	Gruenes	McKasy	Rose	Valento
Brinkman	Gutknecht	McPherson	Schafer	Waltman
Brown	Hartinger	Miller	Schoenfeld	Welle
Burger	Hartle	Neuenschwander	Schreiber	Zaffke
Clausnitzer	Haukoos	Omann	Seaberg	Spk. Jennings, D.
Dempsey	Heap	Onnen	Shaver	
Dimler	Himle	Ozment	Sparby	
Dyke	Johnson	Pauly	Sviggum	
Erickson	Kiffmeyer	Piepho	Thiede	

Those who voted in the negative were:

Battaglia	Cohen	Jaros	Long	Murphy
Beard	DonOuden	Kahn	McEachern	Nelson, D.
Begich	Elioff	Kelly	McLaughlin	Nelson, K.
Brandl	Ellingson	Knuth	Metzen	Norton
Carlson, L.	Greenfield	Krueger	Minne	O'Connor
Clark	Jacobs	Lieder	Munger	Ogren

Olson, E.	Piper	Riveness	Skoglund	Vellenga
Oshoff	Price	Sarna	Solberg	Voss
Otis	Quinn	Scheid	Staten	Wenzel
Pappas	Rest	Segal	Tomlinson	Wynia
Peterson	Rice	Simoneau	Vanasek	

The motion prevailed and the amendment was adopted.

Welle moved to amend S. F. No. 986, as amended, as follows:

Page 1, after line 22, insert:

“Sec. 2. Minnesota Statutes 1984, section 176.021, is amended by adding a subdivision to read:

Subd. 9. [EMPLOYER RESPONSIBILITY FOR WELLNESS PROGRAMS.] Injuries incurred while participating in voluntary recreational programs sponsored by the employer, including health promotion programs, athletic events, parties, and picnics, do not arise out of and in the course of the employment even though the employer pays some or all of the cost of the program. This exclusion does not apply in the event that the injured employee was ordered or assigned by the employer to participate in the program.”

Renumber the sections in sequence.

Amend the title as follows:

Page 1, line 2, after the semicolon insert “excluding certain injuries from coverage;”

Page 1, line 4, delete “subdivision 3b” and insert “by adding subdivisions”

The motion prevailed and the amendment was adopted.

S. F. No. 986, 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 176.081, subdivision 4; and 176.134.

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 84 yeas and 37 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dyke	Knickerbocker	Ozment	Sparby
Anderson, R.	Erickson	Knuth	Pauly	Stanius
Becklin	Fjoslien	Kostohryz	Peterson	Sviggunm
Bennett	Forsythe	Krueger	Piepho	Thiede
Bishop	Frederick	Kvam	Poppenhagen	Thorson
Blatz	Frederickson	Levi	Quinn	Tjornhom
Boerboom	Frerichs	Lieder	Quist	Tompkins
Boo	Gruenes	Marsh	Redalen	Uphus
Brinkman	Gutknecht	McDonald	Richter	Valan
Brown	Hartinger	McEachern	Rodosovich	Valento
Burger	Hartle	McPherson	Rose	Vanasek
Carlson, J.	Haukoos	Metzen	Schafer	Vellenga
Clausnitzer	Heap	Miller	Schoenfeld	Waltman
Cohen	Himle	Neuenschwander	Schreiber	Weille
Dempsey	Jennings, L.	Olson, E.	Seaberg	Zaffke
DenOuden	Johnson	Omman	Shaver	Spk. Jennings, D.
Dimler	Kiffmeyer	Onnen	Simoneau	

Those who voted in the negative were:

Battaglia	Greenfield	Nelson, K.	Price	Staten
Beard	Jacobs	Norton	Rest	Tomlinson
Begich	Kelly	O'Connor	Rice	Voss
Brandl	Long	Ogren	Sarna	Wenzel
Carlson, L.	McLaughlin	Osthoff	Scheid	Wynia
Clark	Minne	Otis	Segal	
Elioff	Murphy	Pappas	Skoglund	
Ellingson	Nelson, D.	Piper	Solberg	

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

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 third time 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 109 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Backlund	Fjoslien	Long	Pauly	Solberg
Battaglia	Frederick	McDonald	Peterson	Sparby
Beard	Frederickson	McEachern	Piepho	Stanius
Becklin	Frerichs	McLaughlin	Piper	Staten
Begich	Greenfield	McPherson	Poppenbagen	Sviggum
Bennett	Gruenes	Metzen	Quinn	Thiede
Bishop	Gutknecht	Miller	Quist	Thorson
Blatz	Hartle	Minne	Rest	Tjornhom
Boerboom	Heap	Murphy	Richter	Tomlinson
Boo	Himle	Nelson, D.	Riveness	Tompkins
Brandl	Jacobs	Nelson, K.	Rodosovich	Uphus
Brinkman	Jaros	Neuenschwander	Rose	Valan
Brown	Jennings, L.	Norton	Sarna	Valento
Burger	Johnson	O'Connor	Schafer	Vanasek
Carlson, L.	Kelly	Ogren	Scheid	Vellenga
Clark	Kiffmeyer	Olsen, S.	Schoenfeld	Voss
Clausnitzer	Knickerbocker	Olson, E.	Schreiber	Waltman
Cohen	Knuth	Omamm	Seaberg	Wenzel
Dempsey	Kostohryz	Onnen	Segal	Wynia
DenOuden	Krueger	Otis	Shaver	Zaffke
Dyke	Kvam	Ozment	Simoneau	Spk. Jennings, D.
Erickson	Levi	Pappas	Skoglund	

Those who voted in the negative were:

Elioff

The bill was passed and its title agreed to.

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 third time 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 116 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Boo	DenOuden	Gruenes	Kelly
Anderson, R.	Brandl	Dimler	Gutknecht	Kiffmeyer
Backlund	Brinkman	Dyke	Hartle	Knickerbocker
Battaglia	Brown	Elioff	Haukoos	Knuth
Beard	Burger	Erickson	Himle	Kostohryz
Begich	Carlson, L.	Fjoslien	Jacobs	Krueger
Bennett	Clark	Frederick	Jaros	Kvam
Bishop	Clausnitzer	Frederickson	Jennings, L.	Levi
Blatz	Cohen	Frerichs	Johnson	Lieder
Boerboom	Dempsey	Greenfield	Kahn	Long

Marsh	Olsen, S.	Quinn	Segal	Valento
McDonald	Olson, E.	Quist	Shaver	Vanasek
McEachern	Omann	Rest	Skoglund	Vellenga
McLaughlin	Onnen	Rice	Solberg	Voss
McPherson	Osthoff	Richter	Sparby	Waltman
Metzen	Otis	Riveness	Stanius	Welle
Minne	Ozment	Rodosovich	Staten	Wenzel
Murphy	Pappas	Rose	Sviggunn	Wynia
Nelson, D.	Pauly	Sarna	Thorson	Zaffke
Nelson, K.	Peterson	Schafer	Tjornhom	Spk. Jennings, D.
Neuenschwander	Piepho	Scheid	Tomlinson	
Norton	Piper	Schoenfeld	Tompkins	
O'Connor	Poppenhagen	Schreiber	Uphus	
Ogren	Price	Seaberg	Valan	

The bill was passed and its title agreed to.

S. F. No. 1254, 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 third time 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 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Segal	Sparby	Thorson	Valan	Welle
Shaver	Stanius	Tjornhom	Valento	Wenzel
Simoneau	Staten	Tomlinson	Vanasek	Wynia
Skoglund	Sviggum	Tompkins	Voss	Zaffke
Solberg	Thiede	Uphus	Waitman	Spk. Jennings, D.

The bill was passed and its title agreed to.

S. F. No. 952 was reported to the House.

Miller moved to amend S. F. No. 952, as follows:

Delete everything after the enacting clause and insert:

“Section 1. [326.249] [ALARM AND COMMUNICATION SYSTEMS.]

Subdivision 1. [APPLICABILITY.] Except as provided in subdivision 2, sections 326.241 to 326.248 do not apply to a person who lays out, installs, or maintains class II or class III signaling circuits, fire protective circuits, outside wiring for alarm systems, or communication circuits or systems, as covered by article 725, 760, 770, 800, 810, and 820 of the National Electrical Code as approved by the United States of America Standards Institute in effect January 1, 1985, and any system designed to transmit communications, intelligence, or data through use of fiber optics technology, provided that the person maintains a bond and insurance in the amounts required under section 326.242, subdivision 6. No person exempt under this section may be required to obtain any authorization, permit, franchise, or license from, or pay any fee, franchise tax, or other assessment to any agency, department, board, or political subdivision of the state as a condition for performing any work described herein.

Subd. 2. [CONTRACTOR'S LICENSES.] No person shall lay out, install, maintain, or repair automatic/manual fire alarm systems in commercial, industrial, or public buildings or in multifamily dwellings larger than duplexes, unless the person is a licensed contractor or an employee thereof. The board of electricity shall issue a contractor's license to any individual, corporation, partnership, sole proprietorship, or other business entity that provides adequate proof that a bond and insurance in the amounts required under section 326.242, subdivision 6, have been obtained by the applicant and that the applicant has two or more years of experience installing or repairing the appropriate systems. The board of electricity shall set the fee for contractor's licenses and disposition of fees shall be as provided in section 326.242, subdivision 3. Installation or repairs regulated by this subdivision shall be subject to inspection as provided in section 326.244.

Subd. 3. [EXISTING CONTRACTORS.] Persons in the business of laying out, installing, maintaining, or repairing systems for which a license is required under subdivision 2 on the effective date of this act shall be allowed to continue in that business as if licensed according to this act until final action is taken upon their applications, provided that they make application within 180 days of the effective date of this act.

Sec. 2. [326.2491] [HAZARDOUS LOCATIONS.]

The provisions of section 1 shall not apply to work performed in hazardous locations as covered by article 500 of the National Electrical Code as approved by the United States of America Standards Institute in effect January 1, 1985.

Sec. 3. [326.2492] [LIMITATION.]

Nothing in section 1 prohibits a unit of local government from charging a franchise fee to the operator of a cable communications system."

Delete the title and insert:

"A bill for an act relating to occupations and professions; regulating persons who lay out, install, or maintain certain systems, or communication circuits or systems; proposing coding for new law in Minnesota Statutes, chapter 326."

A roll call was requested and properly seconded.

Jaros and Munger were excused between the hours of 5:00 p.m. and 7:00 p.m.

Ozment moved to amend the Miller amendment to S. F. No. 952, as follows:

Page 1, line 8, delete the new language after the first comma

Page 1, delete lines 9 to 12

Page 1, line 13, delete the new language before "provided"

A roll call was requested and properly seconded.

The question was taken on the Ozment amendment to the Miller amendment to S. F. No. 952 and the roll was called.

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

There were 54 yeas and 56 nays as follows:

Those who voted in the affirmative were:

Battaglia	Kahn	Nelson, K.	Piper	Skoglund
Beard	Kelly	Norton	Price	Solberg
Begich	Knuth	O'Connor	Quinn	Staten
Brinkman	Kostohryz	Ogren	Rest	Tomlinson
Carlson, L.	Krueger	Olson, E.	Rice	Uphus
Clark	Lieder	Omann	Riveness	Vanasek
Cohen	McEachern	Osthoff	Rodosovich	Vellenga
Elioff	McLaughlin	Otis	Sarna	Voss
Ellingson	Minne	Ozment	Scheid	Welle
Greenfield	Murphy	Pappas	Segal	Wenzel
Jacobs	Nelson, D.	Peterson	Simoneau	

Those who voted in the negative were:

Anderson, G.	Fjoslien	Johnson	Onnen	Sviggunn
Bennett	Forsythe	Kiffmeyer	Pauly	Thiede
Bishop	Frederick	Knickerbocker	Piepho	Thorson
Blatz	Frederickson	Kvam	Quist	Tjornhom
Boerboom	Frerichs	Levi	Redalen	Tompkins
Boo	Gruenes	Marsh	Richter	Valento
Burger	Gutknecht	McDonald	Schafer	Zaffke
Clausnitzer	Hartinger	McKasy	Schoenfeld	Spk. Jennings, D.
Dempsey	Hartle	McPherson	Schreiber	
DenOuden	Haukoos	Miller	Shaver	
Dimler	Heap	Neuenschwander	Sherman	
Dyke	Himle	Olsen, S.	Sparby	

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

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

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

There were 61 yeas and 50 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dyke	Johnson	Pauly	Thorson
Bennett	Fjoslien	Kiffmeyer	Piepho	Tjornhom
Bishop	Forsythe	Knickerbocker	Quist	Tompkins
Blatz	Frederick	Kvam	Redalen	Uphus
Boerboom	Frederickson	Levi	Richter	Valan
Boo	Frerichs	Marsh	Schafer	Valento
Brandl	Gruenes	McDonald	Schoenfeld	Waltman
Burger	Gutknecht	McKasy	Schreiber	Zaffke
Clausnitzer	Hartinger	McPherson	Shaver	Spk. Jennings, D.
Cohen	Hartle	Miller	Simoneau	
Dempsey	Haukoos	Neuenschwander	Sparby	
DenOuden	Heap	Olson, E.	Sviggunn	
Dimler	Himle	Onnen	Thiede	

Those who voted in the negative were:

Battaglia	Brinkman	Clark	Greenfield	Kelly
Beard	Brown	Elioff	Jacobs	Knuth
Begich	Carlson, L.	Ellingson	Kahn	Kostohryz

Krueger	Nelson, K.	Ozment	Rice	Staten
Lieder	Norton	Pappas	Riveness	Tomlinson
McEachern	O'Connor	Peterson	Rodosovich	Vanasek
McLaughlin	Ogren	Piper	Sarna	Voss
Minne	Omamm	Price	Scheid	Welle
Murphy	Osthoff	Quinn	Segal	Wenzel
Nelson, D.	Otis	Rest	Solberg	Wynia

The motion prevailed and the amendment was adopted.

S. F. No. 952, 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 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 70 yeas and 42 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Dimler	Himle	Neuenschwander	Simoneau
Becklin	Dyke	Johnson	Olson, E.	Sparby
Bennett	Fjoslien	Kiffmeyer	Onnen	Stanius
Bishop	Forsythe	Knickerbocker	Ozment	Sviggum
Blatz	Frederick	Krueger	Pauly	Thorson
Boerboom	Frederickson	Kvam	Piepho	Tjornhom
Boo	Frerichs	Levi	Quist	Tompkins
Brandl	Gruenes	Long	Redalen	Valento
Brown	Gutknecht	Marsh	Richter	Vanasek
Burger	Halberg	McDonald	Schafer	Vellenga
Clausnitzer	Hartinger	McKasy	Schoenfeld	Voss
Cohen	Hartle	McPherson	Schreiber	Welle
Dempsey	Haukoos	Metzen	Segal	Zaffke
DenOuden	Heap	Miller	Shaver	Spk. Jennings, D.

Those who voted in the negative were :

Battaglia	Jacobs	Norton	Price	Staten
Beard	Kahn	O'Connor	Quinn	Tomlinson
Begich	Knuth	Ogren	Rest	Uphus
Brinkman	Kostohryz	Omamm	Rice	Waltman
Carlson, L.	McEachern	Osthoff	Riveness	Wenzel
Clark	McLaughlin	Otis	Sarna	Wynia
Elioff	Minne	Pappas	Scheid	
Ellingson	Murphy	Peterson	Skoglund	
Greenfield	Nelson, D.	Piper	Solberg	

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

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment, the concurrence of the House is respectfully requested:

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Levi moved that the House refuse to concur in the Senate amendments to H. F. No. 58, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Levi moved that the House refuse to concur in the Senate amendments to H. F. No. 213, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker :

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested :

H. F. No. 558, A bill for an act relating to metropolitan government; providing conditions for the disposal of certain sports facilities property; 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, sections 473.556, subdivision 6; and 473.704, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

Blatz moved that the House refuse to concur in the Senate amendments to H. F. No. 558, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker :

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested :

H. F. No. 633, A bill for an act relating to traffic regulations; providing for a temporary definition of school bus; providing for book racks and "MN" designation on school buses; amending Minnesota Statutes 1984, section 169.44, by adding subdivisions.

PATRICK E. FLAHAVEN, Secretary of the Senate

Levi moved that the House refuse to concur in the Senate amendments to H. F. No. 633, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

SPECIAL ORDERS

S. F. No. 676 was reported to the House.

Uphus moved to amend S. F. No. 676, as follows :

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."

Delete the title and insert:

"A bill for an act relating to towns; authorizing the conduct of town business and elections at places located outside the town; amending Minnesota Statutes 1984, sections 204B.16, subdivision 1; and 365.51."

The motion prevailed and the amendment was adopted.

Uphus moved to amend S. F. No. 676, as amended, as follows:

Page 2, line 27, delete "*Sections 1 and 2 are*" and insert "*This act is*"

The motion prevailed and the amendment was adopted.

S. F. No. 676, 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 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 103 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslien	Long	Pappas	Sherman
Anderson, R.	Forsythe	Marsh	Pauly	Solberg
Backlund	Frederick	McDonald	Peterson	Sparby
Beard	Frederickson	McEachern	Piepho	Stanius
Becklin	Gruenes	McKasy	Piper	Sviggum
Begich	Halberg	McPherson	Poppenhagen	Thiede
Bennett	Hartinger	Metzen	Price	Thorson
Bishop	Hartle	Miller	Quinn	Tjornhom
Blatz	Haukoos	Minne	Quist	Tompkins
Boerboom	Heap	Munger	Redalen	Uphus
Boo	Himle	Murphy	Rest	Valan
Brinkman	Jacobs	Nelson, K.	Richter	Valento
Brown	Johnson	Neuenschwander	Rodosovich	Vanasek
Burger	Kiffmeyer	Norton	Rose	Vellenga
Carlson, L.	Knickerbocker	O'Connor	Sarna	Waltman
Clausnitzer	Knuth	Ogren	Schafer	Welle
Cohen	Kostohryz	Olson, E.	Schoenfeld	Wenzel
Dempsey	Krueger	Omann	Schreiber	Zaffke
DenOuden	Kvam	Onnen	Seaberg	Spk. Jennings, D.
Dimler	Levi	Otis	Segal	
Dyke	Lieder	Ozment	Shaver	

Those who voted in the negative were:

Battaglia	Ellingson	Osthoff	Simoneau	Tomlinson
Brandl	Greenfield	Rice	Skoglund	Voss
Clark	Kahn	Scheid	Staten	Wynia
Elioff				

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

S. F. No. 43 was reported to the House.

Johnson and Anderson, G., moved to amend S. F. No. 43, the unofficial engrossment, as follows:

Page 5, line 26, delete everything after "*violation*"

Page 5, line 27, delete "*30, 1985,*"

Page 5, line 36, after "*supplier*" insert "*as provided by Laws 1984, chapter 654, article 2, section 8*"

Page 6, line 14, after "*supplier*" insert "*as provided by Laws 1984, chapter 654, article 2, section 8*"

Page 7, line 13, after the period insert "*This subdivision applies to contract crime violations which occur after June 30, 1985.*"

The motion prevailed and the amendment was adopted.

The Speaker called Halberg to the Chair.

Johnson and Lieder moved to amend S. F. No. 43, the unofficial engrossment, as amended, as follows:

Page 30, after line 7, insert:

"Sec. 35. Laws 1979, chapter 280, section 2, subdivision 2, as amended by Laws 1982, chapter 617, section 25, is amended to read:

Subd. 2. \$50,000,000, or so much thereof as is needed, is available for expenditure at a rate not exceeding \$12,500,000 per fiscal year for grants to political subdivisions for construction and reconstruction of key bridges on highways, streets and roads under their jurisdiction. (THE GRANTS SHALL NOT EXCEED THE FOLLOWING AGGREGATE AMOUNTS:)

((1) TO COUNTIES . . . \$8,500,000)

((2) TO HOME RULE CHARTER AND STATUTORY CITIES . . . \$1,000,000)

((3) TO TOWNS . . . \$21,000,000)

(ADDITIONAL GRANTS MAY BE MADE IN AN AGGREGATE AMOUNT NOT TO EXCEED \$19,500,000 TO THE POLITICAL SUBDIVISIONS TO MATCH FEDERAL AID GRANTS FOR CONSTRUCTION AND RECONSTRUCTION OF KEY BRIDGES UNDER THEIR JURISDICTION.) Appropriations made in subdivisions 1, 2, or 3 may also be used for the following purposes:

(1) The costs of abandoning an existing bridge that is deficient and is in need of replacement, but where no replacement will be made.

(2) The costs of constructing a road or street that would facilitate the abandonment of an existing bridge determined to be deficient. The construction of the road or street must be judged to be more cost efficient than the reconstruction or replacement of the existing bridge.

The commissioner of transportation shall, from the amount appropriated in this subdivision, make available not less than \$2,000,000 in each fiscal year in grants to political subdivisions to match federal grants for construction and reconstruction of key bridges under their jurisdiction."

Renumber the remaining sections

Page 30, line 14, delete "and 34" and insert "34 and 35"

Amend the title as follows:

Page 1, line 21, after the semicolon insert "removing and modifying certain restrictions on the expenditure of proceeds from state transportation bonds;"

Page 1, line 31, after "505.24;" insert "Laws 1979, chapter 280, section 2, subdivision 2, as amended by Laws 1982, chapter 617, section 25;"

The motion prevailed and the amendment was adopted.

Blatz moved to amend S. F. No. 43, the unofficial engrossment, as amended, as follows:

Page 30, after line 7, add a section to read:

"Sec. 36. [SPECIAL PERMIT.]

Subdivision 1. [PERMIT TO BE ISSUED.] Notwithstanding any law to the contrary the commissioner of transportation

shall issue one special permit authorizing the operation for testing purposes of a three vehicle combination consisting of a motor vehicle, a "motorized hitch" and a trailer. The permit is valid for one year from the date of issuance. The annual fee for the permit is \$30. The permit is subject to all applicable provisions of Minnesota Statutes 1984, section 169.86, except as otherwise provided in this subdivision. The holder of the permit is responsible for all liability for personal injury, property damage or time lost, which may occur as a result of the operation of the combination for which the permit is issued, and must, if a claim is made against the state or a department, division officer or employee thereof arising from such operation, defend, indemnify and hold them harmless.

Subd. 2. [EXPIRATION.] Subdivision 1 expires July 31, 1986."

Renumber the remaining section

Page 30, line 14, delete "and 35" and insert "35 and 36"

Amend the title as follows:

Page 1, line 31, after "system;" insert "directing the commissioner of transportation to issue a special permit for a certain combination of vehicles;"

The motion prevailed and the amendment was adopted.

Johnson, Brandl, Pauly, Knickerbocker and Staten moved to amend S. F. No. 43, the unofficial engrossment, as amended, as follows:

Page 30, after line 7, insert:

"Sec. 37. [161.1231] [PARKING FACILITIES FOR I-394.]

Subdivision 1. [AUTHORITY TO CONSTRUCT.] Notwithstanding section 161.123 or any other law, the commissioner may acquire land by purchase, gift, or eminent domain for parking facilities described in this section and may construct, operate, repair, and maintain parking facilities primarily to serve vehicles traveling the route in the interstate highway system described in section 161.123, clause (2), also known as I-394. Other vehicles may use the parking facilities when space is available.

Subd. 2. [RULES AND PROCEDURES.] The commissioner shall adopt rules and establish procedures for the operation and use of the parking facilities. The rules are exempt from the requirements of chapter 14. A copy of the rules that regulate use of the facilities by drivers must be posted in each parking facility. The rules must:

(1) *establish incentives, which must include preferential parking locations, to encourage drivers of vehicles that travel I-394 and that are occupied by two or more persons to use the facilities;*

(2) *define peak travel hours and provide that during peak travel hours single-occupant vehicles be charged a surcharge to bring the parking fee for those vehicles to approximately the same level as parking fees charged in the private parking ramps located in Minneapolis;*

(3) *provide preferential parking locations for vehicles licensed and operated under section 168.021;*

(4) *establish application, permit, and use requirements; and*

(5) *provide for removal and impoundment of vehicles and assessment of a service fee on vehicles parked in violation of this section and the rules adopted under it.*

Subd. 3. [FEDERAL AID.] The commissioner may cooperate with the federal government or any agency of the federal government and may comply with the law of the United States and regulations adopted under those laws so that federal money available for construction of parking ramps described in the Surface Transportation Assistance Act of 1982, section 127, may be obtained.

Subd. 4. [AGREEMENTS; LEASES.] (a) The commissioner may make agreements with or may lease the parking facilities to the city of Minneapolis or to a private party. The agreement or lease may allow the city of Minneapolis or private party to operate the facilities according to the commissioner's rules and procedures and to collect the fees established by the commissioner. The commissioner shall require a private operator to obtain liability insurance in an amount prescribed by the commissioner to insure the operator and the state against all claims occurring because of the existence of the agreement or lease. The agreement may provide for reasonable compensation.

(b) The commissioner may negotiate the agreement or lease without requiring competitive bids. The terms of an agreement or lease must be approved by the federal agency that grants money for the construction of the facilities.

Subd. 5. [FEES.] The commissioner shall establish and collect fees for use of the parking facilities. The fees must be established and adjusted in compliance with United States Code, title 23, section 137, and are not subject to Minnesota Statutes, chapter 14, including section 14.38, subdivisions 5 to 9, or section 16A.128.

Subd. 6. [ENFORCEMENT.] This section must be enforced in the same manner as parking ordinances or laws are enforced in Minneapolis. The commissioner may revoke the permit or refuse to issue a permit to a person who repeatedly violates subdivision 7 or the rules of the commissioner.

Subd. 7. [PROHIBITION.] A person may not park a motor vehicle in a parking facility described in subdivision 1 except in compliance with subdivision 5 and the rules of the commissioner adopted under subdivision 2. Violation of this subdivision is a misdemeanor.

Subd. 8. [SPECIAL ACCOUNT.] Fees collected by the commissioner under this section must be deposited in the state treasury and credited to a special account. Money in the account is appropriated to the commissioner to operate, repair, and maintain the parking facilities and the high occupancy vehicle lanes on I-394.

Subd. 9. [LOAN BY MINNEAPOLIS.] Notwithstanding the provisions of any statute or home rule charter to the contrary, the city of Minneapolis may incur indebtedness and may issue and sell bonds and other obligations pledging the full faith and credit of the city to its payment for the purpose of loaning and may loan money to the commissioner for deposit in the state treasury to the credit of the trunk highway fund in an amount sufficient for the construction of parking facilities described in subdivision 1 without submitting the question of the issuance of the bonds to the electors. Except as provided in this subdivision, the bonds shall be issued and sold according to the provisions of chapter 475. When funds are received by the state from federal aid allotted to the construction of the parking facilities described in subdivision 1, the commissioner must pay those funds to the city from the trunk highway fund together with any interest or inflation adjustment thereon which is included in the federal aid.

Subd. 10. [LOCAL APPROVAL.] Subdivisions 1 to 8 of section 37 of this act are effective the day following final enactment. Subdivision 9 of section 37 of this act is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Minneapolis.

Sec. 38. [EFFECTIVE DATE.]

Section 37 is effective the day following final enactment."

Renumber the remaining sections

The motion prevailed and the amendment was adopted.

Onnen moved to amend S. F. No. 43, the unofficial engrossment, as amended, as follows:

Page 12, after line 33, insert :

“Sec. 9. Minnesota Statutes 1984, section 168.013, subdivision 3, is amended to read :

Subd. 3. [APPLICATION; CANCELLATION; EXCESSIVE GROSS WEIGHTS FORBIDDEN.] The applicant for all licenses based on gross weight shall state in writing upon oath, the unloaded weight of the motor vehicle, trailer or semi-trailer and the maximum load the applicant proposes to carry thereon, the sum of which shall constitute the gross weight upon which the license tax shall be paid, but in no case shall the declared gross weight upon which the tax is paid be less than 1-1/4 times the declared unloaded weight of the motor vehicle, trailer or semi-trailer to be registered, except recreational vehicles taxed under subdivision 1g, school buses taxed under subdivision 18 and wreckers defined in section 169.01, subdivision 52. The gross weight of a wrecker is the actual weight of the wrecker fully equipped, but does not include the weight of a wrecked or disabled vehicle towed or drawn by the wrecker.

The gross weight of no motor vehicle, trailer or semi-trailer shall exceed the gross weight upon which the license tax has been paid by more than four percent or 1000 pounds, whichever is greater.

The gross weight of the motor vehicle, trailer or semi-trailer for which the license tax is paid shall be indicated by a distinctive character on the license plate or plates except as provided in subdivision 12 and the plate or plates shall be kept clean and clearly visible at all times.

The owner, driver, or user of a motor vehicle, trailer or semi-trailer upon conviction for transporting a gross weight in excess of the gross weight for which it was registered or for operating a vehicle with an axle weight exceeding the maximum lawful axle load weight shall be guilty of a misdemeanor and be subject to increased registration or re-registration according to the following schedule :

(1) The owner, driver or user of a motor vehicle, trailer or semi-trailer upon conviction for transporting a gross weight in excess of the gross weight for which it is registered by more than four percent or 1000 pounds, whichever is greater, but less than 25 percent or for operating or using a motor vehicle, trailer or semi-trailer with an axle weight exceeding the maximum lawful axle load as provided in section 169.825 by more than four percent or 1000 pounds, whichever is greater, but less than 25 percent, in addition to any penalty imposed for the misdemeanor shall apply to the registrar to increase the authorized gross weight to be carried on the vehicle to a weight equal to or greater than the gross weight the owner, driver, or user was convicted of carrying, the increase computed for the balance of the calen-

dar year on the basis of 1/12 of the annual tax for each month remaining in the calendar year beginning with the first day of the month in which the violation occurred. If the additional registration tax computed upon that weight, plus the tax already paid, amounts to more than the regular tax for the maximum gross weight permitted for the vehicle under section 169.825, that additional amount shall nevertheless be paid into the highway fund, but the additional tax thus paid shall not permit the vehicle to be operated with a gross weight in excess of the maximum legal weight as provided by section 169.825. Unless the owner within 30 days after a conviction shall apply to increase the authorized weight and pay the additional tax as provided in this section, the registrar shall revoke the registration on the vehicle and demand the return of the registration card and plates issued on that registration.

(2) The owner or driver or user of a motor vehicle, trailer or semi-trailer upon conviction for transporting a gross weight in excess of the gross weight for which the motor vehicle, trailer or semi-trailer was registered by 25 percent or more, or for operating or using a vehicle or trailer with an axle weight exceeding the maximum lawful axle load as provided in section 169.825 by 25 percent or more, in addition to any penalty imposed for the misdemeanor, shall have the reciprocity privileges on the vehicle involved if the vehicle is being operated under reciprocity cancelled by the registrar, or if the vehicle is not being operated under reciprocity, the certificate of registration on the vehicle operated shall be cancelled by the registrar and the registrar shall demand the return of the registration certificate and registration plates. *The registrar may not cancel the registration or reciprocity privileges for any vehicle found in violation of seasonal load restrictions imposed under section 169.87 unless the axle weight exceeds the year-round weight limit for the highway on which the violation occurred.* The registrar may investigate any allegation of gross weight violations and demand that the operator show cause why all future operating privileges in the state should not be revoked unless the additional tax assessed is paid.

(3) When the registration on a motor vehicle, trailer or semi-trailer is revoked by the registrar according to provisions of this section, the vehicle shall not be operated on the highways of the state until it is registered or re-registered, as the case may be, and new plates issued, and the registration fee shall be the annual tax for the total gross weight of the vehicle at the time of violation. The re-registration pursuant to this subdivision of any vehicle operating under reciprocity agreements pursuant to section 168.181 or 168.187 shall be at the full annual registration fee without regard to the percentage of vehicle miles traveled in this state."

Renumber the remaining sections

Page 30, delete lines 13 and 14 and insert "*Sections 1, 2, 8, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35 are effective the*"

Amend the title as follows:

Page 1, line 10, after the semicolon insert "modifying penalties for certain seasonal weight violations,"

Page 1, line 24, after "1e" insert "and 3"

The motion prevailed and the amendment was adopted.

Ozment moved to amend S. F. No. 43, the unofficial engrossment, as amended, as follows:

Page 11, line 13, delete "23" and insert "24"

Page 12, after line 33, insert:

"Sec. 9. Minnesota Statutes 1984, section 169.871, is amended by adding a subdivision to read:

Subd. 7. [SHIPPER'S GOOD FAITH EXCEPTION.] The penalty imposed by subdivision 1 shall not be imposed on a shipper who in good faith ships goods or tenders goods for shipment in a vehicle that does not exceed the maximum gross weight for which the truck is licensed under section 168.013, subdivision 1e.

For purposes of this section, "good faith" means that (1) the vehicle is licensed pursuant to section 168.013, subdivision 1e, (2) the operator of the vehicle is not under the control of the shipper, (3) the operator has requested that the vehicle be loaded to the maximum gross weight for which the vehicle is licensed, and (4) the road leading from the shipper's immediate place of shipment may be legally used for the allowed gross weight of the vehicle with its legally maximum load."

Page 21, line 7, delete "14" and insert "15"

Page 22, line 12, delete "24" and insert "25"

Page 24, line 16, delete "23, 24, and 26" and insert "24, 25, and 27"

Page 24, line 23, delete "23 to 25" and insert "24 to 26"

Page 30, delete lines 13 and 14 and insert "*Sections 1, 2, 8, 10, 12, 14, 15, 16, 17, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35 are effective the*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, after the semicolon, insert "establishing good faith exception to excessive gross weight penalties for shippers;"

Page 1, line 24, after the first semicolon, insert "169.871, by adding a subdivision;"

The motion prevailed and the amendment was adopted.

Redalen and Clausnitzer moved to amend S. F. No. 43, the unofficial engrossment, as amended, as follows:

Page 12, after line 33, insert:

"Sec. 10. Minnesota Statutes 1984, section 169.862, is amended to read:

169.862 [PERMITS FOR WIDE LOADS OF BALED (HAY) AGRICULTURAL PRODUCTS.]

The commissioner of transportation with respect to highways under the commissioner's jurisdiction, and local authorities with respect to highways under their jurisdiction, may issue an annual permit to enable a vehicle carrying round (BALED HAY) *bales of agricultural products*, with a total outside width of the vehicle or the load not exceeding 11-1/2 feet, to be operated on public streets and highways. Permits issued under this section are governed by the applicable provisions of section 169.86 except as otherwise provided herein and, in addition, carry the following restrictions:

(a) The vehicles may not be operated between sunset and sunrise, when visibility is impaired by weather, fog, or other conditions rendering persons and vehicles not clearly visible at a distance of 500 feet, or on (SATURDAYS, SUNDAYS, AND) *Sunday from noon until sunset, or on the days the following holidays are observed: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.*

(b) The vehicles may not be operated on interstate highways.

(c) The vehicles may not be operated on a trunk highway with a pavement less than 24 feet wide.

(d) A vehicle operated under the permit must be equipped with a retractable or removable mirror on the left side so located that it will reflect to the driver a clear view of the highway for a

distance of at least 200 feet to the rear of the vehicle. (SIMULTANEOUS FLASHING AMBER LIGHTS, AS PROVIDED IN SECTION 169.59, SUBDIVISION 4, MUST BE DISPLAYED TO THE FRONT AND REAR OF THE VEHICLE. THE FLASHING AMBER LIGHTS MUST BE LIGHTED ONLY WHEN THE WIDTH OF THE LOAD EXCEEDS 102 INCHES. THE FLASHING AMBER LIGHT SYSTEM IS IN ADDITION TO AND SEPARATE FROM THE TURN SIGNAL SYSTEM AND THE HAZARD WARNING LIGHT SYSTEM.)

(e) A vehicle operated under the permit must display red, orange, or yellow flags, (12) 18 inches square, as markers at the front and rear and on both sides of the load. The load must be securely bound to the transporting vehicle.

The fee for the permit is \$24."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

McPherson moved to amend S. F. No. 43, the unofficial engrossment, as amended, as follows:

Page 16, lines 14 and 16, strike "25" and insert "50"

The motion prevailed and the amendment was adopted.

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 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 100 yeas and 20 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	DenOuden	Kiffmeyer	Otis	Shaver
Anderson, R.	Dimler	Knickerbocker	Ozment	Solberg
Backlund	Dyke	Knuth	Pappas	Sparby
Beard	Ellingson	Krueger	Pauly	Stanius
Becklin	Erickson	Kvam	Peterson	Staten
Bennett	Fjoslien	Levi	Piepho	Sviggum
Bishop	Forsythe	Lieder	Piper	Thiede
Blatz	Frederick	Marsh	Quinn	Thorson
Boerboom	Frederickson	McDonald	Quist	Tjornhom
Boo	Frerichs	McKasy	Redalen	Tomlinson
Brandl	Gruenes	McLaughlin	Rest	Tompkins
Brinkman	Gutknecht	McPherson	Richter	Uphus
Brown	Halberg	Metzen	Riveness	Valan
Burger	Hartinger	Miller	Rodosovich	Valento
Carlson, D.	Hartle	Nelson, D.	Rose	Vanasek
Carlson, L.	Haukoos	Nelson, K.	Sarna	Waltman
Clark	Heap	Neuenschwander	Schafer	Welle
Clausnitzer	Jacobs	Ogren	Scheid	Wenzel
Cohen	Johnson	Olson, E.	Schoenfeld	Zaffke
Dempsey	Kelly	Omann	Schreiber	Spk. Jennings, D.

Those who voted in the negative were:

Battaglia	Kahn	Murphy	Osthoff	Skoglund
Begich	Kostohryz	Norton	Price	Vellenga
Elioff	Long	O'Connor	Segal	Voss
Greenfield	Minne	Olsen, S.	Simoneau	Wynia

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

Simoneau was excused between the hours of 6:30 p.m. and 8:30 p.m.

H. F. No. 671 was reported to the House.

Sviggum, McKasy and Osthoff moved to amend H. F. No. 671, as follows:

Page 1, line 15, delete "*and prior to*"

Page 1, line 16, delete "*July 1, 1988*"

Page 3, delete line 17

Page 3, line 19, delete "*, and after July 1, 1988, any other state*"

Page 8, line 11, delete "*, or any subsidiary of the bank holding company,*"

Page 8, line 19, delete "a state other than Minnesota" and insert "Iowa, North Dakota, South Dakota, or Wisconsin"

A roll call was requested and properly seconded.

The question was taken on the Sviggum et al. amendment and the roll was called.

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

There were 63 yeas and 46 nays as follows :

Those who voted in the affirmative were :

Backlund	Fjoslien	Levi	Quist	Sviggum
Bennett	Forsythe	Lieder	Rest	Thorson
Bishop	Frederick	McDonald	Richter	Tjornhom
Blatz	Frerichs	McKasy	Riveness	Tomlinson
Boo	Greenfield	McLaughlin	Rodosovich	Tompkins
Burger	Gruenes	McPherson	Schafer	Valento
Carlson, L.	Hartle	Neuenschwander	Scheid	Vanasek
Clausnitzer	Himle	Olsen, S.	Schreiber	Waltman
Cohen	Kahn	Osthoff	Segal	Welle
Dempsey	Kelly	Ozment	Shaver	Wynia
Dimler	Kiffmeyer	Pappas	Skoglund	Spk. Jennings, D.
Dyke	Knickerbocker	Pauly	Stanius	
Erickson	Knuth	Piepho	Staten	

Those who voted in the negative were :

Anderson, G.	Ellingson	Marsh	Olson, E.	Sparby
Battaglia	Frederickson	McEachern	Omann	Uphus
Beard	Gutknecht	Metzen	Onnen	Vellenga
Begich	Halberg	Minne	Peterson	Voss
Boerboom	Hartinger	Munger	Piper	Wenzel
Brandl	Jacobs	Murphy	Redalen	Zaffke
Brinkman	Kostohryz	Nelson, K.	Rice	
Brown	Krueger	Norton	Sarna	
Clark	Kvam	O'Connor	Schoenfeld	
Ehloff	Long	Ogren	Solberg	

The motion prevailed and the amendment was adopted.

Pappas and Kelly moved to amend H. F. No. 671, as amended, as follows :

Page 2, line 17, delete "9" and insert "10"

Page 9, line 26, delete "EFFECTIVE DATE" and insert "[48.98] [PROHIBITED MERGERS]"

Page 9, after line 26, insert :

"Subdivision 1. [DEFINITION.] For purposes of this section, "large bank holding company" means a bank holding com-

pany located in this state which owns or controls in the aggregate more than 15 percent of the total bank deposits, both time and demand, in all banks located in this state, as determined by the commissioner on the basis of the most recently available reports of the state and national banks to their supervisory authorities.

Subd. 2. [PROHIBITION.] No large bank holding company may merge or consolidate with another large bank holding company.

Sec. 11. [EFFECTIVE DATE.]”

Page 9, line 27, delete “and” and insert a comma, and after “9” insert “and 10”

Amend the title as follows:

Page 1, line 4, after the semicolon, insert “prohibiting mergers between large bank holding companies;”

A roll call was requested and properly seconded.

The question was taken on the Pappas and Kelly amendment and the roll was called.

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

There were 47 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslien	McLaughlin	Pappas	Schoenfeld
Battaglia	Greenfield	Metzen	Peterson	Skoglund
Beard	Gruenes	Minne	Piper	Solberg
Begich	Gutknecht	Nelson, D.	Quist	Sparby
Brinkman	Kahn	Neuenschwander	Redalen	Welle
Brown	Kelly	O'Connor	Rice	Wenzel
Carlson, D.	Knuth	Ogren	Riveness	Wynia
Clark	Kostohryz	Olson, E.	Rodosovich	
Elioff	Kvam	Omann	Sarna	
Erickson	McEachern	Osthoff	Scheid	

Those who voted in the negative were:

Backlund	Dempsey	Hartinger	Long	Onnen
Bennett	DenOuden	Hartle	Marsh	Otis
Blatz	Dimler	Himle	McKasy	Ozment
Boerboom	Dyke	Jacobs	McPherson	Pauly
Boo	Ellingson	Kiffmeyer	Miller	Piepho
Brandl	Forsythe	Knickerbocker	Murphy	Rest
Carlson, L.	Frederick	Krueger	Nelson, K.	Richter
Clausnitzer	Frederickson	Levi	Norton	Schafer
Cohen	Halberg	Lieder	Olsen, S.	Schreiber

Segal
Shaver
Stanius

Sviggum
Thorson
Tjornhom

Tomlinson
Tompkins
Uphus

Valento
Vellenga
Voss

Waltman
Zaffke
Spk. Jennings, D.

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

Metzen moved to amend H. F. No. 671, as amended, as follows :

Page 9, line 29, delete "*If paragraph (c) does not apply,*"

Page 9, line 30, delete "*July 1, 1986.*" and insert "*on the same date as the last effective date of the reciprocating state legislation when each reciprocating state has enacted*"

Page 9, line 31, delete everything before "*legislation*"

Page 9, line 33, delete everything after "*in*" and insert "*the reciprocating state.*"

Page 9, delete lines 34 to 36

Page 10, delete line 1

A roll call was requested and properly seconded.

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

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

There were 27 yeas and 72 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Elioff	O'Connor	Peterson	Rodosovich
Battaglia	Kostohryz	Ogren	Piper	Sarna
Beard	McEachern	Oison, E.	Redalen	Schoenfeld
Begich	Metzen	Onnen	Rice	Sparby
Brinkman	Minne	Osthoff	Riveness	Wenzel
Clark	Nelson, D.			

Those who voted in the negative were :

Backlund	DenOuden	Greenfield	Knickerbocker	McPherson
Bennett	Dimler	Halberg	Knuth	Miller
Blatz	Dyke	Hartinger	Krueger	Munger
Boerboom	Ellingson	Hartle	Levi	Murphy
Brandl	Erickson	Himle	Lieder	Nelson, K.
Brown	Fjoslien	Jacobs	Long	Neuenschwander
Burger	Forsythe	Kahn	Marsh	Norton
Clausnitzer	Frederick	Kelly	McDonald	Olsen, S.
Dempsey	Frederickson	Kiffmeyer	McKasy	Otis

Ozment	Richter	Skoglund	Uphus	Waltman
Pappas	Schafer	Stanius	Valento	Welle
Pauly	Scheid	Svigum	Vanasek	Wynia
Piepho	Schreiber	Tomlinson	Vellenga	Zaffke
Quist	Segal	Tompkins	Voss	Spk. Jennings, D.
Rest	Shaver			

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

H. F. No. 671, as amended, was read for the third time.

POINT OF ORDER

Begich raised a point of order that H. F. No. 671 required a two-thirds vote of the whole House to pass pursuant to the Minnesota Constitution, article IV, section 26. The Speaker ruled the point of order not well taken.

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, as amended, was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 53 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Bennett	Frerichs	Long	Rest	Thiede
Bishop	Greenfield	Marsh	Riveness	Tjornhom
Blatz	Halberg	McKasy	Rose	Tomlinson
Boo	Hartle	Nelson, K.	Scheid	Valento
Brandl	Haukoos	Neuenschwander	Schreiber	Vellenga
Burger	Heap	Norton	Seaberg	Voss
Carlson, J.	Himle	Olsen, S.	Segal	Welle
Carlson, L.	Jaros	Osthoff	Shaver	Wynia
Cohen	Kahn	Otis	Skoglund	Zaffke
Ellingson	Knickerbocker	Pauly	Stanius	
Forsythe	Levi	Piepho	Svigum	

Those who voted in the negative were:

Anderson, G.	Clark	Gruenes	Kvam	O'Connor
Anderson, R.	Clausnitzer	Gutknecht	McDonald	Ogren
Backlund	Dempsey	Hartinger	McEachern	Olson, E.
Battaglia	DenOuden	Jacobs	McLaughlin	Omann
Beard	Dimler	Jennings, L.	McPherson	Onnen
Becklin	Dyke	Johnson	Metzen	Ozment
Begich	Elioff	Kalis	Miller	Peterson
Boerboom	Erickson	Kiffmeyer	Minne	Piper
Brinkman	Fjoslien	Knuth	Munger	Poppenhagen
Brown	Frederick	Kostohryz	Murphy	Price
Carlson, D.	Frederickson	Krueger	Nelson, D.	Quist

Redalen	Sarna	Solberg	Tompkins	Waltman
Rice	Schafer	Sparby	Uphus	Wenzel
Richter	Schoenfeld	Thorson	Valan	Spk. Jennings, D.
Rodosovich				

The bill was not passed, as amended.

S. F. No. 40 was reported to the House.

Begich moved to amend S. F. No. 40, the unofficial engrossment, as follows:

Page 2, after line 33, insert:

"Sec. 4. [169.688] [SMOKING WHILE DRIVING PROHIBITED.]

No person shall operate a motor vehicle while smoking."

Amend the title as follows:

Page 1, line 4, after the semicolon insert: "prohibiting operating a motor vehicle while smoking; providing a penalty;"

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

Frerichs moved to amend S. F. No. 40, the unofficial engrossment, as follows:

Page 2, after line 3, insert:

"Sec. 3. Minnesota Statutes 1984, section 169.685, subdivision 4, is amended to read:

Subd. 4. (a) Proof of the use or failure to use (SEAT BELTS OR) a child passenger restraint system as described in subdivision 5, or proof of the installation or failure of installation of seat belts or a child passenger restraint system as described in subdivision 5 shall not be admissible in evidence in any litigation involving personal injuries or property damage resulting from the use or operation of any motor vehicle.

(b) *Proof of the use or failure to use a seat belt as required in section 4, subdivision 1, but only by a person not exempted under section 4, subdivision 2, shall be admissible in evidence in litigation involving personal injury or property damage resulting from the use or operation of a motor vehicle."*

Renumber the remaining section in sequence

Amend the title as follows :

Page 1, line 4, after the semicolon insert "providing for admissibility of evidence on the use of or failure to use a seat belt ;"

Page 1, line 6, after the semicolon, insert "169.685, subdivision 4 ;"

A roll call was requested and properly seconded.

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

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

There were 23 yeas and 91 nays as follows :

Those who voted in the affirmative were :

Boerboom	Frederick	Marsh	Seaberg	Waltman
Carlson, D.	Frerichs	McDonald	Sviggum	Zaffke
Dempsey	Gutknecht	Omann	Thiede	Spk. Jennings, D.
Dimler	Johnson	Ozment	Valento	
Fjoslien	Kahn	Schafer	Voss	

Those who voted in the negative were :

Anderson, G.	Frederickson	McEachern	Pappas	Skoglund
Backlund	Greenfield	McKasy	Pauly	Solberg
Battaglia	Gruenes	McLaughlin	Peterson	Sparby
Beard	Halberg	McPherson	Piper	Staten
Begich	Hartinger	Metzen	Poppenbagen	Thorson
Bennett	Hartle	Minne	Price	Tjornhom
Blatz	Himle	Munger	Quinn	Tomlinson
Brandl	Jacobs	Murphy	Quist	Tompkins
Brinkman	Jaros	Nelson, D.	Rest	Uphus
Brown	Kalis	Nelson, K.	Rice	Valan
Burger	Kelly	Neuenschwander	Richter	Vanasek
Carlson, L.	Kiffmeyer	Norton	Riveness	Vellenga
Clark	Knickerbocker	O'Connor	Rodosovich	Welle
Clausnitzer	Knuth	Ogren	Sarna	Wenzel
Cohen	Kostohryz	Olsen, S.	Scheid	Wynia
Dyke	Krueger	Olson, E.	Schoenfeld	
Elioff	Levi	Onnen	Segal	
Ellingson	Lieder	Osthoff	Shaver	
Forsythe	Long	Otis	Simoneau	

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

The Speaker resumed the Chair.

Frerichs moved to amend S. F. No. 40, the unofficial engrossment, as follows :

Page 2, after line 33, insert:

“Sec. 4. [169.687] [SCHOOL BUS SEAT BELTS.]

Subdivision 1. [INSTALLATION REQUIRED.] All school buses and other vehicles purchased, leased to, or under contract to a Minnesota school district after the effective date of this act primarily used to transport school children to and from school and which are owned by, leased to, or under contract to a Minnesota school district, shall be equipped with shoulder harness seat belts. The seat belts shall be installed at each position normally occupied when the bus or vehicle is in use.

Subd. 2. [SEAT BELT USE REQUIRED.] Each school district shall require students to use seat belts when occupying a vehicle required to have seat belts in subdivision 1 and when the vehicle is in motion. The school district shall apply appropriate sanctions for students who fail or refuse to use seat belts.”

A roll call was requested and properly seconded.

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

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

There were 31 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Battaglia	Frerichs	Ogren	Richter	Skoglund
Begich	Gutknecht	Olsen, S.	Riveness	Swiggum
Bishop	Kahn	Osthoff	Sarna	Thiede
Clark	Knuth	Ozment	Schafer	Tompkins
Dimler	Marsh	Poppenhagen	Scheid	Valento
Erickson	O'Connor	Rice	Segal	Zaffke
Frederick				

Those who voted in the negative were:

Anderson, G.	Dyke	Jaros	McPherson	Pauly
Backlund	Elioff	Kalis	Miller	Peterson
Beard	Ellingson	Kelly	Minne	Piepho
Bennett	Fjoslien	Kiffmeyer	Munger	Price
Blatz	Forsythe	Knickerbocker	Murphy	Quinn
Brandl	Frederickson	Kostohryz	Nelson, D.	Quist
Brinkman	Greenfield	Krueger	Nelson, K.	Redalen
Brown	Gruenes	Levi	Neuenschwander	Rest
Burger	Halberg	Lieder	Norton	Rodosovich
Carlson, D.	Hartinger	Long	Olson, E.	Schoenfeld
Carlson, L.	Hartle	McDonald	Omann	Schreiber
Clausnitzer	Heap	McEachern	Onnen	Seaberg
Cohen	Himle	McKasy	Otis	Shaver
Dempsey	Jacobs	McLaughlin	Pappas	Simoneau

Sparby	Tjornhom	Valan	Voss	Wenzel
Staten	Tomlinson	Vanasek	Waltman	Wynia
Thorson	Uphus	Vellenga	Welle	Spk. Jennings, D.

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

Sviggum moved to amend S. F. No. 40, the unofficial engrossment, as follows:

Page 2, line 31, delete "and"

Page 2, line 33, before the period insert "; and"

(7) a person driving or riding in a pickup truck, as defined in section 168.011, subdivision 29, while engaged in normal farming work or activity"

The motion prevailed and the amendment was adopted.

Bishop offered an amendment to S. F. No. 40, as amended.

POINT OF ORDER

Vanasek raised a point of order pursuant to rule 3.9 that the Bishop amendment was not in order. The Speaker ruled the Vanasek point of order well taken and the Bishop amendment out of order.

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 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 61 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Brandl	Frederickson	Kahn	McKasy
Backlund	Burger	Greenfield	Kalis	McLaughlin
Battaglia	Carlson, J.	Halberg	Kelly	Minne
Beard	Clark	Hartle	Knickerbocker	Munger
Bennett	Cohen	Heap	Knuth	Murphy
Bishop	Ellingson	Himle	Long	Nelson, D.
Boo	Forsythe	Jaros	McDonald	Nelson, K.

Norton	Pauly	Rose	Segal	Tomlinson
Olsen, S.	Piper	Scheid	Shaver	Valan
Omann	Price	Schoenfeld	Simoneau	Vanasek
Osthoff	Quist	Schreiber	Skoglund	Vellenga
Otis	Rice	Seaberg	Staten	Wynia
Pappas				

Those who voted in the negative were:

Anderson, R.	Elioff	Krueger	Ozment	Sparby
Becklin	Erickson	Kvam	Peterson	Sviggum
Begich	Fjoslien	Levi	Piepho	Thiede
Blatz	Frederick	Lieder	Poppenhagen	Thorson
Boerboom	Frerichs	Marsh	Quinn	Tjornhom
Brinkman	Gruenes	McEachern	Redalen	Tompkins
Brown	Gutknecht	McPherson	Rest	Uplus
Carlson, D.	Hartinger	Metzen	Richter	Valento
Carlson, L.	Haukoos	Miller	Riveness	Voss
Clausnitzer	Jacobs	Neuenschwander	Rodosovich	Waltman
Dempsey	Jennings, L.	O'Connor	Sarna	Welle
DenOuden	Johnson	Ogren	Schafer	Wenzel
Dimler	Kiffmeyer	Olson, E.	Sherman	Zaffke
Dyke	Kostohryz	Onnen	Solberg	Spk. Jennings, D.

The bill was not passed, as amended.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 558:

Blatz, Ozment and Long.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 633:

Valan, Dempsey and Quist.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 729:

Scheid, Knickerbocker, Gutknecht, Sviggum and Sarna.

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in

which amendment the concurrence of the House is respectfully requested:

H. F. No. 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; 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.

PATRICK E. FLAHAVERN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Seaberg moved that the House concur in the Senate amendments to H. F. No. 345 and that the bill be repassed as amended by the Senate. The motion prevailed.

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; removing bonding requirements for self-insuring political subdivisions; providing for mandatory arbitration of certain insurance claims; amending Minnesota Statutes 1984, sections 65B.43, by adding subdivisions; 65B.44, subdivisions 1 and 3; 65B.47, by adding a subdivision; 65B.48, subdivision 3a; 65B.49, subdivisions 3, 4, and by adding a subdivision; and 65B.525, subdivision 1.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called.

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

There were 94 yeas and 20 nays as follows:

Those who voted in the affirmative were:

Backlund	Burger	Dyke	Hartle	Kelly
Becklin	Carlson, D.	Ellingson	Haukoos	Kiffmeyer
Bennett	Carlson, J.	Erickson	Heap	Knickerbocker
Bishop	Carlson, L.	Fjoslien	Himle	Knuth
Blatz	Clausnitzer	Forsythe	Jacobs	Kostohryz
Boerboom	Dempsey	Frederick	Jaros	Krueger
Brandl	DenOuden	Frederickson	Johnson	Levi
Brinkman	Dimler	Hartinger	Kalis	Marsh

McDonald	Olsen, S.	Price	Simoneau	Valan
McEachern	Olson, E.	Quinn	Solberg	Valento
McPherson	Omann	Quist	Sparby	Vanasek
Metzen	Onnen	Richter	Stanius	Vellenga
Miller	Gsthoff	Rodosovich	Swiggum	Voss
Munger	Ozment	Rose	Thiede	Waltman
Murphy	Pappas	Sarna	Thorson	Welle
Nelson, K.	Pauly	Schafer	Tjornhom	Wenzel
Neuenschwander	Peterson	Schreiber	Tomlinson	Zaffke
O'Connor	Piepho	Seaberg	Tompkins	Spk. Jennings, D.
Ogren	Poppenhagen	Shaver	Uphus	

Those who voted in the negative were :

Anderson, G.	Clark	Halberg	McLaughlin	Segal
Battaglia	Cohen	Jennings, L.	Norton	Skoglund
Bead	Elioff	Kahn	Piper	Staten
Begich	Greenfield	Long	Schoenfeld	Wynia

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker :

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted :

S. F. Nos. 588 and 928.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 588, 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.

S. F. No. 928, A bill for an act relating to occupations and professions; providing for licensure of persons engaged in the sale of hearing instruments; requiring the commissioner of health to reconsider the application of speech language pathologists and audiologists for credentialing; appropriating money; providing a penalty; proposing coding for new law as Minnesota Statutes, chapter 153A.

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

GENERAL ORDERS

Levi moved that the bills on General Orders for today be continued one day. The motion prevailed.

MOTIONS AND RESOLUTIONS

Wenzel moved that the name of Tjornhom be added as an author on H. F. No. 5. The motion prevailed.

Waltman moved that the name of Tjornhom be added as an author on H. F. No. 998. The motion prevailed.

McKasy moved that the name of Tjornhom be added as an author on H. F. No. 1075. The motion prevailed.

Riveness moved that the names of Onnen, Himle and Nelson, D., be added as authors on H. F. No. 1541. The motion prevailed.

Segal moved that the names of Clark and Pappas be added as authors on H. F. No. 1661. The motion prevailed.

ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 12:00 noon, Tuesday, May 14, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Tuesday, May 14, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-FOURTH SESSION - 1985

SIXTIETH DAY

SAINT PAUL, MINNESOTA, TUESDAY, MAY 14, 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 Pastor Al Neibacher, Christ Church Lutheran, Minneapolis, Minnesota.

The roll was called and the following members were present:

Anderson, G.	Elioff	Kostohryz	Osthoff	Shaver
Anderson, R.	Ellingson	Krueger	Otis	Sherman
Backlund	Erickson	Kvam	Ozment	Simoneau
Battaglia	Fjoslien	Levi	Pappas	Skoglund
Beard	Forsythe	Lieder	Pauly	Solberg
Becklin	Frederick	Long	Peterson	Sparby
Begich	Frederickson	Marsh	Piepho	Stanius
Bennett	Frerichs	McDonald	Piper	Sviggum
Bishop	Greenfield	McEachern	Poppenhagen	Thiede
Blatz	Gruenes	McKasy	Price	Thorson
Boerboom	Gutknecht	McLaughlin	Quinn	Tjornhom
Boo	Halberg	McPherson	Quist	Tomlinson
Brandl	Hartle	Metzen	Redalen	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	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	Omamn	Seaberg	Zaffke
Dyke	Knuth	Onnen	Segal	Spk. Jennings, D.

A quorum was present.

Rees and Staten were excused.

Neuenschwander was excused until 12:55 p.m. Hartinger was excused until 2:45 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Kvam moved that further reading of the Journal be

dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of S. F. Nos. 492, 565, 830, 363, 1414, 1434, 45, 821, 1225, 1176, 429, 832, 925, 1171, 1506, 1036, 1118, 588 and 928 have been placed in the members' files.

S. F. No. 565 and H. F. No. 834, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Kelly moved that S. F. No. 565 be substituted for H. F. No. 834 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 821 and H. F. No. 883, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Tomlinson moved that S. F. No. 821 be substituted for H. F. No. 883 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1118 and H. F. No. 1317, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Brinkman moved that S. F. No. 1118 be substituted for H. F. No. 1317 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1414 and H. F. No. 1490, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Shaver moved that S. F. No. 1414 be substituted for H. F. No. 1490 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 925 and H. F. No. 922, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Pauly moved that the rules be so far suspended that S. F. No. 925 be substituted for H. F. No. 922 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1036 and H. F. No. 1205, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Greenfield moved that the rules be so far suspended that S. F. No. 1036 be substituted for H. F. No. 1205 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1176 and H. F. No. 1107, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Blatz moved that the rules be so far suspended that S. F. No. 1176 be substituted for H. F. No. 1107 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1434 and H. F. No. 1129, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

McPherson moved that the rules be so far suspended that S. F. No. 1434 be substituted for H. F. No. 1129 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Forsythe from the Committee on Appropriations to which was referred:

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.

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

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

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.

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

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

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; changing a definition; establishing a crime victim and witness advisory council and a crime victim ombudsman; providing the council with extensive duties to assist victims and witnesses; providing the ombudsman with authority to investigate complaints with regard to treatment of victims; amending Minnesota Statutes 1984, sections 611A.41, subdivision 2; 611A.44; 611A.52; 611A.53, subdivision 2; 611A.54; 611A.55, subdivisions 1 and 2; and 611A.56, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 611A; repealing Minnesota Statutes 1984, section 611A.42.

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

The report was adopted.

Forsythe from the Committee on Appropriations 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 recommendation that the bill pass.

The report was adopted.

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

House Resolution No. 27, A house resolution commending Mr. Harold Johnson for his outstanding record of public service.

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 Resolution No. 28, A house resolution congratulating the seven Minnesota secondary schools recognized by the United States Department of Education for educational excellence.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 765, 911, 1231 and 1250 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 565, 821, 1118, 1414, 925, 1036, 1176 and 1434 were read for the second time.

**INTRODUCTION AND FIRST READING
OF HOUSE BILLS**

The following House Files were introduced:

Bennett and Heap introduced:

H. F. No. 1670, A bill for an act relating to public development debt; providing reporting of data; disclosure of financial, personal, and criminal information of developers of certain types of public financing; amending Minnesota Statutes 1984, sections 474.01, subdivisions 2, 6, 7a, 7b, 8, and 11; 474.02, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 474.

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

Neuenschwander, Schoenfeld, Battaglia, Rose and McPherson introduced:

H. F. No. 1671, A bill for an act relating to fish and game; establishing lifetime licenses to take big game, small game, and fish; providing restrictions for the licenses; providing for payment of lifetime licenses by installments; allowing credit for a previously purchased lifetime license when purchasing another; dedicating license fee receipts and restricting expenditure of investment income; establishing license fees; amending Minnesota Statutes 1984, section 98.46, by adding a subdivision; 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.

Clark introduced:

H. F. No. 1672, 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; providing for the designation of transportation routes; amending Minnesota Statutes 1984, section 116C.731.

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

HOUSE ADVISORIES

The following House Advisories were introduced:

Piepho, Ogren, O'Connor, Tjornhom and Frederick introduced:

H. A. No. 43, A proposal to study the impact that regulated utilities have on small businesses in the sales and service of appliances.

The advisory was referred to the Committee on Regulated Industries and Energy.

Segal introduced:

H. A. No. 44, A proposal to study health insurance for low income workers.

The advisory was referred to the Committee on Health and Human Services.

Wynia and Haukoos introduced:

H. A. No. 45, A proposal for examination of current and future capital needs in higher education.

The advisory was referred to the Committee on Education.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Wenzel moved that the House concur in the Senate amendments to H. F. No. 18 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 18, A bill for an act relating to game and fish; authorizing resident fishing license for military persons training at Camp Ripley; amending Minnesota Statutes 1984, section 98.47, by adding a subdivision.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 107 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Kvam	Otis	Solberg
Backlund	Ellingson	Levi	Ozment	Sparby
Battaglia	Erickson	Lieder	Pauly	Stanis
Beard	Fjoslien	Long	Peterson	Thiede
Begich	Forsythe	Marsh	Piepho	Thorson
Bennett	Frederick	McDonald	Piper	Tjornhom
Bishop	Frederickson	McEachern	Poppenhagen	Tomlinson
Blatz	Frerichs	McPherson	Price	Tompkins
Boerboom	Greenfield	Metzen	Quinn	Uphus
Boo	Gruenes	Miller	Quist	Valan
Brandl	Hartle	Minne	Redalen	Valento
Brinkman	Haukoos	Munger	Richter	Vellenga
Brown	Heap	Murphy	Riveness	Voss
Burger	Himle	Nelson, D.	Rodosovich	Waltman
Carlson, D.	Jacobs	Nelson, K.	Rose	Wolle
Carlson, L.	Johnson	Norton	Sarna	Wenzel
Clausnitzer	Kalis	O'Connor	Scheid	Wynia
Cohen	Kiffmeyer	Ogren	Schoenfeld	Zaffke
Dempsey	Knickerbocker	Olson, E.	Schreiber	Spk. Jennings, D.
DenOuden	Knuth	Omann	Seaberg	
Dimler	Kostohryz	Onnen	Simoneau	
Dyke	Krueger	Osthoff	Skoglund	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 521, A bill for an act relating to 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Johnson moved that the House concur in the Senate amendments to H. F. No. 521 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 521, A bill for an act relating to Winona county; authorizing the conveyance of certain erroneously acquired highway right of way.

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 104 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Backlund	Elioff	Krueger	Osthoff	Shaver
Battaglia	Ellingson	Kvam	Otis	Simoneau
Beard	Erickson	Levi	Ozment	Skoglund
Begich	Fjoslien	Lieder	Pauly	Solberg
Bennett	Forsythe	Long	Peterson	Sparby
Bishop	Frederick	Marsh	Piepho	Stanius
Blatz	Frederickson	McDonald	Piper	Thiede
Boerboom	Frerichs	McEachern	Poppenhagen	Thorson
Boo	Greenfield	McPherson	Price	Tomlinson
Brandl	Gruenes	Metzen	Quinn	Tompkins
Brinkman	Hartle	Miller	Quist	Uphus
Brown	Haukoos	Munger	Redalen	Valan
Burger	Heap	Murphy	Richter	Valento
Carlson, D.	Himle	Nelson, D.	Riveness	Vellenga
Carlson, L.	Jacobs	Nelson, K.	Rodosovich	Voss
Clausnitzer	Johnson	Norton	Rose	Waltman
Cohen	Kalis	O'Connor	Sarna	Welle
Dempsey	Kiffmeyer	Ogren	Scheid	Wenzel
DenOuden	Knickerbocker	Olson, E.	Schoenfeld	Zaffke
Dimler	Knuth	Omman	Schreiber	Spk. Jennings, D.
Dyke	Kostohryz	Onnen	Seaberg	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Richter moved that the House concur in the Senate amendments to H. F. No. 937 and that the bill be repassed as amended by the Senate. The motion prevailed.

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 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 81 yeas and 20 nays as follows:

Those who voted in the affirmative were:

Backlund	Ellingson	Lieder	Pauly	Stanius
Battaglia	Erickson	Long	Piepho	Thiede
Beard	Fjoshien	Marsh	Piper	Thorson
Begich	Frederick	McEachern	Poppenhagen	Tjornhom
Bennett	Frederickson	McPherson	Quist	Tompkins
Bishop	Frerichs	Metzen	Redalen	Uphus
Boo	Gruenes	Miller	Richter	Valan
Brandl	Hartle	Minne	Riveness	Valento
Brown	Haukoos	Munger	Rodosovich	Vellenga
Burger	Heap	Murphy	Sarna	Waltman
Carlson, L.	Jacobs	Nelson, K.	Schoenfeld	Wenzel
Clausnitzer	Johnson	Ogren	Schreiber	Zaffke
Dempsey	Kalis	Olson, E.	Seaberg	Spk. Jennings, D.
DenOuden	Kiffmeyer	Omann	Shaver	
Dimler	Kostohryz	Onnen	Simoneau	
Dyke	Krueger	Otis	Solberg	
Elioff	Kvam	Ozment	Sparby	

Those who voted in the negative were:

Blatz	Kahn	Nelson, D.	Peterson	Skoglund
Cohen	Knickerbocker	Norton	Price	Tomlinson
Greenfield	Knuth	O'Connor	Quinn	Welle
Himle	McLaughlin	Osthoff	Scheid	Wynia

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 418, A bill for an act relating to local government; excluding firefighter and peace officer job classes from certain

aspects of pay equity requirements; amending Minnesota Statutes 1984, section 179A.16, by adding a subdivision; 471.992; 471.993, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 471; repealing Minnesota Statutes 1984, section 471.9965.

The Senate has appointed as such Committee Mr. Merriam, Ms. Berglin and Mrs. Brataas.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1641, A bill for an act relating to the organization and operation of state government; appropriating money for the general legislative, judicial, and administrative expenses of state government with certain conditions; providing for the transfer of certain money in the state treasury; authorizing land acquisition; providing for the compensation of metropolitan government personnel; fixing and limiting fees; creating, modifying, transferring, and abolishing agencies and functions; amending Minnesota Statutes 1984, sections 2.722, subdivision 1; 3.21; 3.85, subdivision 11; 3.9223, subdivision 1; 11A.07, by adding a subdivision; 11A.20, subdivision 1; 13.68, subdivision 1; 15.50, subdivision 3; 16A.055, subdivision 1; 16A.275; 16A.40; 16A.42, subdivision 2; 16A.45, subdivision 2; 16A.47; 16A.58; 16A.672, subdivisions 1, 2, and 3; 16B.09, by adding a subdivision; 16B.29; 43A.07, subdivision 2; 84B.03, subdivision 4; 85.05, subdivisions 1 and 2; 85.22, subdivision 2a; 85A.01, subdivisions 1 and 2; 85A.02, subdivisions 3, 4, 5, 7, 12, 16, and by adding subdivisions; 85A.04, subdivision 3; 86.72; 86.75; 97.4841, subdivision 3; 97.4842, subdivision 2; 97.50, subdivision 1; 98.45, by adding a subdivision; 98.46, subdivisions 2, 14, and by adding a subdivision; 98.47, subdivision 1; 100.271, subdivision 2; 115.03, by adding a subdivision; 115A.05, subdivision 1; 115A.908, subdivisions 2 and 3; 116J.76; 116M.03, by adding a subdivision; 179A.03, subdivision 17; 179A.04, subdivision 3; 179A.13; 179A.16; 179A.21; 179A.25; 192.51, subdivision 2; 196.051, by adding a subdivision; 268.05, subdivision 2; 268.07, subdivision 2a; 268.38, subdivisions 1, 2, 6, 7, and 8; 270A.07, subdivision 1; 290.50, subdivision 6; 296.421, subdivision 4, and by adding a subdivision; 297.13, subdivision 1; 361.03, subdivision 5; 361.27; 462C.05, subdivision 2, and by adding a subdivision; 462C.07, subdivision 1, and by adding a subdivision; 473.123, subdivision 5; 473.129, subdivision 2; 473.141, subdivisions 7 and 12; 473.605, subdivision 2; 473.606, subdivisions 1 and 5; 473.704, by adding a subdivision; 473.714;

487.01, subdivision 5; 609.101; proposing coding for new law in Minnesota Statutes, chapters 3; 5; 85A; 97; 116; 139; and 270; proposing coding for new law as Minnesota Statutes, chapter 116N; repealing Minnesota Statutes 1984, sections 7.01; 7.013; 7.02; 7.03; 7.04; 7.05; 7.13; 7.14; 7.15; 7.16; 7.17; 7.18; 10.18; 10.19; 10.20; 10.21; 10.22; 10.23; 16A.42, subdivision 3; 46.15; 48.87; 69.031, subdivision 2; 85A.01, subdivision 1a; 85A.03; 85A.04, subdivision 1; 115A.05, subdivision 3; 115A.201, subdivision 2; 115A.22, subdivision 4; 116M.06, subdivision 5; 116M.07, subdivision 3; 124.471; 179A.03, subdivision 3; 179A.05; 296.10; 349.212, subdivision 3, as amended; 360.301; 360.302; 360.304; 360.306; 360.388; 360.389; 403.01, subdivision 1; and Laws 1982, chapter 489, section 11.

The Senate has appointed as such Committee Messrs. Kroening, Dahl, Luther, Willet and Frederickson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Nelson, K., moved that the House refuse to concur in the Senate amendments to H. F. No. 282, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 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; 43A.18, subdivision 4; 179A.10, subdivision 1; 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Levi moved that the House refuse to concur in the Senate amendments to H. F. No. 847, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON 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.

May 9, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 1235, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 1235 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Laws 1981, chapter 190, section 3, is amended to read:

Sec. 3. [CONVEYANCE OF RIGHT-OF-WAY.]

The commissioner of natural resources, in the name of the state, may convey to adjoining property owners by quitclaim deed, at not less than the appraised value, the following described real property, *which is part of the Heartland Trail identified in Minnesota Statutes, section 85.015, subdivision 12*, when the state's title has been clarified either through litigation or land exchange:

A strip of land 100 feet in width extending over and across Government Lots Four (4) and Five (5), the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) and the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section Nine (9); Government Lots One (1), Two (2), Three (3), Four (4) and Five (5) and the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section Sixteen (16); Government Lots One (1) and Two (2) and the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of Section Twenty (20); Government Lot One (1), of Section Twenty-one (21); said strip of land being 50 feet in width on each side of the center line of the main track, now removed, of the former Saint Paul, Minneapolis and Manitoba Railway Company, now Burlington Northern Incorporated, as originally located and established over and across said Sections Nine (9), Sixteen (16), Twenty (20) and Twenty-one (21), Township One Hundred Forty-three (143) North, Range Thirty-one (31) West, *and any other lands which are not needed for trail purposes.*

The (DEED) conveyances shall be in a form approved by the attorney general.

Sec. 2. [REPEALER.]

Laws 1984, chapter 502, article 13, section 15, is repealed, and notwithstanding Minnesota Statutes, section 645.35, is void from the time of its enactment.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment.”

Delete the title and insert:

“A bill for an act relating to state lands; authorizing conveyance of certain state trail lands no longer needed for trails;

repealing a prior land conveyance; amending Laws 1981, chapter 190, section 3; repealing Laws 1984, chapter 502, article 13, section 15."

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

House Conferees: MAURICE J. ZAFFKE and PAUL M. THIEDE.

Senate Conferees: GERALD L. WILLET, GENE MERRIAM and JOHN BERNHAGEN.

Zaffke moved that the report of the Conference Committee on H. F. No. 1235 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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 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 98 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Backlund	Dyke	Kostohryz	Onnen	Simoneau
Battaglia	Elioff	Krueger	Otis	Solberg
Beard	Erickson	Levi	Ozment	Sparby
Begich	Fjoslien	Lieder	Pappas	Stanius
Bennett	Forsythe	Long	Pauly	Thiede
Bishop	Frederick	Marsh	Peterson	Thorson
Blatz	Frederickson	McDonald	Piper	Tjornhom
Boerboom	Frerichs	McEachern	Poppenhagen	Tomlinson
Boo	Greenfield	McLaughlin	Price	Tompkins
Brandl	Cruenes	McPherson	Quinn	Uphus
Brinkman	Hartle	Metzen	Redalen	Valan
Brown	Heap	Miller	Rest	Valento
Burger	Himle	Minne	Richter	Vellenga
Carlson, D.	Jacobs	Munger	Riveness	Voss
Carlson, L.	Jaros	Murphy	Rodosovich	Waltman
Clausnitzer	Johnson	Nelson, D.	Rose	Welle
Cohen	Kalis	Nelson, K.	Sarna	Zaffke
Denpsey	Kiffmeyer	Norton	Schoenfeld	Spk. Jennings, D.
DenOuden	Knickerbocker	O'Connor	Seaberg	
Dimler	Knuth	Olson, E.	Shaver	

Those who voted in the negative were:

Omamm	Osthoff	Scheid	Wenzel
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The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON 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 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, chapter 379; repealing Minnesota Statutes 1984, section 375.18, subdivisions 4, 5, and 6.

May 9, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 889, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 889 be further amended as follows:

Page 3, after line 8, insert:

"Sec. 6. Minnesota Statutes 1984, section 204C.05, subdivision 1, is amended to read:

Subdivision 1. [OPENING AND CLOSING TIMES.] Except as otherwise provided in this section, at the state primary and the state general election the hours for voting in every precinct in the state shall begin at 7:00 a.m. and shall extend continuously until 8:00 p.m.

Subd. 2. [ELECTIONS; ORGANIZED TOWN.] The governing body of a town with less than 500 inhabitants according to the most recent federal decennial census, which is located outside the metropolitan area as defined in section 473.121, subdivision 2, may fix a later time for voting to begin at state primary, special, or general elections, if approved by a vote of the town electors at the annual town meeting. The question of shorter voting hours must be included in the notice of the annual town meeting before the question may be submitted to the electors at the meeting. The later time may not be later than 10:00 a.m. for special, primary, or general elections. The town clerk shall

either post or publish notice of the changed hours and notify the county auditor of the change 30 days before the election.

Subd. 3. [ELECTIONS; UNORGANIZED TERRITORY.] An unorganized territory or unorganized territories which constitute a voting district may have shorter voting hours if at least 20 percent of the registered voters residing in the voting district sign a petition for shorter hours and present it to the county auditor. The later time may not be later than 10:00 a.m. for special, primary, or general elections. The county auditor shall either post or publish notice of the changed hours, within the voting district, 30 days before the election."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the semicolon insert "allowing certain municipalities to set shorter voting hours;"

Page 1, line 8, after "164.06;" insert "204C.05, subdivision 1;"

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

House Conferees: DENNIS C. FREDERICKSON, LOREN SOLBERG and SYLVESTER UPHUS.

Senate Conferees: JOE BERTRAM, GARY M. DECRAMER and DORAN L. ISACKSON.

Frederickson moved that the report of the Conference Committee on H. F. No. 889 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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 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, chapter 379; repealing Minnesota Statutes 1984, section 375.18, subdivisions 4, 5, and 6.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 73 yeas and 29 nays as follows:

Those who voted in the affirmative were:

Backlund	DenOuden	Johnson	Ozment	Solberg
Battaglia	Dimler	Kalis	Pauly	Stanius
Beard	Dyke	Kiffmeyer	Peterson	Thiede
Begich	Erickson	Knickerbocker	Piepho	Thorson
Bennett	Fjoslien	Krueger	Piper	Tjornhom
Bishop	Forsythe	Levi	Poppenhagen	Tompkins
Blatz	Frederick	Lieder	Quinn	Uphus
Boerboom	Frederickson	Marsh	Quist	Valan
Boo	Frerichs	McDonald	Redalen	Valento
Brinkman	Gruenes	McEachern	Richter	Waltman
Brown	Hartle	McPherson	Rodosovich	Wenzel
Burger	Heap	Metzen	Rose	Zaffke
Carlson, D.	Himle	Omann	Schreiber	Spk. Jennings, D.
Clausnitzer	Jacobs	Onnen	Seaberg	
Dempsey	Jaros	Otis	Shaver	

Those who voted in the negative were:

Carlson, L.	Knuth	Nelson, D.	Riveness	Tomlinson
Clark	Kostohryz	Nelson, K.	Sarna	Vellenga
Cohen	Long	Norton	Scheid	Voss
Elioff	McLaughlin	O'Connor	Schoenfeld	Welle
Ellingson	Minne	Osthoff	Simoneau	Wynia
Greenfield	Murphy	Price	Skoglund	

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON 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.

May 9, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 274, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 274 be further amended as follows:

Page 1, after line 14, insert:

"As used in this subdivision, "flammable liquid" means Class I flammable liquids as defined in section 9.108 of the Uniform

Fire Code, but does not include intoxicating liquor as defined in section 340.07."

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

House Conferees: DENNIS OZMENT, DAVID T. BISHOP and KEN NELSON.

Senate Conferees: DON FRANK, DARRIL WEGSCHEID and DEAN E. JOHNSON.

Ozment moved that the report of the Conference Committee on H. F. No. 274 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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, 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 108 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Backlund	Elioff	Krueger	Ozment	Skoglund
Battaglia	Ellingson	Levi	Pappas	Solberg
Beard	Erickson	Lieder	Pauly	Sparby
Begich	Fjoslien	Long	Peterson	Stanius
Bennett	Forsythe	Marsh	Piepho	Thiede
Bishop	Frederick	McDonald	Piper	Thorson
Blatz	Frederickson	McEachern	Poppenhagen	Tjornhom
Boerboom	Frerichs	McLaughlin	Price	Tomlinson
Boo	Greenfield	McPherson	Quinn	Tompkins
Brandl	Gruenes	Metzen	Quist	Uphus
Brinkman	Hartle	Miller	Redalen	Valan
Brown	Heap	Minne	Richter	Valento
Burger	Himle	Murphy	Riveness	Vellenga
Carlson, D.	Jacobs	Nelson, D.	Rodosovich	Voss
Carlson, L.	Jaros	Nelson, K.	Rose	Waltman
Clark	Johnson	Norton	Sarna	Welle
Clausnitzer	Kalis	O'Connor	Scheid	Wenzel
Cohen	Kelly	Olson, E.	Schoenfeld	Wynia
Dempsey	Kiffmeyer	Omman	Schreiber	Zaffke
DenOuden	Knickerbocker	Onnen	Seaberg	Spk. Jennings, D.
Dimler	Knuth	Osthoff	Shaver	
Dyke	Kostohryz	Otis	Simoneau	

The bill was repassed, as amended by Conference, and its title agreed to.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Forsythe requested immediate consideration of H. F. No. 1552.

H. F. No. 1552, A bill for an act relating to taxation; 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; amending Minnesota Statutes 1984, sections 273.136, subdivisions 1, 2, and 4; 287.05, subdivision 1; 287.08; 287.09; 287.12; 287.21, subdivision 2; 287.23; 287.25; 287.28; 287.29, subdivision 1; 287.33; 287.35; 298.225; 298.24, subdivision 4; 298.27; 298.28, subdivisions 1 and 2; and 298.282, subdivisions 1, 4, and 5; repealing Minnesota Statutes 1984, sections 273.136, subdivision 3; 287.27; 287.29, subdivision 3; and 287.32.

The bill was read for the third 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 6 nays as follows:

Those who voted in the affirmative were:

Backlund	Dyke	Kostohryz	Ozment	Shaver
Battaglia	Elioff	Krueger	Pauly	Simoneau
Beard	Erickson	Lieder	Peterson	Solberg
Begich	Fjoslien	Long	Piepho	Stanius
Bennett	Forsythie	Marsh	Piper	Thiede
Bishop	Frederick	McDonald	Poppenhagen	Thorson
Blatz	Frerichs	McEachern	Price	Tjornhom
Boerboom	Gruenes	McPherson	Quinn	Tomlinson
Boo	Hartle	Miller	Quist	Tompkins
Brandl	Haukoos	Minne	Redalen	Uphus
Brinkman	Heap	Murphy	Rest	Valan
Brown	Himle	Nelson, K.	Richter	Valento
Burger	Jacobs	Norton	Riveness	Vellenga
Carlson, D.	Jaros	O'Connor	Rodosovich	Waltman
Carlson, L.	Johnson	Olsen, S.	Rose	Welle
Clausnitzer	Kalis	Olson, E.	Sarna	Wenzel
Cohen	Kelly	Omann	Scheid	Zaffke
Dempsey	Kiffmeyer	Onnen	Schoenfeld	Spk. Jennings, D.
DenOuden	Knickerbocker	Osthoff	Schreiber	
Dimler	Knuth	Otis	Seaberg	

Those who voted in the negative were:

Clark	Greenfield	Skoglund	Voss	Wynia
Ellingson				

The bill was passed and its title agreed to.

There being no objection the order of business reverted to Reports of Chief Clerk.

REPORTS OF CHIEF CLERK

S. F. No. 1171 and H. F. No. 1253, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Bishop moved that the rules be so far suspended that S. F. No. 1171 be substituted for H. F. No. 1253 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1506 and H. F. No. 1633, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Schoenfeld moved that the rules be so far suspended that S. F. No. 1506 be substituted for H. F. No. 1633 and that the House File be indefinitely postponed. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. Nos. 1171 and 1506 were read for the second time.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Forsythe requested immediate consideration of S. F. No. 1429.

S. F. No. 1429, 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 third time and placed upon its final passage.

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

Those who voted in the affirmative were:

Backlund	Carlson, D.	Fjoslien	Jaros	Marsh
Battaglia	Carlson, L.	Forsythe	Johnson	McDonald
Beard	Clark	Frederick	Kalis	McEachern
Begich	Clausnitzer	Frederickson	Kelly	McLaughlin
Bennett	Cohen	Frerichs	Kiffmeyer	McPherson
Bishop	Dempsey	Greenfield	Knickerbocker	Metzen
Blatz	DenOuden	Gruenes	Knuth	Miller
Boo	Dimler	Hartle	Kostohryz	Minne
Brandl	Dyke	Haukoos	Krueger	Murphy
Brinkman	Elioff	Heap	Levi	Nelson, D.
Brown	Ellingson	Himle	Lieder	Nelson, K.
Burger	Erickson	Jacobs	Long	Norton

O'Connor	Peterson	Riveness	Skoglund	Uphus
Olsen, S.	Piepho	Rodosovich	Solberg	Valan
Olson, E.	Piper	Rose	Sparby	Valento
Omann	Poppenhagen	Sarna	Stanius	Vellenga
Onnen	Price	Scheid	Svigum	Voss
Osthoff	Quinn	Schoenfeld	Thiede	Waltman
Otis	Quist	Schreiber	Thorson	Welle
Ozment	Redalen	Seaberg	Tjornhom	Wenzel
Pappas	Rest	Shaver	Tomlinson	Spk. Jennings, D.
Pauly	Richter	Simoneau	Tompkins	

The bill was passed and its title agreed to.

DenOuden; Piepho; Bishop; Miller; Battaglia; Valan; Seaberg; Johnson; Poppenhagen; Kalis; Schreiber; Dempsey; McKasy; Kvam; Himle; Anderson, R.; Carlson, J.; Stanius; Becklin; Jennings, L.; Olsen, S.; Erickson; Thiede; Backlund and Kostohryz were excused while in conference.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Levi, from the Committee on Rules and Legislative Administration, pursuant to Rule 1.9, designated the following bills as Special Orders to be added to Special Orders pending for today, Tuesday, May 14, 1985:

S. F. Nos. 1458 and 814; H. F. No. 694; S. F. Nos. 800, 448, 1077, 781, 661, 709, 862 and 352; H. F. Nos. 1070, 1227 and 1233; S. F. Nos. 1049, 364, 609 and 542; H. F. No. 725; S. F. Nos. 33, 219 and 1249; H. F. No. 384.

SPECIAL ORDERS

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:

Backlund	Cohen	Heap	McPherson	Pappas
Battaglia	Dempsey	Himle	Metzen	Pauly
Begich	DenOuden	Jacobs	Miller	Peterson
Bennett	Dimler	Jaros	Minne	Piepho
Bishop	Dyke	Kalis	Munger	Piper
Blatz	Elioff	Kiffmeyer	Murphy	Poppenhagen
Boerboom	Ellingson	Knickerbocker	Nelson, D.	Price
Boo	Erickson	Knuth	Nelson, K.	Quinn
Brandl	Fjoslien	Kostohryz	O'Connor	Quist
Brinkman	Frederick	Krueger	Olsen, S.	Redalen
Brown	Frederickson	Levi	Oison, E.	Richter
Burger	Frerichs	Lieder	Omann	Riveness
Carlson, D.	Greenfield	Marsh	Onnen	Rodosovich
Carlson, L.	Gruenes	McDonald	Osthoff	Rose
Clark	Hartle	McEachern	Otis	Sarna
Clausnitzer	Haukoos	McLaughlin	Ozment	Scheid

Schoenfeld	Skoglund	Thorson	Uphus	Welle
Schreiber	Sparby	Tjornhom	Vellenga	Wenzel
Shaver	Sviggum	Tomlinson	Voss	Zaffke
Sherman	Thiede	Tompkins	Waltman	Spk. Jennings, D.
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.

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

S. F. No. 1458, 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 third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 92 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Backlund	Elioff	Kostohryz	Onnen	Segal
Battaglia	Fjoslien	Krueger	Osthoff	Shaver
Begich	Forsythe	Levi	Otis	Simoneau
Bennett	Frederick	Lieder	Pappas	Skoglund
Blatz	Frederickson	Marsh	Pauly	Sparby
Boerboom	Frerichs	McEachern	Piepho	Sviggum
Boo	Greenfield	McLaughlin	Piper	Thiede
Brandl	Gruenes	McPherson	Poppenhagen	Thorson
Brinkman	Hartle	Metzen	Price	Tjornhom
Brown	Haukoos	Miller	Quinn	Tomlinson
Burger	Heap	Minne	Quist	Tompkins
Carlson, L.	Himle	Munger	Redalen	Vellenga
Clark	Jacobs	Murphy	Rest	Voss
Clausnitzer	Jaros	Nelson, D.	Richter	Wenzel
Cohen	Kalis	Nelson, K.	Riveness	Zaffke
Dempsey	Kelly	Norton	Rodosovich	Spk. Jennings, D.
DenOuden	Kiffmeyer	O'Connor	Rose	
Dimler	Knickerbocker	Olsen, S.	Sarna	
Dyke	Knuth	Olson, E.	Schoenfeld	

Those who voted in the negative were:

Bishop	Omann	Scheid	Waltman	Welle
Erickson	Peterson	Solberg		

The bill was passed and its title agreed to.

S. F. No. 814 was reported to the House.

Gruenes moved to amend S. F. No. 814, as follows:

Page 1, line 15, delete "2320" and insert "2322"

Page 1, line 19, delete "2320" and insert "2322"

The motion prevailed and the amendment was adopted.

S. F. No. 814, 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.

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 105 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Backlund	Erickson	Krueger	Otis	Segal
Battaglia	Fjoslien	Levi	Pappas	Shaver
Begich	Forsythe	Lieder	Pauly	Simoneau
Bennett	Frederick	Marsh	Peterson	Skoglund
Blatz	Frederickson	McEachern	Piepho	Solberg
Boerboom	Frerichs	McLaughlin	Piper	Sparby
Boo	Greenfield	McPherson	Poppenhagen	Stanius
Brandl	Gruenes	Metzen	Price	Sviggum
Brinkman	Hartle	Miller	Quinn	Thiede
Brown	Haukoos	Minne	Quist	Thorson
Burger	Heap	Munger	Redalen	Tjornhom
Carlson, D.	Himle	Murphy	Rest	Tomlinson
Carlson, L.	Jacobs	Nelson, D.	Rice	Tompkins
Clark	Jaros	Nelson, K.	Richter	Uphus
Clausnitzer	Johnson	Norton	Riveness	Vellenga
Cohen	Kalis	O'Connor	Rodosovich	Voss
Dempsey	Kelly	Olsen, S.	Rose	Waltman
DenOuden	Kiffmeyer	Olson, E.	Sarna	Welle
Dimler	Knickerbocker	Omann	Scheid	Wenzel
Dyke	Knuth	Onnen	Schoenfeld	Zaffke
Elioff	Kostohryz	Osthoff	Seaberg	Spk. Jennings, D.

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

H. F. No. 694 was reported to the House.

There being no objection H. F. No. 694 was temporarily laid over on Special Orders.

S. F. No. 800 was reported to the House.

Scheid moved to amend S. F. No. 800, as follows:

Page 1, after the enacting clause, insert:

“Section 1. Minnesota Statutes 1984, section 82.19, is amended by adding a subdivision to read:

Subd. 5. [DISCLOSURE REGARDING REPRESENTATION OF PARTIES.] (a) No person licensed pursuant to this chapter or who otherwise acts as a real estate broker or salesperson shall represent any party or parties to a real estate transaction or otherwise act as a real estate broker or salesperson unless he or she makes an affirmative written disclosure to all parties to the transaction as to which party he or she represents in the transaction. The disclosure shall be printed in at least six-point bold type on the purchase agreement and acknowledged by separate signatures of the buyer and seller.

(b) The disclosure required by this subdivision must be made by the licensee prior to any offer being made to or accepted by the buyer. A change in licensee's representation that makes the initial disclosure incomplete, misleading, or inaccurate requires that a new disclosure be made at once.

(c) The seller may, in the listing agreement, authorize the seller's broker to disburse part of the broker's compensation to other brokers, including the buyer's brokers solely representing the buyer. A broker representing a buyer shall make known to the seller or the seller's agent the fact of the agency relationship before any showing or negotiations are initiated.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon insert “providing certain disclosures to parties to real estate transactions;”

Page 1, line 4, after “sections” insert “82.19, by adding a subdivision;”

The motion prevailed and the amendment was adopted.

S. F. No. 800, 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 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.

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

There were 112 yeas and 0 nays as follows :

Those who voted in the affirmative were :

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

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

H. F. No. 694 which was temporarily laid over earlier today was again reported to the House.

The Speaker called Halberg to the Chair.

McPherson moved to amend H. F. No. 694, the first engrossment, as follows :

Page 2, line 2, delete "\$1,676,000" and insert "\$1,723,000"

Page 2, after line 11, insert :

"(f) *Eagle Point Lake Dam, Washington County* 47,000"

Page 2, line 15, delete "\$1,181,850" and insert "\$1,134,850"

A roll call was requested and properly seconded.

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

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

There were 48 yeas and 63 nays as follows :

Those who voted in the affirmative were :

Anderson, R.	Frederick	Marsh	Redalen	Thorson
Backlund	Frerichs	McDonald	Richter	Tjornhom
Beard	Gutknecht	McPherson	Rose	Tompkins
Becklin	Halberg	Neuenschwander	Schafer	Valento
Bennett	Haukoos	Olsen, S.	Scheid	Waltman
Blatz	Heap	Onnen	Shaver	Wenzel
Boo	Jaros	Osthoff	Sparby	Zaffke
Carlson, J.	Kostohryz	Otis	Stanius	Spk. Jennings, D.
Clausnitzer	Krueger	Ozment	Swiggum	
Fjoslien	Levi	Price	Thiede	

Those who voted in the negative were :

Anderson, G.	Dyke	Knuth	Pappas	Simoneau
Battaglia	Elioff	Lieder	Pauly	Skoglund
Begich	Erickson	Long	Peterson	Solberg
Boerboom	Forsythe	McLaughlin	Piper	Tomlinson
Brandl	Frederickson	Metzen	Quinn	Tunheim
Brinkman	Greenfield	Minne	Quist	Uphus
Brown	Gruenes	Murphy	Rest	Vanasek
Burger	Hartle	Nelson, D.	Rice	Vellenga
Carlson, D.	Jacobs	Nelson, K.	Riveness	Voss
Carlson, L.	Kahn	Norton	Rodosovich	Welle
Clark	Kelly	O'Connor	Sarna	Wynia
Cohen	Kiffmeyer	Ogren	Schoenfeld	
DenOuden	Knickerbocker	Omann	Segal	

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

Clausnitzer moved to amend H. F. No. 694, the first engrossment, as follows :

Page 2, after line 23, insert :

"Sec. 4. [HANOVER DAM REMOVAL.] *The sum of \$85,000 is appropriated from the state building fund to the commissioner of natural resources for the state's contribution toward the cost of removal of the Hanover dam on the Crow River, in Wright and Hennepin counties, the cost of repair of erosion damage to river banks, and the cost of restoring wetlands drained as a result of failure of the dam. The state's contribution is available only if the counties, cities, and other local governmental units in which the dam is located contribute an equal amount of money for these same purposes. The dam removal, bank repair, and wetland restoration work shall be done pursuant to joint power or similar agreement entered into by the local units of government and approved by the commissioner. The state and local units of government are authorized to seek recovery of their costs, including costs related to initial breaking of the dam, from any private person who has any ownership interest in the dam, damsite, or abutments."*

Renumber the sections in order

A roll call was requested and properly seconded.

POINT OF ORDER

Kostohryz raised a point of order pursuant to rule 5.10 that the Clausnitzer amendment was out of order. The Speaker pro tempore Halberg ruled the Kostohryz point of order not well taken and the Clausnitzer amendment in order.

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

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

There were 64 yeas and 47 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Frederick	Lieder	Peterson	Stanius
Anderson, R.	Frerichs	Marsh	Piepho	Sviggum
Beard	Gutknecht	McDonald	Piper	Thorson
Becklin	Halberg	McEachern	Quinn	Tjornhom
Bennett	Haukoos	McKasy	Redalen	Tomlinson
Blatz	Heap	McLaughlin	Richter	Tompkins
Boo	Himle	McPherson	Rose	Uphus
Brown	Jaros	Metzen	Sarna	Valento
Carlson, J.	Jennings, L.	Neuenschwander	Schafer	Waltman
Clausnitzer	Kelly	Ogren	Scheid	Welle
Dempsey	Knuth	Onnen	Schoenfeld	Wenzel
Dimler	Krueger	Ozment	Shaver	Zaffke
Fjoslien	Levi	Pappas	Sherman	

Those who voted in the negative were:

Battaglia	DenOuden	Kiffmeyer	Omann	Skoglund
Begich	Dyke	Knickerbocker	Otis	Solberg
Boerboom	Elioff	Long	Pauly	Tunheim
Brandl	Forsythe	Miller	Price	Vanasek
Brinkman	Frederickson	Minne	Quist	Vellenga
Burger	Greenfield	Munger	Rest	Voss
Carlson, D.	Gruenes	Murphy	Rice	Wynia
Carlson, L.	Hartle	Nelson, K.	Riveness	
Clark	Jacobs	Norton	Rodosovich	
Cohen	Kahn	O'Connor	Simoneau	

The motion prevailed and the amendment was adopted.

POINT OF ORDER

Rice raised a point of order pursuant to rule 3.12 that the Clausnitzer amendment to H. F. No. 694 required a majority vote of the whole House to be adopted. The Speaker pro tempore

Halberg ruled the Rice point of order well taken and the Clausnitzer amendment to H. F. No. 694 was not adopted.

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.

The bill was read for the third time 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 107 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Anderson, C.	Dempsey	Krueger	Piepho	Sparby
Anderson, R.	Dyke	Levi	Piper	Stanius
Backlund	Elioff	Lieder	Poppenhagen	Sviggum
Battaglia	Fjoslien	Long	Price	Thiede
Beard	Forsythe	McEachern	Quinn	Thorson
Becklin	Frederick	McLaughlin	Quist	Tjornhom
Begich	Frederickson	Metzen	Redalen	Tomlinson
Bennett	Frerichs	Minne	Rest	Tompkins
Bishop	Greenfield	Munger	Rice	Tunheim
Blatz	Gruenes	Murphy	Richter	Uphus
Boerboom	Halberg	Nelson, D.	Riveness	Valento
Boo	Hartle	Nelson, K.	Rodosovich	Vanasek
Brandl	Heap	Norton	Rose	Vellenga
Brinkman	Himle	O'Connor	Sarna	Voss
Brown	Jacobs	Ogren	Schafer	Waltman
Burger	Jaros	Olsen, S.	Schoenfeld	Welle
Carlson, D.	Jennings, L.	Olsen, E.	Schreiber	Wenzel
Carlson, J.	Kahn	Omman	Segal	Wynia
Carlson, L.	Kelly	Onnen	Shaver	Zaffke
Clark	Knickerbocker	Otis	Simoneau	
Clausnitzer	Knuth	Pauly	Skoglund	
Cohen	Kostohryz	Peterson	Solberg	

Those who voted in the negative were:

DenOuden	Marsh	McPherson	Pappas	Scheid
Gutknecht	McDonald	Miller		

The bill was passed and its title agreed to.

S. F. No. 448, A bill for an act relating to crimes; providing penalty for assault of firefighters or emergency medical services personnel; amending Minnesota Statutes 1984, section 609.2231.

The bill was read for the third time 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 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

There being no objection the order of business reverted to Reports of Chief Clerk.

REPORTS OF CHIEF CLERK

S. F. No. 1225 and H. F. No. 1086, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Ogren moved that the rules be so far suspended that S. F. No. 1225 be substituted for H. F. No. 1086 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 45 and H. F. No. 442, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Jennings, L., moved that the rules be so far suspended that S. F. No. 45 be substituted for H. F. No. 442 and that the House File be indefinitely postponed. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. Nos. 1225 and 45 were read for the second time.

SPECIAL ORDERS

S. F. No. 1077, 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 third time 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 105 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dyke	Kostohryz	Osthoff	Shaver
Backlund	Elioff	Krueger	Otis	Simoneau
Battaglia	Fjoslien	Levi	Ozment	Skoglund
Beard	Forsythe	Lieder	Pappas	Sparby
Becklin	Frederick	Long	Peterson	Stanius
Begich	Frerichs	Marsh	Piepho	Sviggum
Bennett	Greenfield	McEachern	Piper	Thiede
Blatz	Gruenes	McLaughlin	Price	Thorson
Boerboom	Gutknecht	McPherson	Quinn	Tjornhom
Boo	Halberg	Metzen	Redalen	Tomlinson
Brandl	Hartle	Munger	Rest	Tompkins
Brinkman	Haukoos	Murphy	Rice	Tunheim
Brown	Heap	Nelson, D.	Richter	Uphus
Burger	Himle	Nelson, K.	Rodosovich	Valento
Carlson, D.	Jacobs	Norton	Rose	Vellenga
Carlson, L.	Jaros	O'Connor	Sarna	Voss
Clark	Jennings, L.	Ogren	Schafer	Waltman
Clausnitzer	Kahn	Olsen, S.	Scheid	Welle
Cohen	Kelly	Olson, E.	Schoenfeld	Wenzel
Dempsey	Kiffmeyer	Omann	Schreiber	Zaffke
Dimler	Knuth	Onnen	Segal	Spk. Jennings, D.

The bill was passed and its title agreed to.

S. F. No. 781, 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 third time 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 115 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 661, 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 third time 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 114 yeas and 2 nays as follows :

Those who voted in the affirmative were :

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

Those who voted in the negative were :

Sparby Sviggum

The bill was passed and its title agreed to.

S. F. No. 709, 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 third time 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 119 yeas and 0 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Becklin	Boerboom	Brown	Carlson, L.
Backlund	Begich	Boo	Burger	Clark
Battaglia	Bennett	Brandl	Carlson, D.	Clausnitzer
Beard	Blatz	Brinkman	Carlson, J.	Cohen

Dempsey	Jaros	Minne	Piper	Stanius
DenOuden	Jennings, L.	Munger	Price	Sviggum
Dimler	Kahn	Murphy	Quinn	Thiede
Dyke	Kelly	Nelson, D.	Quist	Thorson
Elioff	Kiffmeyer	Nelson, K.	Redalen	Tjornhom
Erickson	Knickerbocker	Neuenschwander	Rest	Tomlinson
Fjoslien	Knuth	Norton	Rice	Tompkins
Forsythe	Kostohryz	O'Connor	Riveness	Tunheim
Frederick	Krueger	Ogren	Rodosovich	Uphus
Frederickson	Kvam	Olsen, S.	Rose	Valento
Frerichs	Levi	Olson, E.	Sarna	Vanasek
Greenfield	Lieder	Omann	Schafer	Vellenga
Gruenes	Long	Onnen	Scheid	Voss
Gutknecht	Marsh	Osthoff	Schoenfeld	Waltman
Halberg	McDonald	Otis	Segal	Welle
Hartle	McEachern	Ozment	Shaver	Wenzel
Haukoos	McKasy	Pappas	Simoneau	Wynia
Heap	McLaughlin	Pauly	Skoglund	Zaffke
Himle	McPherson	Peterson	Solberg	Spk. Jennings, D.
Jacobs	Metzen	Piepho	Sparby	

The bill was passed and its title agreed to.

S. F. No. 862 was reported to the House.

Dempsey moved to amend S. F. No. 862, as follows:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1984, section 485.01, is amended to read:

485.01 [APPOINTMENT; BOND; DUTIES.]

A clerk of the district court for each county within the judicial district, *who shall be known as the court administrator*, shall be appointed by a majority of the district court judges in the district, after consultation with the county court judges of the county court district affected. The clerk, before entering upon the duties of his office, shall give bond to the state, to be approved by the chief judge of the judicial district, in a penal sum of not less than \$1,000 nor more than \$10,000 conditioned for the faithful discharge of his official duties. The bond, with his oath of office, shall be filed for record with the county recorder. The clerk shall perform all duties assigned him by law and by the rules of the court. He shall not practice as an attorney in the court of which he is the clerk.

The duties, functions, and responsibilities which have been heretofore and which may be hereafter required by statute or law to be performed by the clerk of district court shall be performed by the court administrator."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon insert "providing that clerks of district court shall be known as court administrators;"

Page 1, line 5, after "sections" insert "485.01;"

The motion prevailed and the amendment was adopted.

Voss moved to amend S. F. No. 862, as amended, as follows:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1984, section 487.191, is amended to read:

487.191 [MERGER WITH DISTRICT COURTS.]

Except in the third and seventh judicial districts, one year following certification to the secretary of state of intention to reorganize the trial courts by a majority of the (DISTRICT) judges (AND A MAJORITY OF THE COUNTY OR COUNTY MUNICIPAL JUDGES) of a judicial district, there shall be one general trial court of the judicial district to be known as the district court, which shall also be a probate court. In the third and seventh judicial districts, the judicial district reorganization shall become effective three months after certification to the secretary of state (OF INTENTION TO REORGANIZE THE TRIAL COURTS BY A MAJORITY OF THE DISTRICT JUDGES AND A MAJORITY OF THE COUNTY JUDGES OF THE THIRD AND SEVENTH JUDICIAL DISTRICTS).

Upon the effective date of a judicial district reorganization, the district court, except in the second and fourth districts, shall also exercise the powers, duties, and jurisdiction conferred upon courts by chapters 260, 484, 487, 491, 492, 493, and 525.

Upon the effective date of a judicial district reorganization of the second or fourth districts, the district court shall also exercise the powers conferred upon courts by chapters 488A, 492, and 493.

Notwithstanding any other law, the county or county municipal judges of the district in office on the effective date of a reorganization shall be district judges and shall continue in office for the balance of the term for which they were elected or appointed and shall be entitled to run for reelection district-wide as incumbent judges of the district court."

Renumber the remaining sections.

Amend the title as follows:

Page 1, line 2, after the semi-colon, insert "modifying merger requirements,"

Page 1, line 5, after "sections" insert "487.191,"

A roll call was requested and properly seconded.

POINT OF ORDER

Ogren raised a point of order pursuant to rule 3.9 that the Voss amendment was not in order. The Speaker pro tempore Halberg ruled the Ogren point of order not well taken and the Voss amendment in order.

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

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

There were 104 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Lieder	Osthoff	Simoneau
Backlund	Forsythe	Long	Otis	Skoglund
Battaglia	Frederick	Marsh	Ozment	Sparby
Becklin	Frederickson	McDonald	Pappas	Stanisus
Begich	Greenfield	McEachern	Pauly	Sviggum
Bennett	Gruenes	McKasy	Peterson	Thorson
Bishop	Gutknecht	McLaughlin	Piper	Tjornhom
Boerboom	Hartle	McPherson	Price	Tomlinson
Boo	Haukoos	Metzen	Quinn	Tompkins
Brandl	Heap	Minne	Rest	Tunheim
Brinkman	Himle	Munger	Richter	Uphus
Brown	Jacobs	Murphy	Riveness	Valento
Carlson, D.	Jaros	Nelson, D.	Rodosovich	Vanasek
Carlson, L.	Kahn	Nelson, K.	Rose	Vellenga
Clark	Kelly	Neuenschwander	Sarna	Voss
Clausnitzer	Kiffmeyer	Norton	Schafer	Waltman
Dempsey	Knickerbocker	O'Connor	Scheid	Welle
DenOuden	Knuth	Olsen, S.	Schoenfeld	Wenzel
Dimler	Kostohryz	Olson, E.	Schreiber	Wynia
Dyke	Krueger	Omann	Segal	Zaffke
Elioff	Levi	Onnen	Shaver	

Those who voted in the negative were:

Beard	Fjoslien	Kvam	Redalen	Solberg
Carlson, J.	Frerichs	Ogren	Rice	Thiede
Cohen	Halberg			

The motion prevailed and the amendment was adopted.

S. F. No. 862, 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 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 117 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Cohen Halgen

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

S. F. No. 352, 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; requiring a report to the legislature; providing a penalty; 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 third time 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 117 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1070, A bill for an act relating to corrections; authorizing the commissioner of corrections to do background studies on personnel employed by certain licensed facilities; requiring the commissioner of corrections to establish a program to prevent sexual exploitation by psychotherapists; extending the sexual exploitation task force; creating an advisory task force to study the regulation of psychotherapists; amending Minnesota Statutes 1984, section 241.021, by adding a subdivision; Laws 1984, chapter 631, section 1, subdivisions 1 and 4; proposing coding for new law in Minnesota Statutes, chapter 241.

The bill was read for the third time 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 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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 third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

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

There were 116 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Becklin	Blatz	Brown	Carlson, L.
Backlund	Begich	Boerboom	Burger	Clark
Battaglia	Bennett	Brandl	Carlson, D.	Clausnitzer
Beard	Bishop	Brinkman	Carlson, J.	Cohen

Dempsey	Jaros	Nelson, D.	Rest	Thorson
Dimler	Jennings, L.	Nelson, K.	Rice	Tjornhom
Dyke	Kahn	Neuenschwander	Richter	Tomlinson
Elioff	Kelly	Norton	Riveness	Tompkins
Erickson	Kiffmeyer	O'Connor	Rodosovich	Tunheim
Fjoslien	Knickerbocker	Ogren	Rose	Uphus
Forsythe	Knuth	Olsen, S.	Sarna	Valento
Frederick	Kostohryz	Olson, E.	Schafer	Vanasek
Frederickson	Krueger	Omann	Scheid	Vellenga
Frerichs	Levi	Onnen	Schoenfeld	Voss
Greenfield	Lieder	Osthoff	Schreiber	Waltman
Gruenes	Long	Otis	Segal	Welle
Gutknecht	Marsh	Ozment	Shaver	Wenzel
Halberg	McDonald	Pappas	Simoneau	Wynia
Hartinger	McLaughlin	Pauly	Skoglund	Zaffke
Hartle	McPherson	Peterson	Solberg	Spk. Jennings, D.
Haukoos	Metzen	Piper	Sparby	
Heap	Minne	Price	Stanius	
Himle	Munger	Quinn	Sviggum	
Jacobs	Murphy	Quist	Thiede	

Those who voted in the negative were:

McEachern

The bill was passed and its title agreed to.

H. F. No. 1233, A bill for an act relating to liquor; extending a moratorium on certain town off-sale licenses; authorizing the town of Cannon Falls to issue an off-sale license; authorizing the town of Shingobee to renew certain intoxicating liquor off-sale licenses; amending Laws 1984, chapter 626, section 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.

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

There were 113 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Peterson	Rodosovich	Shaver	Tjornhom	Waltman
Piper	Rose	Simoneau	Tomlinson	Welle
Price	Sarna	Solberg	Tompkins	Wenzel
Quinn	Schafer	Sparby	Tunheim	Wynia
Quist	Scheid	Stanius	Valento	Zaffke
Rest	Schoenfeld	Sviggum	Vanasek	Spk. Jennings, D.
Richter	Schreiber	Thiede	Vellenga	
Riveness	Segal	Thorson	Voss	

Those who voted in the negative were:

Osthoff	Rice	Uphus
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The bill was passed and its title agreed to.

S. F. No. 1049, A bill for an act relating to human services; refining the vulnerable adults reporting act; clarifying definitions; requiring reporting of financial exploitation; providing for local welfare agency actions to protect vulnerable adults; amending Minnesota Statutes 1984, section 626.557, subdivisions 2, 3a, 5, 9, and 10, 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.

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

There were 112 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 364 was reported to the House.

Blatz moved to amend S. F. No. 364, as follows :

Page 2, after line 34, insert :

“Sec. 2. Minnesota Statutes 1984, section 145.63, is amended to read :

145.63 [LIMITATION ON LIABILITY FOR MEMBERS OF REVIEW ORGANIZATIONS.]

No person who is a member or employee of, who acts in an advisory capacity to or who furnishes counsel or services to, a review organization shall be liable for damages or other relief in any action brought by a person or persons whose activities have been or are being scrutinized or reviewed by a review organization, by reason of the performance by him of any duty, function or activity of such review organization, unless the performance of such duty, function or activity was motivated by malice toward the person affected thereby. No person shall be liable for damages or other relief in any action by reason of the performance of him of any duty, function, or activity as a member of a review committee or by reason of any recommendation or action of the review committee when the person acts in the reasonable belief that his action or recommendation is warranted by facts known to him or the review organization after reasonable efforts to ascertain the facts upon which the review organization's action or recommendation is made, *except that any corporation designated as a review organization under the Code of Federal Regulations, title 42, section 466 (1983) shall be subject to actions for damages or other relief by reason of any failure of a person, whose care or treatment is required to be scrutinized or reviewed by the review organization, to receive medical care or treatment as a result of a determination by the review organization that medical care was unnecessary or inappropriate.*”

Amend the title as follows :

Page 1, line 3, after the semicolon insert “providing an exception to liability;”

Page 1, line 4, delete “section” and insert “sections” and after “5” insert “; and 145.63”

The motion prevailed and the amendment was adopted.

S. F. No. 364, 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 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 116 yeas and 0 nays as follows :

Those who voted in the affirmative were :

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

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

S. F. No. 609 was reported to the House.

There being no objection S. F. No. 609 was temporarily laid over on Special Orders.

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 third time 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 111 yeas and 0 nays as follows :

Those who voted in the affirmative were :

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

The bill was passed and its title agreed to.

H. F. No. 725 was reported to the House.

There being no objection, H. F. No. 725 was continued on Special Orders for one day.

The Speaker resumed the Chair.

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 third time 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 112 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 609 which was temporarily laid over earlier today was again reported to the House.

Clark moved to amend S. F. No. 609, as follows:

Page 2, line 1, delete "*seven*" and insert "*fifteen*"

Page 2, line 8, delete "*seven*" and insert "*fifteen*"

Page 2, line 10, delete "*seven*" and insert "*fifteen*"

The motion prevailed and the amendment was adopted.

S. F. No. 609, A bill for an act relating to human rights; prohibiting the waiver of legal rights or remedies in certain human rights cases; establishing standards for waiver rescission; amending Minnesota Statutes 1984, section 363.031.

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 95 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Kostohryz	Otis	Solberg
Backlund	Erickson	Krueger	Ozment	Sparby
Battaglia	Fjoslien	Kvam	Pauly	Stanius
Bead	Forsythe	Levi	Peterson	Sviggum
Becklin	Frederick	Lieder	Piper	Thiede
Begich	Frederickson	McDonald	Price	Tjornhom
Bennett	Gruenes	McKasy	Quinn	Tomlinson
Blatz	Halberg	McPherson	Quist	Tompkins
Boerboom	Hartinger	Metzen	Redalen	Tunheim
Boo	Hartle	Munger	Rodosovich	Uphus
Brandl	Heap	Murphy	Rose	Valento
Brinkman	Himle	Nelson, K.	Sarna	Vanasek
Brown	Jacobs	Neuenschwander	Schafer	Vellenga
Burger	Jaros	O'Connor	Scheid	Voss
Carlson, D.	Jennings, L.	Ogren	Schoenfeld	Waltman
Clausnitzer	Kelly	Olsen, S.	Schreiber	Welle
Cohen	Kiffmeyer	Omann	Shaver	Wenzel
Dimler	Knickerbocker	Onnen	Simoneau	Zaffke
Dyke	Knuth	Osthoff	Skoglund	Spk. Jennings, D.

Those who voted in the negative were:

Carlson, L.	Kahn	Minne	Rest	Riveness
Clark	Long	Pappas	Rice	Wynia
Greenfield	McLaughlin			

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

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

S. F. No. 219, 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.

The bill was read for the third time 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 112 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1249 was reported to the House.

Kostohryz and Redalen moved to amend S. F. No. 1249, as follows:

Page 6, line 31, delete "90" and insert "30"

Page 6, line 34, after the period insert "*The commission may summarily suspend a license for more than 30 days prior to a contested case hearing where it is necessary to insure the integrity of racing. A contested case hearing must be held within 20 days of the summary suspension and the administrative law judge's report must be issued within 20 days from the close of the hearing record. In all cases involving summary suspension the commission must issue its final decision within 30 days from receipt of the report of the administrative law judge and subsequent exceptions and argument under section 14.61.*"

Page 10, line 18, delete the new language and reinstate the old language

The motion prevailed and the amendment was adopted.

Kostohryz moved to amend S. F. No. 1249, as amended, as follows:

Page 8, after line 32, insert:

“Sec. 15. Minnesota Statutes 1984, section 240.15, is amended by adding a subdivision to read:

Subdivision 1a. [ALTERNATIVE 1986 TAXES.] (a) In 1986 only, and only if there are separate racing days in that year for thoroughbreds, quarterhorses, and harness racing horses, the taxes in paragraphs (b) and (c) are imposed in place of the taxes imposed by subdivision 1, clause (a).

(b) There is imposed on the total amount bet on all pari-mutuel pools on each racing day for a specific breed of horse in a calendar year at the same licensed track a tax at the following rates:

(1) For each racing day in a calendar year on which the total amount bet on a specific breed of horse, together with the total amount bet at the same licensed racetrack in all previous racing days in the same calendar year does not exceed \$48,000,000 for that breed of horse, 1-3/4 percent of the total amount bet in all pari-mutuel pools on that breed of horse.

(2) For each racing day in a calendar year after the racing day on which the total amount bet in all pari-mutuel pools on a specific breed of horse at the same licensed racetrack in all previous racing days in the same calendar year exceeds \$48,000,000 for that breed of horse, six percent of the total amount bet in all pari-mutuel pools on that breed of horse.

(c) In addition to the tax in paragraph (b), the licensee must designate and pay to the commission a tax for deposit in the Minnesota breeders fund at the following rates:

(1) For racing days on which the state tax under paragraph (b) is 1-3/4 percent, one-half percent of the total amount bet in all pari-mutuel pools.

(2) For racing days on which the state tax under paragraph (b) is six percent, one percent of the total amount bet in all pari-mutuel pools.

(d) The taxes imposed by paragraphs (b) and (c) must be paid from the amounts permitted to be withheld by a licensee under section 240.13, subdivision 4.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, before “amending” insert “providing alternative taxes in 1986 only;”

Page 1, line 12, after "6" insert ", and by adding a subdivision"

The motion prevailed and the amendment was adopted.

S. F. No. 1249, 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; appropriating money; 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; 240.14, subdivision 1; 240.15, subdivisions 5 and 6; 240.16, subdivisions 1 and 6; 240.18; 240.22; 240.24; 240.25, subdivisions 1 and 4; 240.29; 541.20; and 541.21; repealing Minnesota Statutes 1984, section 624.02.

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 103 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Backlund	Erickson	Levi	Otis	Solberg
Battaglia	Fjoslien	Lieder	Ozment	Stanius
Beard	Forsythe	Long	Pappas	Sviggum
Becklin	Frederick	Marsh	Pauly	Thorson
Begich	Frederickson	McDonald	Peterson	Tjornhom
Bennett	Greenfield	McEachern	Piper	Tomlinson
Blatz	Gruenes	McPherson	Price	Tompkins
Boerboom	Gutknecht	Minne	Quinn	Tunheim
Boo	Hartinger	Munger	Quist	Uphus
Brandl	Hartle	Murphy	Redalen	Valento
Brinkman	Haukoos	Nelson, D.	Rest	Vanasek
Brown	Heap	Nelson, K.	Rice	Vellenga
Burger	Jacobs	Neuenschwander	Richter	Voss
Carlson, D.	Jaros	Norton	Rodosovich	Waltman
Carlson, L.	Kahn	O'Connor	Sarna	Welle
Clark	Kelly	Ogren	Schafer	Wenzel
Clausnitzer	Kiffmeyer	Olsen, S.	Scheid	Wynia
Cohen	Knickerbocker	Olsen, E.	Schoenfeld	Zaffke
DenOuden	Knuth	Omman	Segal	Spk. Jennings, D.
Dyke	Kostohryz	Onnen	Shaver	
Elioff	Krueger	Osthoff	Simoneau	

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

H. F. No. 384 was reported to the House.

Voss moved to amend H. F. No. 384, the first engrossment, as follows :

Page 5, after line 16, insert :

"Sec. 8. [BLAINE HOUSING AND REDEVELOPMENT AUTHORITY.]

Notwithstanding the limitations on the number of housing and redevelopment commissioners provided by Minnesota Statutes, section 462.425, subdivisions 5 and 6, all the members of the governing body of the city of Blaine may serve as commissioners of the Blaine housing and redevelopment authority at the same time.

Sec. 9. [LOCAL APPROVAL; EFFECTIVE DATE.]

Section 8 is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Blaine."

Amend the title as follows :

Page 1, line 2, delete "city" and insert "cities" and after "Minneapolis" insert "and Blaine"

Page 1, line 3, after "city" insert "of Minneapolis"

Page 1, line 4, after "authority" insert "; authorizing Blaine city council members to serve as a housing and redevelopment authority"

The motion prevailed and the amendment was adopted.

Rice moved to amend H. F. No. 384, the first engrossment, as amended, as follows :

Page 4, line 19, after "enlarged" insert ", to an area not to exceed one square mile,"

The motion prevailed and the amendment was adopted.

H. F. No. 384, A bill for an act relating to the cities of Minneapolis and Blaine; permitting the establishment of special service districts in the city of Minneapolis and providing taxing and other authority; authorizing Blaine city council members to serve as a housing and redevelopment authority.

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 108 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Osthoff

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

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 282:

Nelson, K.; Boo and Rodosovich.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 847:

Gutknecht, Sviggum and Heap.

GENERAL ORDERS

Levi moved that the bills on General Orders for today be continued one day. The motion prevailed.

MOTIONS AND RESOLUTIONS

Clausnitzer moved that the name of Brandl be added as an author on H. F. No. 912. The motion prevailed.

Kiffmeyer moved that the names of Tjornhom and Hartinger be added as authors on H. F. No. 1191. The motion prevailed.

Shaver moved that the names of Clausnitzer and Jacobs be added as authors on H. F. No. 1669. The motion prevailed.

Erickson moved that House Resolution No. 32 be recalled from the Committee on Education and be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

House Resolution No. 27 was reported to the House.

HOUSE RESOLUTION NO. 27

A house resolution commending Mr. Harold Johnson for his outstanding record of public service.

Whereas, Mr. Harold Johnson has served on the Stewartville city council for three years and has served as mayor of Stewartville for 12 years; and

Whereas, Harold Johnson has served on the Stewartville Nursing Home Board; and

Whereas, Harold Johnson has served as treasurer of the Stewartville Meals on Wheels; and

Whereas, Harold Johnson is the treasurer and past president of the Lions Club; and

Whereas, Harold Johnson has served on the Stewartville Library Board; and

Whereas, Harold Johnson has been a member of the Lake Florence Restoration Committee; and

Whereas, Harold Johnson has been an ex officio member of a number of city boards and commissions; and

Whereas, Harold Johnson has served on the Region 10 board of directors; and

Whereas, Harold Johnson has served on the Advisory Council on Aging; and

Whereas, Harold Johnson has served on the Advisory Council on Water Quality; and

Whereas, Harold Johnson has served and was president of the Rochester-Olmsted County Council of Government; and

Whereas, Harold Johnson has also served Olmsted County as a member of the planning and administrative council, as a member of the county health department advisory council, and through the Olmsted County emergency services; and

Whereas, Harold Johnson has worked with the Channel 1 health information program and the Channel 1 food distribution center in Stewartville; and

Whereas, Harold Johnson has been a director on the southeastern region of the League of Minnesota Cities; and

Whereas, Harold Johnson was named outstanding senior citizen of Olmsted County in 1982; *Now, Therefore*,

Be It Resolved by the House of Representatives of the State of Minnesota that Harold Johnson be commended for his outstanding record of public service.

Be It Further Resolved that the Chief Clerk of the House of Representatives shall transmit an enrolled copy of this resolution to Harold Johnson.

Frerichs moved that House Resolution No. 27 be now adopted. The motion prevailed and House Resolution No. 27 was adopted.

House Resolution No. 28 was reported to the House.

HOUSE RESOLUTION NO. 28

A house resolution congratulating the seven Minnesota secondary schools recognized by the United States Department of Education for educational excellence.

Whereas, since the quality of our future depends on the quality of the education of our youth today; and

Whereas, Minnesota has long been recognized for the importance it places on quality education; and

Whereas, the United States Department of Education annually selects those secondary schools providing educational excellence; and

Whereas, selection is based on student performance on standard achievement and minimum competency tests, on the low level of dropouts, on the high level of daily attendance, on overcoming obstacles, on improving education, and on maintenance of high academic standards; and

Whereas, of the thousands of secondary schools nationwide, only 202 schools were chosen as meeting the criteria for educational excellence and seven of those were from Minnesota; and

Whereas, the Minnesota schools selected were: Edina High, Edina; Groves Learning Center, St. Louis Park; Hopkins North High, Minnetonka; West Junior High, Minnetonka; Oak-Land Junior High, Lake Elmo; Richfield Senior High, Richfield; Stillwater Junior High, Stillwater; *Now, Therefore,*

Be It Resolved that the House of Representatives of the State of Minnesota that it congratulates the secondary schools selected not only for being selected but also for the educational excellence indicated by the selection.

Be It Further Resolved that it directs the Chief Clerk to prepare enrolled copies of this resolution, to be authenticated by his signature and that of the Speaker, and forward them to the principal of each of the schools.

Price moved that House Resolution No. 28 be now adopted. The motion prevailed and House Resolution No. 28 was adopted.

ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 12:00 noon, Wednesday, May 15, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Wednesday, May 15, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-FOURTH SESSION - 1985

SIXTY-FIRST DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MAY 15, 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 Rabbi Stephen Pinsky, Temple Israel, Minneapolis, 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	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	

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Halberg 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. 765, 911, 1231, 1250 and 384 and S. F. No. 814 have been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 10, 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 Files:

H. F. No. 273, 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.

H. F. No. 446, 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.

H. F. No. 516, 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 and demonstration and experiment farms; 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; and 395.03.

H. F. No. 645, 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 Minnesota Statutes, chapter 611A.

H. F. No. 782, 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.

H. F. No. 882, relating to natural resources; authorizing the commissioner to enter into agreements with other states for forest fire prevention and suppression purposes; amending Minnesota Statutes 1984, section 574.26; proposing coding for new law in Minnesota Statutes, chapters 88 and 574.

H. F. No. 1193, relating to corrections; requiring the commissioner of corrections to develop a policy to provide counseling services to American Indian inmates; updating the record-keeping systems of jails and lockups; amending Minnesota Statutes 1984, sections 641.05; and 642.07; proposing coding for new law in Minnesota Statutes, chapter 241.

H. F. No. 1216, relating to agriculture; clarifying the meaning of lender in the Minnesota emergency farm operating loans act; changing certain eligibility criteria; providing for earlier payments; amending Laws 1985, chapter 4, sections 3, subdivision 8; and 6.

Sincerely,

RUDY PERPICH
Governor

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

May 10, 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>
335		100	May 10	May 10
450		101	May 10	May 10
1087		102	May 10	May 10
1208		103	May 10	May 10
1214		104	May 10	May 10
1291		105	May 10	May 10
1411		106	May 10	May 10
	273	107	May 10	May 10
	446	108	May 10	May 10
	516	109	May 10	May 10
	645	110	May 10	May 10
	782	111	May 10	May 10
	882	112	May 10	May 10
	1193	113	May 10	May 10
	1216	114	May 10	May 10
	1388	Resolution No. 5	May 10	May 10

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Forsythe from the Committee on Appropriations to which was referred:

H. F. No. 490, 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.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 3.98, subdivision 1, is amended to read:

Subdivision 1. The head or chief administrative officer of each department or agency of the state government shall prepare a fiscal note at the request of the chairman of the standing committee to which a bill has been referred, or the chairman of the house appropriations committee, or the chairman of the senate committee on finance, or the chief author of a bill introduced in either the senate or the house of representatives.

Sec. 2. [3.981] [DEFINITIONS.]

Subdivision 1. [SCOPE.] *The terms used in sections 2 to 5 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” includes 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. 3. [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 and shall be made available to the public upon request. If the action is among the exceptions listed in section 4, a fiscal note need not be prepared.

When a bill proposing a mandate is introduced and referred to a standing committee, the chairman of the standing committee to which the bill is referred shall request the appropriate state agency or department to prepare a fiscal note before the bill is heard in the committee. Before a proposed mandate is 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. 4. [3.983] [EXCEPTIONS TO FISCAL NOTES.]

Subdivision 1. [COSTS RESULTING FROM INFLATION.] A fiscal note need not be prepared for increases in the cost 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; or

(k) results in savings that equal or exceed costs.

Sec. 5. 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 3. 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; requiring preparation of fiscal notes for mandates to local units of govern-

ment; amending Minnesota Statutes 1984, sections 3.98, subdivision 1; and 14.131; proposing coding for new law in Minnesota Statutes, chapter 3."

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. 646, A bill for an act relating to public records; providing for fees of the county recorder and secretary of state; amending Minnesota Statutes 1984, sections 268.161, subdivision 1; 270.69, by adding a subdivision; 272.483; 336.9-407; 357.18, subdivision 1; 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 5, lines 19 to 21, delete the new language and insert "*the fees shall be determined by resolution of the county board duly adopted upon the recommendation of the county recorder, and the fees shall not exceed \$2.50 for every entry, \$25 for abstract certificate, \$1 per page for each exhibit included within an abstract as a part of an abstract entry, and \$2 per name for each required name search certification*"

Page 5, after line 32, insert:

"Sec. 6. Minnesota Statutes 1984, section 384.151, subdivision 7, is amended to read:

Subd. 7. [APPEAL FROM RESOLUTION OF THE BOARD.] The county auditor if dissatisfied with the action of the county board in setting the amount of his *or her* salary or the amount of the budget for the office of county auditor, may appeal to the district court on the grounds that the determination of the county board in setting such salary or budget was arbitrary, capricious, oppressive or in unreasonable disregard for the responsibilities and duties of said office, *and his or her experience, qualifications, and performance*. The appeal shall be taken within 15 days after the date of the resolution setting such salary or budget by serving a notice of appeal on the county auditor and filing same with the clerk of the district court. The court either in term or vacation and upon 10 days notice to the chairman of the board shall hear such appeal. On the hearing of the appeal the court shall review the decision or resolution of the board in like manner as though reviewed by certiorari, except new or additional evidence may be taken. The court may order the officer appealing and the board to submit briefs or other memoranda and may dispose of the appeal on such writings. If the court shall find

that the board acted in an arbitrary, capricious, oppressive or unreasonable manner it shall remand the matter to the county board for further action consistent with the court's finding.

Sec. 7. Minnesota Statutes 1984, section 385.373, subdivision 7, is amended to read :

Subd. 7. [APPEAL FROM RESOLUTION OF THE BOARD.] The county treasurer if dissatisfied with the action of the county board in setting the amount of his *or her* salary or the amount of the budget for the office of county treasurer, may appeal to the district court on the grounds that the determination of the county board in setting such salary or budget was arbitrary, capricious, oppressive or in unreasonable disregard for the responsibilities and duties of said office, *and his or her experience, qualifications, and performance*. The appeal shall be taken within 15 days after the date of the resolution setting such salary or budget by serving a notice of appeal on the county auditor and filing same with the clerk of the district court. The court either in term or vacation and upon 10 days notice to the chairman of the board shall hear such appeal. On the hearing of the appeal the court shall review the decision or resolution of the board in like manner as though reviewed by certiorari, except new or additional evidence may be taken. The court may order the officer appealing and the board to submit briefs or other memoranda and may dispose of the appeal on such writings. If the court shall find that the board acted in an arbitrary, capricious, oppressive or unreasonable manner it shall remand the matter to the county board for further action consistent with the court's finding.

Sec. 8. Minnesota Statutes 1984, section 386.015, subdivision 7, is amended to read :

Subd. 7. The county recorder if dissatisfied with the action of the county board in setting the amount of his *or her* salary or the amount of the budget for the office of county recorder, may appeal to the district court on the grounds that the determination of the county board in setting such salary or budget was arbitrary, capricious, oppressive or in unreasonable disregard for the responsibilities and duties of said office, *and his or her experience, qualifications, and performance*. The appeal shall be taken within 15 days after the date of the resolution setting such salary or budget by serving a notice of appeal on the county auditor and filing same with the clerk of the district court. The court either in term or vacation and upon 10 days notice to the chairman of the board shall hear such appeal. On the hearing of the appeal the court shall review the decision or resolution of the board in like manner as though reviewed by certiorari, except new or additional evidence may be taken. The court may order the officer appealing and the board to submit briefs or other memoranda and may dispose of the appeal on such writings. If the court shall find that the board acted in an arbitrary, capricious, oppressive or unreasonable manner it shall remand the matter to the county board for further action consistent with the court's finding."

Page 6, after line 10, insert:

"Sec. 10. Minnesota Statutes 1984, section 387.20, subdivision 7, is amended to read:

Subd. 7. The sheriff, if dissatisfied with the action of the county board in setting the amount of his *or her* salary or the amount of the budget for the office of sheriff, may appeal to the district court on the grounds that the determination of the county board in setting such salary or budget was arbitrary, capricious, oppressive or without sufficiently taking into account the extent of the responsibilities and duties of said office, *and his or her experience, qualifications, and performance*. The appeal shall be taken within 15 days after the date of the resolution setting such salary or budget by serving a notice of appeal on the county auditor and filing same with the clerk of the district court. The court either in term or vacation and upon 10 days notice to the chairman of the board shall hear such appeal. On the hearing of the appeal the court shall review the decision or resolution of the board in a hearing *de novo* and may hear new or additional evidence, or the court may order the officer appealing and the board to submit briefs or other memoranda and may dispose of the appeal on such writings. If the court shall find that the board acted in an arbitrary, capricious, oppressive or unreasonable manner or without sufficiently taking into account the extent of the responsibilities and duties of the office of the sheriff, *his or her experience, qualifications, and performance*, it shall make such order to take the place of the order appealed from as is justified by the record and shall remand the matter to the county board for further action consistent with the court's findings. After determination of the appeal the county board shall proceed in conformity therewith.

Sec. 11. Minnesota Statutes 1984, section 388.18, subdivision 6, is amended to read:

Subd. 6. [APPEAL FROM RESOLUTION OF THE BOARD.] The county attorney, if dissatisfied with the action of the county board in setting the amount of his *or her* salary or the amount of the budget for the office of county attorney, may appeal to the district court on the grounds that the determination of the county board in setting such salary or budget was arbitrary, capricious, oppressive or in unreasonable disregard for the responsibilities and duties of said office, *and his or her experience, qualifications, and performance*. The appeal shall be taken within 15 days after the date of the resolution setting such salary or budget by serving a notice of appeal on the county auditor and filing same with the clerk of the district court. The county board may retain special counsel pursuant to section 388.09 to represent it in the appeal proceedings. The court either in term or vacation and upon 10 days notice to the chairman of the board shall hear such appeal. On the hearing of the appeal the court shall review the decision or resolution of the board in like manner

as though reviewed by certiorari, except new or additional evidence may be taken. The court may order the officer appealing and the board to submit briefs or other memoranda and may dispose of the appeal on such writings. If the court shall find that the board acted in an arbitrary, capricious, oppressive or unreasonable manner it shall remand the matter to the county board for further action consistent with the court's finding.

Sec. 12. Minnesota Statutes 1984, section 485.018, subdivision 7, is amended to read:

Subd. 7. [APPEAL FROM RESOLUTION OF THE BOARD.] The clerk of district court if dissatisfied with the action of the county board in setting the amount of his or her salary or the amount of the budget for the office of clerk of district court, may appeal to the district court on the grounds that the determination of the county board in setting such salary or budget was arbitrary, capricious, oppressive or without sufficiently taking into account the extent of the responsibilities and duties of said office, *and his or her experience, qualifications, and performance*. The appeal shall be taken within 15 days after the date of the resolution setting such salary or budget by serving a notice of appeal on the county auditor and filing same with the clerk of the district court. The court either in term or vacation and upon 10 days notice to the chairman of the board shall hear such appeal. On the hearing of the appeal the court shall review the decision or resolution of the board in a hearing de novo and may hear new or additional evidence, or the court may order the officer appealing and the board to submit briefs or other memoranda and may dispose of the appeal on such writings. If the court shall find that the board acted in an arbitrary, capricious, oppressive or unreasonable manner or without sufficiently taking into account the responsibilities and duties of the office of the clerk, *and his or her experience, qualifications, and performance*, it shall make such order to take the place of the order appealed from as is justified by the record and shall remand the matter to the county board for further action consistent with the court's findings. After determination of the appeal the county board shall proceed in conformity therewith."

Page 10, after line 11, insert "*A certified copy of the application shall be delivered to the examiner of titles.*"

Page 10, lines 18 and 19, delete the new language

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "changing grounds for appeal from resolution of county board setting salaries or budgets for certain county officials;"

Page 1, line 6, after the second semicolon, insert "384.151, subdivision 7; 385.373, subdivision 7; 386.015, subdivision 7;" and after "386.77;" insert "387.20, subdivision 7; 388.18, subdivision 6; 485.018, subdivision 7;"

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. 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 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.15, subdivision 2; 115A.81; 115A.84, subdivisions 3 and 4; 115A.85, subdivision 2, and by adding a subdivision; 115A.86, subdivision 1; 115A.919; 116.07, subdivision 4h; 400.04, subdivision 1; 473.149, by adding a subdivision; 473.153, subdivisions 1, 2, 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.

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 mixed municipal solid waste, by the generator or during collection, 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 and reusing the materials in their original form or using them 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.15, subdivision 2, is amended to read:

Subd. 2. [DUTIES OF COMMISSIONER.] The commissioner of administration shall develop policies to (REDUCE THE VOLUME OF WASTE GENERATED BY) *require* state agencies and the state legislature to separate all recyclable and reusable commodities wherever feasible. The commissioner shall develop and institute procedures for the separation, collection, and storage of used commodities wherever feasible in state agencies and shall establish policies for the reuse, sale, or disposition of recovered materials and surplus property. The commissioner shall promote and publicize the waste reduction and waste separation and recovery procedures on an ongoing basis to all state employees. The commissioner shall issue guidelines for the procurement of recyclable commodities and commodities containing recycled materials that include definitions of recycled materials, the percentage of recycled materials to be contained in each commodity and performance specifications. To the extent practicable, the guidelines shall be written so as to give preference to recyclable commodities and commodities containing recycled materials. The commissioner shall inform state agencies whenever recycled commodities are available for purchase. The commissioner shall investigate opportunities for the inclusion of and may include local governments and regional agencies in administrative state programs to reduce waste, and to separate and recover recyclable and reusable commodities.

Sec. 5. Minnesota Statutes 1984, section 115A.81, is amended to read:

Subdivision 1. [SCOPE.] The terms used in sections 115A.80 to (115A.89) *115A.893* have the meanings given them in this section.

Subd. 2. [DESIGNATION.] "Designation" means a requirement by a waste management district or county that all or any portion of the *mixed municipal solid waste* that is generated within its boundaries or any service area thereof and is deposited within the state be delivered to a resource recovery facility identified by the district or county.

Subd. 3. [REVIEWING AUTHORITY.] "*Reviewing authority*" means the agency responsible for reviewing and approving a designation plan under section 115A.84, subdivision 3, and a designation ordinance under section 115A.86, subdivision 2.

Sec. 6. 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 designation 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. 7. 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. 8. Minnesota Statutes 1984, section 115A.86, subdivision 1, is amended to read:

Subdivision 1. [DESIGNATION ORDINANCE.] (a) The district or county shall prepare a designation ordinance to implement a designation. The designation ordinance must: (1) define the geographic area and the types and quantities of solid waste subject to designation; (2) specify the point or points of delivery of the solid waste; (3) require that the designated solid waste be delivered to the specified point or points of delivery; (4) *require the designated facility to accept all designated solid waste delivered to the specified point or points of delivery, unless the facility has notified waste collectors in the designated area that the facility is inoperative*; (5) set out the procedures and principles to be followed by the county or district in establishing and amending any rates and charges at the designated facility; and ((5)) (6) state any additional regulations governing waste collectors or other matters necessary to implement the designation.

(b) The designation ordinance must provide an exception for: (1) materials that are exempt or excluded from the designation under section 115A.83 or 115A.84, subdivision 4; and (2) materials otherwise subject to the designation for which negotiated contractual arrangements exist that will require and effect the delivery of the waste to the facility for the term of the contract.

Sec. 9. [115A.893] [PETITION FOR EXCLUSION.]

Any person proposing to own or operate a resource recovery facility using waste materials subject to a designation ordinance may petition the waste district or county for exclusion of the materials from the designation ordinance. In order to qualify for the exclusion of materials under this section, the petitioner shall submit with the petition a written description of the proposed facility, its intended location, its waste supply sources, purchasers of its products, its design capacity, and other information that the district or county may reasonably require. The district or county, after appropriate notice and hearing, shall issue a written decision with findings of fact and conclusions on all material issues. The district or county shall grant the petition if it determines that: (a) the materials will be processed at another resource recovery facility, and (b) the exclusion can be implemented without impairing the financial viability of the designated facility or impairing contractual obligations or preventing the performance of contracts by the facility owner or operator, the district or county, or users of the facility. Any per-

son aggrieved by the decision of the county may appeal to the reviewing authority. The review is confined to the record. The decision of the reviewing authority must be based on the standards stated in this section. If the reviewing authority approves the petition, the designation ordinance must be amended in conformance with the decision of the reviewing authority. The petition may be amended during the proceedings by agreement between the petitioner and the district or county.

Sec. 10. [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.] "Post-closure" 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. 11. 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. 12. [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 except for transfer to a recycler.

Sec. 13. Minnesota Statutes 1984, section 116.07, subdivision 4h, is amended to read:

Subd. 4h. [FINANCIAL RESPONSIBILITY RULES.] The agency shall adopt rules requiring the operator or owner of a solid waste disposal facility to submit to the agency proof of the operator's or owner's financial capability to provide reasonable and necessary response during the operating life of the facility and for 20 years after closure, and to provide for the closure of the facility and postclosure care required under agency rules. Proof of financial responsibility is required of the operator or owner of a facility receiving an original permit or a permit for expansion after adoption of the rules. Within 180 days of the effective date of the rules or by January 1, 1987, whichever is later, proof of financial responsibility is required of an operator or owner of a facility with a remaining capacity of more than five years or 500,000 cubic yards that is in operation at the time the rules are adopted. Compliance with the rules is a condition of obtaining or retaining a permit to operate the facility.

Sec. 14. 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. 15. Minnesota Statutes 1984, section 473.149, is amended by adding a subdivision to read:

Subd. 6. [COST AND FINANCING ANALYSIS.] By January 1, 1987, and each odd-numbered year thereafter, the council shall report to the legislature on the operating, capital, and debt service costs of solid waste facilities in the metropolitan area; changes in the costs; the methods used to pay the costs; and the resultant allocation of costs among users of the facilities and the general public. The report must present the cost and financing analysis in the aggregate and broken down by county and by major facility.

Sec. 16. Minnesota Statutes 1984, section 473.153, subdivision 1, is amended to read:

Subdivision 1. [FACILITIES REQUIRED.] Except as provided in subdivision 7 and section 115A.33, all (SEWAGE SLUDGE DISPOSAL FACILITIES AND) facilities for the disposal of solid waste generated by the metropolitan waste control commission shall be established and operated in accordance with this section and section 473.516. The council and the commission shall establish the facilities needed for the disposal of (SEWAGE SLUDGE AND) solid waste generated by the commission. The council and the commission shall establish at least one facility.

Sec. 17. Minnesota Statutes 1984, section 473.153, subdivision 2, is amended to read:

Subd. 2. [CANDIDATE SITE SELECTION.] The council shall select candidate sites for the disposal of the commission's (SEWAGE SLUDGE AND) solid waste, together with appropriate surrounding buffer areas. The council shall select at least (FOUR) *three* candidate sites by September 1, 1983. The council shall evaluate sites for candidacy on the basis of at least the following factors: local land use and land use controls, the protection of agriculture and natural resources, existing and future development patterns, transportation facilities, distance from the points of generation, and the intrinsic suitability of sites compared with other potential sites. Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of the council, counties, or local units of government, no land shall be excluded from consideration for candidacy except land determined by the agency to be intrinsically unsuitable. No site shall be selected for candidacy unless the agency certifies its intrinsic suitability for the use intended, based on preliminary environmental analysis and on-site surveys and investigations conducted by the council. The council shall provide to the agency data relating to the intrinsic suitability of the sites to be proposed as candidate sites as soon as available. The council shall propose at least six locations as candidate sites and the director of the agency shall issue a notice indicating which of

those sites the director recommends be certified as intrinsically suitable. The director shall publish notice of a consolidated hearing on the recommendation. Notice shall be published in the state register and newspapers of general circulation in the metropolitan area and shall be sent by mail to local government units containing a proposed candidate site. The hearing shall be conducted by the state office of administrative hearings in a manner consistent with the completion of the proceedings and the administrative law judge's report to the agency in the time allowed by this section. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the council and additional information on the proposed sites which is relevant to the agency's decision on intrinsic suitability. The rulemaking and contested case procedures of chapter 14 shall not apply to this hearing. The report of the administrative law judge shall contain findings of fact, conclusions, and recommendations on the subject of the hearing. The agency shall make a final determination as to the intrinsic suitability of each proposed site and shall certify them accordingly within 90 days of the council's proposal of a site. The agency shall not be required to promulgate rules pursuant to chapter 14 on criteria and standards to govern its certification of intrinsic suitability under this section. No action of the agency shall be held invalid by reason of the agency's failure to notify any of the entities listed in this subdivision. In selecting candidate sites, the council shall prefer land which is capable of being returned to its existing use or the use anticipated in a plan of a metropolitan agency, county, or local unit of government use after closure of a disposal facility.

Sec. 18. 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. 19. 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. 20. 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. 21. 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 33 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 33 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. 22. 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. 23. 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. 24. 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. 25. 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. 26. 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. Prior to its adoption of standards and procedures for certifying need, the council may issue a temporary certificate of need for expansion of an existing waste disposal facility that would otherwise be closed due to reaching its permitted capacity, if neither the owner of the facility nor an affiliate of the owner owns another permitted waste disposal facility in the metropolitan area to use pending adoption of standards by the council. The temporary certificate of need is effective only until the council has adopted standards and procedures for certifying need and has either issued or denied issuance of a certificate of need for the facility in accordance with its standards and procedures. An affiliate means a corporation, partnership, sole proprietor, or other entity which controls, is controlled by, or is under common control with the

owner. 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. 27. 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 obligation 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 to levy ad valorem taxes for debt service of the council's solid waste bonds upon all taxable property within the metropolitan area, without limitation of rate or amount and without affecting the amount or rate of taxes which may be levied by the council for other purposes or by any local government unit in the area. Each of the county auditors shall annually assess and extend upon the tax rolls in his county the portion of the taxes levied by the council in each year which is certified to him by the council. The principal amount of bonds issued pursuant to this section shall not exceed \$15,000,000.

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 for: (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. 28. 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. 29. 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. 30. Minnesota Statutes 1984, section 473.842, is amended by adding a subdivision to read:

Subd. 4a. [POSTCLOSURE, POSTCLOSURE CARE.] "Post-closure" 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. 31. 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. 32. 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) clauses (1) and (2), the landfill abatement (AND), resource recovery, and recycling must be included in the applicable county master plan or approved by the metropolitan council (AND). To qualify under clause (1), the city or town must certify, in the manner and form determined by the council, 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. 33. [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. 34. 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 subdivision 1, 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 subdivision 1, clause (2) is appropriated from the landfill contingency action fund to the commissioner of finance for transfer to the general fund.

Sec. 35. Laws 1984, chapter 644, section 81, subdivision 3, is amended to read:

Subd. 3. [FEE ADMINISTRATION.] The sum of \$75,000 is appropriated from the general fund to the commissioner of revenue for the purpose of administering section 73. This appropriation is available until June 30, 1985. This appropriation shall be reimbursed to the general fund (UNDER SECTION 73, SUBDIVISION 7. THE COMPLEMENT OF THE DEPARTMENT OF REVENUE IS INCREASED BY TWO POSITIONS), and the amount necessary to make the reimbursement is appropriated, one-half from the landfill abatement fund and one-half from the landfill contingency action fund, to the commissioner of finance for transfer to the general fund.

Sec. 36. [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. 37. [RECOMMENDATIONS ON FINANCIAL RESPONSIBILITY.]

By January 1, 1986, the legislative commission on waste management shall recommend to the legislature mechanisms that will enable owners and operators of solid waste land disposal facilities to comply with the requirements of the financial responsibility rules adopted under section 116.07, subdivision 4h.

Sec. 38. [APPROPRIATION.]

Subdivision 1. [PURPOSES.] Until June 30, 1987, the balance in the metropolitan landfill abatement fund after the appropriations in Laws 1984, chapter 644, section 81, subdivisions 2 and 3 as amended; and Minnesota Statutes, section 473.844, subdivision 5, is appropriated to the pollution control agency for payment to the metropolitan council and may be used by the council for the following purposes:

(a) Grants and loans for market development for reusable and recyclable waste materials	\$ 30,000	\$ 30,000
(b) Technical assistance and administration of grants, loans, and municipal cost recovery payments	\$ 15,000	\$ 15,000
(c) Solid waste management planning assistance in the metropolitan area	\$ 51,000	\$ 51,000
(d) Grants and loans for resource recovery and public education	\$204,000	\$204,000

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.] If in any year the amount in the abatement fund is insufficient for the appropriations in this section, the appropriation in clause (d) is reduced accordingly.

Subd. 3. [WORK PROGRAM REQUIRED.] Each year, the council shall submit to the legislative commission on waste management, in the form determined by the commission, a budget and work program showing planned expenditures from the fund. The council may not spend the money until the commission has made its recommendations on the budget and work program. The recommendations are advisory only. The council shall report to the legislature by February 15 of each year on expenditures from the fund.

Sec. 39. [APPLICATION.]

Sections 18 to 33 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 40. [REPEALER.]

Minnesota Statutes 1984, section 473.843, subdivision 7, is repealed."

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.15, subdivision 2; 115A.81; 115A.84, subdivisions 3 and 4; 115A.86, subdivision 1; 115A.919; 116.07, subdivision 4h; 400.04, subdivision 1; 473.149, by adding a subdivision; 473.153, subdivisions 1, 2, 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; 473.844, subdivisions 2 and 5; and Laws 1984, chapter 644, section 81, subdivisions 2 and 3; proposing coding for new law in Minnesota Statutes, chapters 115A and 473; repealing Minnesota Statutes 1984, section 473.843, subdivision 7."

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. 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 ground-water systems and watershed units, it is the purpose of sections 1 to 15 to:

(1) encourage counties to develop and implement comprehensive water plans;

(2) encourage communication and cooperation among local units of government and between local and state governments in managing water resources;

(3) provide an ongoing focus for water-related planning and management in each county; and

(4) 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 adopted by a county under 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, watershed 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.

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 MANAGEMENT ORGANIZATION.] "Watershed management organization" means an organization as defined in section 473.876.

Subd. 9. [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. 10. [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 is encouraged to develop and implement a comprehensive water plan. Each county that develops and implements a plan under sections 1 to 14 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 8;

(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 and watershed management organizations 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 intending to adopt a plan 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 intending to adopt a plan 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 is encouraged to 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 ground water 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 implement 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. [DATA ACQUISITION.] The data collected under this section that has common value as determined by the state planning agency for natural resources planning must be provided and integrated into the Minnesota land management information systems geographic and summary data bases according to published data compatibility guidelines.

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 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. 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] [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;

(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. 7. [110B.07] [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 one year after receiving the recommendations of the county board, or one year 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 13.

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. 8. [110B.08] [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 a watershed district or 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 (a) responsible for the appointment of a manager serving on the watershed board, or (b) represented on the joint powers board.

Sec. 9. [110B.09] [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. 10. [110B.10] [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 .75 mill times the adjusted assessed valuation of the county, municipality, or town and shall be disregarded in the calculation of limits on taxes imposed by chapter 275.

Sec. 11. [110B.11] [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) *determine contested cases under section 13;*

(6) *establish a process for review of comprehensive water plans under section 5 that assures the plans are consistent with state law and rules; and*

(7) *report to the legislative commission on Minnesota resources as required by section 14.*

Subd. 2. [ADVISORY COMMITTEE.] The board shall utilize representatives of local governments and other persons interested in water planning to assist it in carrying out those duties under subdivision 1.

Sec. 12. [110B.12] [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 7, 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 13.

Sec. 13. [110B.13] [CONTESTED CASES.]

Any dispute specified in clauses (1) to (3) of section 12, 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 7, 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 judge shall assess equally to the parties those costs assessed under section 14.53, including the cost of any transcript and the compensation for the law judge and his staff. 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. Nothing in this section supersedes the provisions of sections 104.04, subdivision 5; 104.35, subdivision 3; 104.36, subdivision 1; and 105.485, subdivisions 4 and 6.

Sec. 14. [110B.14] [COMMISSION OVERSIGHT; REPORT REQUIRED.]

The board shall, on or before January 15 of each year, submit to the legislative commission on Minnesota resources a written report on the board's functions and the implementation of the comprehensive local water management act since the previous report under this section was submitted. The report to the commission must include the board's recommendations for changes to the act and any recommendations for funding. The board shall also report to the commission at other times requested by the commission. The commission may make recommendations to the legislature concerning the funding, implementation, and amendment of the act.

Sec. 15. [110B.15] [APPLICATION.]

Sections 1 to 14, except section 4, subdivision 2, paragraph (a); 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, except section 4, subdivision 2, paragraph (a); do not apply to that local unit of government in any of those counties."

Delete the title and insert:

"A bill for an act relating to water; providing for comprehensive local water management; authorizing counties to develop and implement county water and related land resources plans; providing additional authorities to counties; providing additional

duties of the water resources board; proposing coding for new law as Minnesota Statutes, chapter 110B."

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. 1015, A bill for an act relating to recreational vehicles; regulating all-terrain vehicles; providing penalties; appropriating money; amending Minnesota Statutes 1984, sections 84.92; 84.922, subdivisions 1, 3, 5, 6, 7, 8, and by adding subdivisions; 84.925; 84.927; 84.928; 85.018; 100.273, subdivision 9; and 296.16, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 84.

Reported the same back with the following amendments:

Page 4, line 30, delete "*maximum*" and insert "*proper*"

Page 7, line 21, delete "*14*" and insert "*16*"

Page 12, line 8, after "ROAD" insert "OR TRAIL" and after "road" insert "*, trail,*"

Page 12, line 10, delete "*road*"

Page 12, line 12, delete "*road*"

Page 12, line 13, after the period insert "*This section shall have no effect on the liability of any party or organization having responsibility for the maintenance of a trail or roadway for all-terrain vehicles.*"

Page 15, line 25, after "\$" insert "*475,000*"

Page 15, line 27, after the period insert "*For the development and administration of trails under this act, the complement of the commissioner of natural resources is increased by two positions.*"

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. 1436, A bill for an act relating to occupations and professions; changing the composition of the board of medical examiners and the method of appointing board members; authorizing the release of certain information by the board of medical examiners; requiring the board of medical examiners to adopt a written statement describing its procedures, and publish disciplinary actions; revising the standards for licensing and disciplining physicians; establishing reporting requirements for health professionals and granting immunity to those complying with reporting requirements; establishing special requirements for health-related licensing boards; appropriating money; recodifying certain provisions in Minnesota Statutes, chapter 147; amending Minnesota Statutes, 1984, sections 147.01, subdivisions 1, 2, and 4; 147.02, subdivision 1, and by adding subdivisions; 147.021; 147.03; 147.073; 147.074; 147.09; 147.10; 176.011, subdivision 9; 214.07, subdivision 1; and 214.10, subdivision 1, and by adding a subdivision; 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.

Reported the same back with the following amendments:

Page 4, line 8, delete "*may*" and insert "*shall*"

Page 18, line 14, before "*prevent*" insert "*apply to, control,*"

Page 18, line 24, after "*licensed*" insert "*or registered*"

Page 19, line 27, delete "*or certified*"

Page 21, line 9, after "*person*" insert "*not exempted under section 147.09*"

Page 21, line 20, after the fourth comma insert "*or*"

Page 21, lines 20 and 21, delete "*, or abnormal physical or mental condition*"

Page 21, line 29, delete "*“doctor,”*"

Page 22, line 29, before "*any*" insert "*personal knowledge of*" and delete "*constituting*" and insert "*which he or she reasonably believes constitutes*"

Page 22, line 31, delete "*which appears to show*" and insert "*including any conduct indicating*" and delete "*is or*"

Page 22, line 32, after "*incompetent*" insert a comma and delete "*be guilty of*" and insert "*have engaged in*"

Page 32, line 21, after "*complaint*" insert "*alleging a matter within the jurisdiction of the board*"

Page 32, delete lines 30 to 36

Page 33, delete lines 1 to 6

Reletter the paragraphs in alphabetical order

Pages 34 and 35, delete section 23 and insert:

"Sec. 23. [REPORT TO LEGISLATURE.]

By December 15, 1985, each health related licensing board, as defined in Minnesota Statutes, section 214.01, subdivision 2, shall submit a report to the legislature in the manner required by Minnesota Statutes, section 3.195. Each report shall describe (1) the method used by the board for acknowledging complaints that have been filed with that board; (2) the length of time taken to provide complaint forms to persons who request them and the length of time taken to acknowledge receipt of a complaint; (3) the method used to inform complainants of the status of a pending complaint; and (4) the information given to the complainant upon final disposition of a complaint."

Page 35, line 18, delete "*the*" and insert "*a health related licensing*"

Page 35, line 18, delete everything following "*board*"

Page 35, line 19, delete everything before the period and insert "*as defined in Minnesota Statutes, section 214.01, subdivision 2*"

Amend the title as follows:

Page 1, line 14, delete "*appropriating money*" and insert "*requiring a report to the legislature*"

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. 147, A bill for an act relating to human services; authorizing a state hospital to enter into shared service agree-

ments with for profit organizations; amending Minnesota Statutes 1984, section 246.57, subdivision 3.

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

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

S. F. No. 251, A bill for an act relating to nursing homes; establishing an educational program for resident and family advisory councils; authorizing a surcharge on license fees; requiring evaluation and a report to the legislature by the Minnesota board on aging; appropriating money; amending Minnesota Statutes 1984, sections 256B.421, subdivision 8; and 256B.431, subdivision 2b; proposing coding for new law in Minnesota Statutes, chapter 144A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [144A.33] [RESIDENT AND FAMILY ADVISORY COUNCIL EDUCATION.]

Subdivision 1. [EDUCATIONAL PROGRAM.] Each resident and family council authorized under section 144.651, subdivision 27, shall be educated and informed about the following:

- (1) *care in the nursing home or board and care home;*
- (2) *resident rights and responsibilities;*
- (3) *resident and family council organization and maintenance;*
- (4) *laws and rules that apply to homes and residents;*
- (5) *human relations; and*
- (6) *resident and family self-help methods to increase quality of care and quality of life in a nursing home or board and care home.*

Subd. 2. [PROVIDING EDUCATIONAL SERVICES.] The Minnesota board on aging shall provide a grant-in-aid to a statewide, independent, nonprofit, consumer-sponsored agency to provide educational services to councils.

Subd. 3. [FUNDING OF ADVISORY COUNCIL EDUCATION.] For the biennium ending June 30, 1987, a license application or renewal fee under section 144A.07 must be increased by \$1.73 per bed to fund the development and education of resident and family advisory councils.

Subd. 4. [APPROPRIATION; SPECIAL ACCOUNT.] All money collected by the commissioner of health under subdivision 3 must be deposited in the state treasury and credited to a special account called the nursing home advisory council fund. Money in the account is annually appropriated to the Minnesota board on aging for the purposes of this section.

Subd. 5. [REPORT; EVALUATION.] The Minnesota board on aging shall evaluate the programs established under this section and shall report to the legislature by February 1 of each year concerning the programs established and the effectiveness of the programs.

Sec. 2. Minnesota Statutes 1984, section 256B.421, subdivision 8, is amended to read:

Subd. 8. [OPERATING COSTS.] "Operating costs" means the day-to-day costs of operating the facility in compliance with licensure and certification standards. Operating cost categories are: nursing, including nurses and nursing assistants training; dietary; laundry and linen; housekeeping; plant operation and maintenance; other care-related services; medical directors; licenses (AND), *other than license fees required by the Minnesota department of health*; permits; general and administration; payroll taxes; real estate taxes, *license fees required by the Minnesota department of health*, and actual special assessments paid; and fringe benefits, including clerical training; and travel necessary for training programs for nursing personnel and dietitians required to maintain licensure, certification, or professional standards requirements.

Sec. 3. 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 immedi-

ately 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 diems 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, *and reported actual license fees required by the Minnesota department of health*, for each nursing home as an operating cost of that nursing home. Total real estate tax liability (AND), actual special assessments paid, *and license fees paid as required by the Minnesota department of health*, 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)."

Delete the title and insert:

"A bill for an act relating to nursing homes; establishing an educational program for resident and family advisory councils; authorizing a surcharge on license fees; appropriating money; amending Minnesota Statutes 1984, sections 256B.421, subdivision 8; and 256B.431, subdivision 2b; proposing coding for new law in Minnesota Statutes, chapter 144A."

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. 818, A bill for an act relating to employment and economic opportunity; providing for the streamlining and coordination of job, economic development, and income-maintenance programs; setting as dual goals the lowering of unemployment rates and welfare caseloads; creating the councils for the hearing impaired and for the blind; abolishing the department of economic security; creating a new department of employment and training; transferring responsibilities of the department of economic security to the department of employment 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 employment and training; providing for biennial statewide plans for employment and training and apprenticeships; provid-

ing for coordination of state and federal jobs programs; establishing community investment programs; granting rulemaking 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 15A.081, subdivision 1; 86.33, by adding subdivisions; 116J.035, by adding a subdivision; 116L.03, subdivision 7; 116L.04, by adding a subdivision; 129A.02, subdivision 2; 136.63, by adding a subdivision; 136C.06; 178.03, by adding a subdivision; 245.87; 248.07; 248.08; 256.736; 256.737; 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; 268.04, by adding subdivisions; 268.08, by adding a subdivision; 268.31; 268.32; 268.33; 268.34; 268.36; 268.672, subdivision 6; 268.676, subdivision 1; and 268.686; proposing coding for new law in Minnesota Statutes, chapters 256C and 268; proposing coding for new law as Minnesota Statutes, chapters 267 and 268A; repealing Minnesota Statutes 1984, sections 129A.02, subdivision 4; 245.84, subdivision 2; 256.736, subdivisions 1 and 2; 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; 268.80; and 268.81.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. 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) 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 estab-

lished 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.)”

Delete the title and insert:

“A bill for an act relating to human services; expanding the community work experience program; amending Minnesota Statutes 1984, section 256.737.”

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. 919, A bill for an act relating to agriculture; limiting security interests in farm product proceeds; protecting buyers when subject to a security interest; amending Minnesota Statutes 1984, sections 336.9-306; and 336.9-307.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 17A.04, is amended by adding a subdivision to read:

Subd. 1a. [REGISTRATION OF LIVESTOCK BUYERS.] The commissioner shall adopt permanent and emergency rules, in conjunction with the license application, to register livestock buyers under section 386.42 in counties where the buyer selects to be registered. The commissioner shall collect a \$10 fee and a \$5 per county registration fee from the buyer, register the buyer, and pay the county registration fee within ten days after the license is issued.

Sec. 2. Minnesota Statutes 1984, section 17A.04, subdivision 2, is amended to read:

Subd. 2. [APPLICATION.] Any person desiring to carry on the business of a livestock market agency or livestock dealer, or both, or a public stockyard shall make application to the commissioner on a form or forms provided by the commissioner. *The form must provide for registration as a livestock buyer under section 386.42.*

Sec. 3. Minnesota Statutes 1984, section 17A.04, subdivision 5, is amended to read:

Subd. 5. [LICENSE FEE.] The applicant shall submit to the commissioner *the fee for the county registration as a livestock buyer under section 1 and the following applicable fees and penalties for late renewal:*

(a) \$150 for each livestock market agency and public stockyard license, penalty \$38;

(b) \$50 for each livestock dealer license, penalty \$13;

(c) \$30 for each agent of a livestock dealer license, penalty \$10;

(d) \$50 for each meat packing company license, penalty \$13;

(e) \$30 for each agent of a meat packing company license, penalty \$10.

Sec. 4. Minnesota Statutes 1984, section 27.03, is amended to read:

27.03 [DEALER (LICENSED) REGULATION.]

Subdivision 1. [LICENSE.] No person except a wool dealer shall engage in, or purport to be engaged in, or hold himself out as being engaged in, the business of a dealer at wholesale, or as being a dealer at wholesale, unless he shall be licensed and bonded to carry on such business by the commissioner.

Subd. 2. [REGISTRATION.] The commissioner shall adopt permanent and emergency rules in conjunction with the license application to register wholesale produce dealers under section 386.42 in counties where the dealer selects to be registered. The commissioner shall collect a \$10 fee and a \$5 per county registration fee from the dealer, register the dealer, and pay the county registration fee within ten days after the license is issued.

Sec. 5. Minnesota Statutes 1984, section 223.17, is amended by adding a subdivision to read:

Subd. 1a. [CROP PRODUCT BUYER REGISTRATION.] The commissioner shall adopt permanent and emergency rules, in conjunction with the license application, to register a grain buyer as a crop product buyer under section 386.42 in the counties where the grain buyer desires to be registered. The commissioner shall collect a \$10 fee and a \$5 per county registration fee from the buyer, register the buyer, and pay the county registration fee within ten days after issuing a license.

Sec. 6. [223A.01] [FARM PRODUCTS THAT ARE BOUGHT SUBJECT TO A SECURITY INTEREST.]

Subdivision 1. [REGISTERED BUYER TAKES FREE OF SECURITY INTEREST UNLESS NOTIFIED.] A buyer in the ordinary course of business who is a registered buyer in the county of the seller's residence under section 386.42, and who purchases farm products from a person engaged in farming operations takes free of a security interest created by the seller even though the security interest is perfected and the buyer knows of its existence, unless the buyer is notified of the security interest as provided in subdivision 4.

Subd. 2. [BUYERS THAT PURCHASE SUBJECT TO A SECURITY INTEREST.] A buyer in the ordinary course of business that is registered under section 386.42 in the seller's county of residence who is notified by a secured party as provided under subdivision 4, purchases farm products from a person engaged in farming operations subject to the perfected security interest. A buyer who is not registered under section 386.42 in the seller's county of residence purchases farm products from a person engaged in farming operations subject to perfected security interests.

Subd. 3. [SECURED PARTY RETAINS SECURITY INTEREST IN FARM PRODUCTS.] A secured party retains a perfected security interest in farm products of a person engaged in farming operations if the secured party notifies, as provided in subdivision 4, all buyers in the ordinary course of business of farm products registered in the debtor's county of residence under section 386.42. The notification is effective upon receipt until September 1 after the notification is made; or for a notification made after August 20 but before September 1, the notification is effective for one year beginning September 1.

Subd. 4. [NOTIFICATION OF SECURITY INTEREST.] A secured party may, by certified mail or another method by which receipt can be verified, notify a buyer that a debtor has farm products subject to a security interest.

Sec. 7. Minnesota Statutes 1984, section 336.9-307, is amended to read:

336.9-307 [PROTECTION OF BUYERS OF GOODS.]

(1) A buyer in ordinary course of business (subsection (9) of section 336.1-201) (OTHER THAN A PERSON BUYING FARM PRODUCTS FROM A PERSON ENGAGED IN FARMING OPERATIONS) takes free of a security interest created by his seller even though the security interest is perfected and even though the buyer knows of its existence, *except that a buyer in the ordinary course of business who purchases farm products from a person engaged in farming operations is subject to section 336.42.*

(2) In the case of consumer goods, a buyer takes free of a security interest even though perfected if he buys without knowledge of the security interest, for value and for his own personal, family or household purposes unless prior to the purchase the secured party has filed a financing statement covering such goods.

(3) A buyer other than a buyer in ordinary course of business (subsection (1) of this section) takes free of a security interest to the extent that it secures future advances made after the secured party acquires knowledge of the purchase, or more than 45 days after the purchase, whichever first occurs, unless made pursuant to a commitment entered into without knowledge of the purchase and before the expiration of the 45 day period.

Sec. 8. Minnesota Statutes 1984, section 336.9-402, is amended to read:

336.9-402 [FORMAL REQUISITES OF FINANCING STATEMENT; AMENDMENTS; MORTGAGE AS FINANCING STATEMENT.]

(1) A financing statement is sufficient if it gives the name of the debtor and the secured party, is signed by the debtor, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor and contains a statement indicating the types or describing the items, of collateral. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches. When the financing statement covers crops growing or to be grown, the statement must also contain a description of the real estate concerned and the name of the record owner thereof. *The financing statement may only cover the crops grown by a debtor in a single growing season and may not cover other collateral.* When the financing statement covers timber to be cut or covers minerals or the like (including oil and gas) or accounts subject to subsection (5) of

section 336.9-103, or when the financing statement is filed as a fixture filing (section 336.9-313) and the collateral is goods which are or are to become fixtures, the statement must also comply with subsection (5). A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by the debtor. A carbon, photographic or other reproduction of a security agreement or a financing statement is sufficient as a financing statement if the security agreement so provides or if the original has been filed in this state.

(2) A financing statement which otherwise complies with subsection (1) is sufficient when it is signed by the secured party instead of the debtor when it is filed to perfect a security interest in

(a) collateral already subject to a security interest in another jurisdiction when it is brought into this state, or when the debtor's location is changed to this state. Such a financing statement must state that the collateral was brought into this state or that the debtor's location was changed to this state under such circumstances; or

(b) proceeds under section 336.9-306 if the security interest in the original collateral was perfected. Such a financing statement must describe the original collateral; or

(c) collateral as to which the filing has lapsed within one year; or

(d) collateral acquired after a change of name, identity or corporate structure of the debtor (subsection (7)); or

(e) a lien filed pursuant to Minnesota Statutes, chapter 514; or

(f) collateral which is subject to a filed judgment.

(2a) Except for documents filed under clauses (e) and (f), the reason for the omission of the debtor signature must be stated on the front of the financing statement.

(3) A form substantially as follows is sufficient to comply with subsection (1):

Name of debtor (or assignor)

.....

Address

.....

Name of secured party (or assignee)

.....

Address

.....

1. This financing statement covers the following types (or items) of property:

(Describe)

.....

2. (If collateral is crops) The above described crops are growing or are to be grown on:

(Describe real estate and the name of the record owner thereof)

3. (If applicable) The above goods are to become fixtures on

(Describe real estate) and this financing statement is to be filed for record in the real estate records. (If the debtor does not have an interest of record) The name of a record owner is

4. (If products of collateral are claimed)

Products of the collateral are also covered.

Use whichever signature line is applicable.

Signature of debtor (or assignor)

.....

Signature of secured party (or assignee)

.....

(4) A financing statement may be amended by filing a writing signed by both the debtor and the secured party. If the sole purpose of the amendment is to change the name or address of the secured party, only the secured party need sign the amendment. A writing is sufficient if it sets forth the name and address of the debtor and secured party as those items appear on the original financing statement or the most recently filed amendment, the file number and date of filing of the financing statement. An amendment does not extend the pe-

riod of effectiveness of a financing statement. If any amendment adds collateral, it is effective as to the added collateral only from the filing date of the amendment. In this article, unless the context otherwise requires, the term "financing statement" means the original financing statement and any amendments.

(5) A financing statement covering timber to be cut or covering minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 336.9-103, or a financing statement filed as a fixture filing (section 336.9-313) where the debtor is not a transmitting utility, must show that it covers this type of collateral, must recite that it is to be filed for record in the real estate records, and the financing statement must contain a description of the real estate sufficient if it were contained in a mortgage of the real estate to give constructive notice of the mortgage under the law of this state. If the debtor does not have an interest of record in the real estate, the financing statement must show the name of a record owner. No description of the real estate or the name of the record owner thereof is required for a fixture filing where the debtor is a transmitting utility. Notwithstanding the foregoing a general description of the real estate is sufficient for a fixture filing where a railroad is the record owner of the real estate on which the fixtures are or are to be located; and for the purposes of this subsection, the requirement of a general description is satisfied if the fixture filing (1) identifies the section, township and range numbers of the county in which the land is located; (2) identifies the quarter-quarter of the section that the land is located in; (3) indicates the name of the record owner of the real estate; and (4) states the street address of the real estate if one exists.

(6) A mortgage is effective as a financing statement filed as a fixture filing from the date of its recording if (a) the goods are described in the mortgage by item or type, (b) the goods are or are to become fixtures related to the real estate described in the mortgage, (c) the mortgage complies with the requirements for a financing statement in this section other than a recital that it is to be filed in the real estate records, and (d) the mortgage is duly recorded. No fee with reference to the financing statement is required other than the regular recording and satisfaction fees with respect to the mortgage.

(7) A financing statement sufficiently shows the name of the debtor if it gives the individual, partnership or corporate name of the debtor, whether or not it adds other trade names or the names of partners. Where the debtor so changes his name or in the case of an organization its name, identity or corporate structure that a filed financing statement becomes seriously misleading, the filing is not effective to perfect a security interest in collateral acquired by the debtor more than

four months after the change, unless a new appropriate financing statement is filed before the expiration of that time. A filed financing statement remains effective with respect to collateral transferred by the debtor even though the secured party knows of or consents to the transfer.

(8) A financing statement, amendment, continuation, assignment, release, or termination substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading.

Sec. 9. Minnesota Statutes 1984, section 336.9-403, is amended to read:

336.9-403 [WHAT CONSTITUTES FILING; DURATION OF FILING; EFFECT OF LAPSED FILING; DUTIES OF FILING OFFICER.]

(1) Presentation for filing of a financing statement and tender of the filing fee or acceptance of the statement by the filing officer constitutes filing under this article.

(2) Except as provided in subsection (6) a filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of the five year period unless a continuation statement is filed prior to the lapse. If a security interest perfected by filing exists at the time insolvency proceedings are commenced by or against the debtor, the security interest remains perfected until termination of the insolvency proceedings and thereafter for a period of 60 days or until expiration of the five year period, whichever occurs later regardless of whether the financing statement filed as to that security interest is destroyed by the filing officer pursuant to subsection (3). Upon lapse the security interest becomes unperfected, unless it is perfected without filing. If the security interest becomes unperfected upon lapse, it is deemed to have been unperfected as against a person who became a purchaser or lien creditor before lapse.

(3) A continuation statement may be filed by the secured party within six months prior to the expiration of the five year period specified in subsection (2). Any such continuation statement must be signed by the secured party, set forth the name and address of the debtor and secured party as those items appear on the original financing statement or the most recently filed amendment, identify the original statement by file number and filing date, and state that the original statement is still effective. A continuation statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with

subsection (2) of section 336.9-405, including payment of the required fee. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed statement from the files and destroy it immediately if he has retained a microfilm or other photographic record, or in other cases after one year after the lapse. The filing officer shall so arrange matters by physical annexation of financing statements to continuation statements or other related filings, or by other means, that if he physically destroys the financing statements of a period more than five years past, those which have been continued by a continuation statement or which are still effective under subsection (6) shall be retained. If insolvency proceedings are commenced by or against the debtor, the secured party shall notify the filing officer both upon commencement and termination of the proceedings, and the filing officer shall not destroy any financing statements filed with respect to the debtor until termination of the insolvency proceedings. The security interest remains perfected until termination of the insolvency proceedings and thereafter for a period of 60 days or until expiration of the five year period, whichever occurs later.

(4) Except as provided in subsection (7) a filing officer shall mark each statement with a file number and with the date and hour of filing and shall hold the statement or a microfilm or other photographic copy thereof for public inspection. In addition the filing officer shall index the statements according to the name of the debtor and shall note in the index the file number and the address of the debtor given in the statement.

(5) The secretary of state shall prescribe uniform forms for statements and samples thereof shall be furnished to all filing officers in the state. The uniform fee for filing and indexing and for stamping a copy furnished by the secured party to show the date and place of filing for an original financing statement or for a continuation statement shall be \$5 if the statement is in the standard form prescribed by the secretary of state and otherwise shall be \$10, plus in each case, if the financing statement is subject to subsection (5) of section 336.9-402, \$5. An additional fee of \$5 shall be collected if more than one name is required to be indexed or if the secured party, at his option, shows a trade name for any debtor listed. There shall be no fee collected for the filing of an amendment to a financing statement if the amendment is in the standard form prescribed by the secretary of state and does not add

additional debtor names to the financing statement. The fee for an amendment adding additional debtor names shall be \$5 if the amendment is in the form prescribed by the secretary of state and, if otherwise, \$10. The fee for an amendment which is not in the form prescribed by the secretary of state but which does not add additional names shall be \$5.

The secretary of state shall adopt rules for filing, amendment, continuation, termination, removal, and destruction of financing statements.

(6) If the debtor is a transmitting utility (subsection (5) of section 336.9-401) and a filed financing statement so states, it is effective until a termination statement is filed. A real estate mortgage which is effective as a fixture filing under subsection (6) of section 336.9-402 remains effective as a fixture filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real estate.

(7) When a financing statement covers timber to be cut or covers minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 336.9-103, or is filed as a fixture filing, it shall be filed for record and the filing officer shall index it under the names of the debtor and any owner of record shown on the financing statement in the same fashion as if they were the mortgagors in a mortgage of the real estate described, and, to the extent that the law of this state provides for indexing of mortgages under the name of the mortgagee, under the name of the secured party as if he were the mortgagee thereunder, or, for filing offices other than the secretary of state, where indexing is by description in the same fashion as if the financing statement were a mortgage of the real estate described. If requested of the filing officer on the financing statement, a financing statement filed for record as a fixture filing in the same office where nonfixture filings are made is effective, without a dual filing, as to collateral listed thereon for which filing is required in such office pursuant to section 336.9-401 (1) (a); in such case, the filing officer shall also index the recorded statement in accordance with subsection (4) using the recording data in lieu of a file number.

(8) The fees provided for in this article shall supersede the fees for similar services otherwise provided for by law except in the case of security interests filed in connection with a certificate of title on a motor vehicle.

Sec. 10. Minnesota Statutes 1984, section 336.9-404, is amended to read:

336.9-404 [TERMINATION STATEMENT.]

(1) If a financing statement covering consumer goods is filed on or after January 1, 1977, then within one month or

within ten days following written demand by the debtor after there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must file with each filing officer with whom the financing statement was filed, a termination statement to the effect that he no longer claims a security interest under the financing statement. The termination statement must set forth the name and address of the debtor and secured party as those items appear on the original financing statement or the most recently filed amendment; identify the original financing statement by file number and filing date; and be signed by the secured party. In other cases whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations, or otherwise give value, the secured party must (ON WRITTEN DEMAND BY THE DEBTOR) *not later than 30 days after the secured obligation has been satisfied* send the debtor, for each filing officer with whom the financing statement was filed, a termination statement to the effect that he no longer claims a security interest under the financing statement, which shall be identified by file number. A termination statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of section 336.9-405, including payment of the required fee. If the affected secured party fails to file such a termination statement as required by this subsection, or to send such a termination statement within ten days after proper demand therefor he shall be liable to the debtor for \$100, and in addition for any loss caused to the debtor by such failure.

(2) On presentation to the filing officer of such a termination statement he must note it in the index. If he has received the termination statement in duplicate, he shall return one copy of the termination statement to the secured party stamped to show the time of receipt thereof. If the filing officer has a microfilm or other photographic record of the financing statement, and of any related continuation statement, statement of assignment and statement of release, he may remove the originals from the files at any time after receipt of the termination statement, or if he has no such record, he may remove them from the files at any time after one year after receipt of the termination statement.

(3) There shall be no fee collected for the filing of a termination if the termination statement is in the standard form prescribed by the secretary of state and otherwise shall be \$5, plus in each case, if the original financing statement was subject to subsection (5) of section 336.9-402, the fee prescribed by section 357.18, subdivision 1, clause (1).

Sec. 11. Minnesota Statutes 1984, section 386.42, is amended to read:

386.42 [(ABSTRACT OF MORTGAGES AND LIENS ON GRAIN CROPS FOR ELEVATOR COMPANIES) REGISTRATION OF FARM PRODUCT BUYERS.]

(ANY ELEVATOR COMPANY OR GRAIN BUYER DOING BUSINESS IN THIS STATE MAY ANNUALLY MAKE WRITTEN APPLICATION TO THE COUNTY RECORDER FOR AN ABSTRACT OF ALL DESIGNATED MORTGAGES AND LIENS UPON GRAINS GROWN DURING THE YEAR FILED WITH THE COUNTY RECORDER. THE APPLICATION SHALL STATE THE NAME AND THE POST OFFICE ADDRESS OF THE COMPANY AND BE ACCOMPANIED BY A FEE. THE FEE SHALL BE DETERMINED BY RESOLUTION OF THE COUNTY BOARD UPON THE RECOMMENDATION OF THE COUNTY RECORDER BASED UPON THE ESTIMATED COST OF PROVIDING THE SERVICE.)

Subdivision 1. [DEFINITIONS.] The definitions in chapter 336 apply to this section.

Subd. 2. [REGISTRATION SYSTEM FOR BUYERS OF FARM PRODUCTS.] The county recorder shall maintain a separate registration system for (1) crop product buyers, (2) livestock buyers, and (3) wholesale produce dealers. The county recorder must provide an alphabetical registration list of the names and mailing addresses of all persons who apply to be registered buyers. A buyer is registered for one year beginning September 1.

Subd. 3. [CHANGES ON REGISTRATION LIST.] The county recorder must mail a copy of the proposed registration list that will become effective on September 1 to each buyer registered by August 10 if the buyer has included a stamped and addressed envelope with their application. A buyer may change the name or address on the proposed registration list by notifying the county recorder before August 20.

Subd. 4. [RECEIVING REGISTRATION LIST.] A person may receive a copy of the registration list by paying a fee of \$5. The county recorder must mail a proposed registration list for the year beginning September 1 by August 20 to persons making a request after August 1.

Sec. 12. [APPROPRIATION.]

There is appropriated from the general fund in the state treasury to the commissioner of agriculture \$150,000 for each of the fiscal years ending June 30, 1986 and June 30, 1987, to be used for the purposes of sections 1 to 11.

Sec. 13. [REPEALER.]

Minnesota Statutes 1984, section 386.43, is repealed.

Sec. 14. [EFFECTIVE DATE.]

This act is effective July 1, 1985.

Delete the title and insert:

“A bill for an act relating to commerce; providing for registration of crop and livestock buyers and wholesale produce dealers 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; requiring secured parties to send termination statements to debtors under certain circumstances; appropriating money; amending Minnesota Statutes 1984, sections 17A.04, subdivisions 2, 5, and by adding a subdivision; 27.03; 223.17, by adding a subdivision; 336.9-307; 336.9-402; 336.9-403; 336.9-404; 386.42; proposing coding for new law as Minnesota Statutes, chapter 223A; repealing Minnesota Statutes 1984, section 386.43.”

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 490, 646, 939, 961, 1015 and 1436 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 147, 251, 818 and 919 were read for the second time.

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

The following House Files were introduced:

Pappas, Halberg and Clark introduced:

H. F. No. 1673, A bill for an act relating to insurance; requiring reduction in auto insurance premiums for seat belt use; prohibiting reduction of coverage for failure to wear a seat belt; amending Minnesota Statutes 1984, sections 65B.70, by adding subdivisions; and 72A.20, by adding a subdivision.

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

Solberg, Clark and Minne introduced:

H. F. No. 1674, A bill for an act relating to corporations; authorizing and regulating employee cooperative corporations; proposing coding for new law as Minnesota Statutes, chapter 302B.

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

McLaughlin introduced:

H. F. No. 1675, A bill for an act relating to insurance; accident and health; requiring coverage for hospice care; 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.

Segal introduced:

H. F. No. 1676, A bill for an act relating to commerce; requiring gasoline service stations to provide certain goods and services; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

Thorson, Gruenes, McEachern, Tompkins and Segal introduced:

H. F. No. 1677, A bill for an act relating to education; changing the way the department of education provides certain information and other services; appropriating money; amending Minnesota Statutes 1984, sections 123.742, subdivision 7, and by adding subdivisions; and 134.31, subdivisions 2 and 3.

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

Clark, Osthoff, Scheid and Minne introduced:

H. F. No. 1678, A bill for an act relating to elections; authorizing additional means of proving residence for purpose of election day registration; 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.

HOUSE ADVISORIES

The following House Advisory was introduced:

Pauly introduced:

H. A. No. 46, A proposal to study the extent of sexual discrimination in labor unions.

The advisory was referred to the Committee on Labor-Management Relations.

Anderson, R., was excused while in conference.

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. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in

which amendment the concurrence of the House is respectfully requested:

H. F. No. 592, A bill for an act relating to local government; permitting the establishment of special service districts in the city of New Ulm; providing taxing and other financial authority for New Ulm.

PATRICK E. FLAHAVER, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Dempsey moved that the House concur in the Senate amendments to H. F. No. 592 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 592, A bill for an act relating to local government; permitting the establishment of special service districts in the city of New Ulm; providing taxing and other financial authority for New Ulm.

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 100 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Backlund	Forsythe	Krueger	Omann	Simoneau
Battaglia	Frederick	Kvam	Onnen	Solberg
Beard	Frederickson	Levi	Osthoff	Sparby
Begich	Greenfield	Lieder	Otis	Stanius
Blatz	Gruenes	Long	Pappas	Swiggum
Boo	Gutknecht	Marsh	Pauly	Thiede
Brandl	Halberg	McDonald	Peterson	Tjornhom
Brinkman	Hartinger	McEachern	Piper	Tomlinson
Brown	Hartle	McPherson	Price	Tompkins
Burger	Haukoos	Metzen	Quist	Tunheim
Carlson, D.	Himle	Minne	Rees	Uphus
Carlson, L.	Jacobs	Munger	Rest	Valan
Clausnitzer	Jennings, L.	Murphy	Richter	Valento
Cohen	Johnson	Nelson, D.	Riveness	Vanasek
Dempsey	Kalis	Nelson, K.	Rodosovich	Vellenga
Dyke	Kelly	Neuenschwander	Rose	Voss
Elioff	Kiffmeyer	Norton	Sarna	Waitman
Ellingson	Knickerbocker	Ogren	Schafer	Wenzel
Erickson	Knuth	Olsen, S.	Scheid	Zaffke
Fjoslien	Kostohryz	Olson, E.	Seaberg	Spk. Jennings, D.

Those who voted in the negative were:

Wynia

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker :

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File :

H. F. No. 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 Senate has appointed as such Committee Messrs. Pehler, Purfeerst and Ms. Olson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File :

H. F. No. 558, A bill for an act relating to metropolitan government ; providing conditions for the disposal of certain sports facilities property ; 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, sections 473.556, subdivision 6 ; and 473.704, by adding a subdivision.

The Senate has appointed as such Committee Messrs. Freeman, Schmitz and Belanger.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File :

H. F. No. 633, A bill for an act relating to traffic regulations ; providing for a temporary definition of school bus ; providing for book racks and "MN" designation on school buses ; amending Minnesota Statutes 1984, section 169.44, by adding subdivisions.

The Senate has appointed as such Committee Messrs. Johnson, D. E.; Mehrkens and Mrs. Lantry.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 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 Senate has appointed as such Committee Messrs. Pogemiller, Wegscheid, Renneke, Spear and Moe, D. M.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 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; 43A.18, subdivision 4; 179A.10, subdivision 1; 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.

The Senate has appointed as such Committee Messrs. Chmielewski, Frank and Langseth.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 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 Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

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; allowing certain municipalities to set shorter voting hours; amending Minnesota Statutes 1984, sections 160.17, subdivision 1; 160.25, subdivision 3; 163.11, subdivision 5a, and by adding a subdivision; 164.06; 204C.05, subdivision 1; 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, chapter 379; repealing Minnesota Statutes 1984, section 375.18, subdivisions 4, 5 and 6.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

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; repealing a prior land conveyance; amending Laws 1981, chapter 190, section 3; repealing Laws 1984, chapter 502, article 13, section 15.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Forsythe moved that the House refuse to concur in the Senate amendments to H. F. No. 83, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 862, 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.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Pehler; Merriam; Pogemiller; Johnson, D.E., and Freeman.

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

McKasy 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. 862. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 676, 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.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Mr. Chmielewski, Mrs. Adkins and Mr. Gustafson.

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

Uphus 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. 676. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Rees moved that the House refuse to concur in the Senate amendments to H. F. No. 1032, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 866.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 866, 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, disposal sites, local disposal fees, metropolitan sludge and sludge ash facilities, and metropolitan county ordinances; granting and clarifying the powers which may be exercised by a county located outside the metropolitan area if it enters into an agreement with a metropolitan county for solid waste or resource recovery purposes; defining terms; allocating and appropriating money from the metropolitan landfill contingency action and abatement funds; permitting Pennington county to dispose of certain property; permitting Itasca county to accept loans, advances, or grants from federal or state government; permitting certain counties to make joint contracts or agreements for solid waste management; providing for use of an appropriation for solid waste incineration equipment at the Fergus Falls State Hospital; amending Minnesota Statutes 1984, sections 115A.03, subdivision 27; 115A.84, subdivisions 3 and 4; 115A.919; 400.04, subdivision 1; 473.153, subdivisions 2, 5, 6b, and 7; 473.801, subdivision 1; 473.811, subdivisions 5 and 5a; 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, 116C, and 473.

The bill was read for the first time.

Rose moved that S. F. No. 866 and H. F. No. 939, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON 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.

May 13, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 227, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 227 be further amended as follows:

Page 1, line 22, delete "1987" and insert "1989"

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

House Conferees: LONA MINNE, ELTON R. REDALEN and DON FRERICHS.

Senate Conferees: RONALD R. DICKLICH, NEIL DIETERICH and DUANE D. BENSON.

Minne moved that the report of the Conference Committee on H. F. No. 227 be adopted and that the bill be repassed as amended by the Conference Committee.

Knuth moved that the House refuse to adopt the Conference Committee report on H. F. No. 227, and that the bill be returned to Conference. The motion did not prevail.

The question recurred on the Minne motion that the report of the Conference Committee on H. F. No. 227 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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, 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 113 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by Conference, and its title agreed to.

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	Halberg	Kvam	Ogren
Backlund	Dempsey	Hartinger	Levi	Olsen, S.
Battaglia	DenOuden	Hartle	Lieder	Omann
Beard	Dimler	Haukoos	Long	Onnen
Begich	Dyke	Heap	Marsh	Osthoff
Bennett	Elioff	Himle	McDonald	Otis
Boerboom	Erickson	Jacobs	McEachern	Ozment
Boo	Fjoslien	Jaros	McPherson	Pappas
Brandl	Forsythe	Johnson	Metzen	Pauly
Brinkman	Frederick	Kalis	Minne	Peterson
Brown	Frederickson	Kelly	Munger	Piper
Burger	Frerichs	Kiffmeyer	Murphy	Poppenhagen
Carlson, D.	Greenfield	Knickerbocker	Nelson, K.	Price
Carlson, L.	Gruenes	Knuth	Neuenschwander	Quinn
Clausnitzer	Gutknecht	Kostohryz	O'Connor	Quist

Rees	Schoenfeld	Stanis	Tompkins	Vellenga
Rest	Segal	Staten	Tunheim	Voss
Richter	Shaver	Thiede	Uphus	Waltman
Rodosovich	Simoneau	Thorson	Valan	Wenzel
Sarna	Skoglund	Tjornhom	Valento	Wynia
Scheid	Solberg	Tomlinson	Vanasek	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.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Forsythe requested immediate consideration of H. F. Nos. 1231 and 1250.

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; changing a definition; establishing a crime victim and witness advisory council and a crime victim ombudsman; providing the council with extensive duties to assist victims and witnesses; providing the ombudsman with authority to investigate complaints with regard to treatment of victims; amending Minnesota Statutes 1984, sections 611A.41, subdivision 2; 611A.44; 611A.52; 611A.53, subdivision 2; 611A.54; 611A.55, subdivisions 1 and 2; and 611A.56, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 611A; repealing Minnesota Statutes 1984, section 611A.42.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

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

There were 117 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Brown	Elioff	Hartle	Knickerbocker
Backlund	Burger	Ellingson	Haukoos	Knuth
Battaglia	Carlson, D.	Erickson	Heap	Kostohryz
Beard	Carlson, L.	Forsythe	Himle	Krueger
Begich	Clark	Frederick	Jacobs	Kvam
Bennett	Clausnitzer	Frederickson	Jaros	Levi
Blatz	Cohen	Frerichs	Johnson	Lieder
Boerboom	Dempsey	Greenfield	Kahn	Long
Boo	DenOuden	Gutknecht	Kalis	McDonald
Brandl	Dimler	Halberg	Kelly	McEachern
Brinkman	Dyke	Hartinger	Kiffmeyer	McKasy

McLaughlin	Omamm	Quist	Shaver	Uphus
McPherson	Onnen	Redalen	Simoneau	Valan
Metzen	Osthoff	Rees	Skoglund	Valento
Minne	Otis	Rest	Solberg	Vanasek
Munger	Ozment	Richter	Sparby	Vellenga
Murphy	Pappas	Riveness	Staten	Voss
Nelson, D.	Pauly	Rodosovich	Sviggum	Waltman
Nelson, K.	Peterson	Sarna	Thiede	Wenzel
Neuenschwander	Piepho	Schafer	Thorson	Wynia
Norton	Piper	Scheid	Tjornhom	Spk. Jennings, D.
O'Connor	Poppenhagen	Schoenfeld	Tomlinson	
Ogren	Price	Seaberg	Tompkins	
Olsen, S.	Quinn	Segal	Tunheim	

The bill was passed and its title agreed to.

The Speaker called Halberg to the Chair.

H. F. No. 1250 was reported to the House.

Ozment moved to amend H. F. No. 1250, as follows:

Pages 1 and 2, delete section 2

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, delete "299C.37,"

Page 1, line 10, delete "subdivision 3;"

The motion prevailed and the amendment was adopted.

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; 299D.03, subdivision 2; 299F.19, subdivision 1; and 349.52, subdivisions 2 and 3; repealing Minnesota Statutes 1984, sections 299H.211 to 299.H.28; 299I.01 to 299I.08; 299I.10; and 299I.20 to 299I.24.

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 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Schreiber requested immediate consideration of H. F. Nos. 130 and 856.

H. F. No. 130, A bill for an act relating to taxation; motor vehicle excise; exempting sales of certain cars; imposing a fee in lieu of the tax; amending Minnesota Statutes 1984, sections 115A.908, by adding a subdivision; and 297B.03.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

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

There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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 third time 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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Boo	Cohen	Frederick	Haukoos
Backlund	Brandl	Dempsey	Frederickson	Heap
Battaglia	Brinkman	Dimler	Frerichs	Himle
Beard	Brown	Dyke	Greenfield	Jacobs
Begich	Burger	Elioff	Gruenes	Jaros
Bennett	Carlson, D.	Ellingson	Gutknecht	Jennings, L.
Bishop	Carlson, L.	Erickson	Halberg	Johnson
Blatz	Clark	Fjoslien	Hartinger	Kahn
Boerboom	Clausnitzer	Forsythe	Hartle	Kalis

Kelly	Miller	Ozment	Rose	Thorson
Kiffmeyer	Minne	Pappas	Sarna	Tjornhom
Knickerbocker	Munger	Pauly	Schafer	Tomlinson
Knuth	Murphy	Peterson	Scheid	Tompkins
Kostohryz	Nelson, D.	Piepho	Schoenfeld	Tunheim
Kvam	Nelson, K.	Piper	Schreiber	Uphus
Levi	Neuenschwander	Poppenhagen	Seaberg	Valan
Lieder	Norton	Price	Segal	Valento
Long	O'Connor	Quinn	Shaver	Vanasek
Marsh	Ogren	Quist	Simoneau	Vellenga
McDonald	Olsen, S.	Redalen	Skoglund	Voss
McEachern	Olson, E.	Rees	Solberg	Waltman
McKasy	Omann	Rest	Sparby	Wenzel
McLaughlin	Onnen	Richter	Stanius	Wynia
McPherson	Osthoff	Riveness	Staten	Zaffke
Metzen	Otis	Rodosovich	Sviggum	Spk. Jennings, D.

The bill was passed and its title agreed to.

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Levi, from the Committee on Rules and Legislative Administration, pursuant to Rule 1.9, designated the following bills as Special Orders to be added to Special Orders pending for today, Wednesday, May 15, 1985:

S. F. Nos. 1176, 1374, 1358, 1244, 1131, 798, 1499, 1404, 1414, 1171, 1388, 295, 904, 63, 647, 1485 and 925; H. F. No. 827; S. F. Nos. 228, 82, 1347, 1353, 230, 1183, 375, 1036 and 1234.

SPECIAL ORDERS

S. F. No. 45, A bill for an act relating to drainage; recodifying the drainage law; amending Minnesota Statutes 1984, sections 40.072, subdivisions 3, 4, 5, 6, and 9; 40.073; 88.43, subdivision 2; 97.484; 97.50, subdivision 1; 105.42, subdivision 1; 105.471; 105.74; 105.81; 111.09, subdivision 2; 111.11; 111.13; 111.30; 111.31; 111.36; 111.78; 112.431, subdivision 2; 112.48, subdivision 1; 112.50; 112.501, subdivision 1; 112.541; 112.59; 112.60, subdivisions 1, 2, and 3; 112.64, subdivisions 2 and 3; 112.65, subdivision 1; 161.28, subdivision 1; 163.17; 357.021, subdivision 2; 375.471; 471.345, subdivision 3; 473.877, subdivision 1; and 473.878, subdivision 4; proposing coding for new law as Minnesota Statutes, chapter 106A; repealing Minnesota Statutes 1984, chapter 106 and section 109.38.

The bill was read for the third time 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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 725 was reported to the House.

There being no objection, H. F. No. 725 was temporarily laid over on Special Orders.

S. F. No. 1176 was reported to the House.

Blatz moved to amend S. F. No. 1176, as follows:

Delete everything after the enacting clause and insert:

“Section 1. [626.559] [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, sub-

divisions 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.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective July 1, 1985."

Delete the title and insert :

"A bill for an act relating to children; requiring a new job classification in child protection; requiring continuing education; providing for a joint training program; proposing coding for new law in Minnesota Statutes, chapter 626."

The motion prevailed and the amendment was adopted.

Blatz moved to amend S. F. No. 1176, as amended, as follows :

Page 2, line 1, after "shall" insert " , within the limits of available resources,"

The motion prevailed and the amendment was adopted.

S. F. No. 1176, A bill for an act relating to children; requiring a new job classification in child protection; requiring continuing education; providing for a joint training program; requiring a report to the legislature; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 626.

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 122 yeas and 0 nays as follows :

Those who voted in the affirmative were:

Anderson, G.	Carlson, D.	Frederickson	Kalis	McPherson
Backlund	Carlson, L.	Frerichs	Kelly	Metzen
Battaglia	Clark	Greenfield	Kiffmeyer	Miller
Beard	Clausnitzer	Gruenes	Knickerbocker	Minne
Becklin	Cohen	Gutknecht	Knuth	Munger
Begich	Dempsey	Halberg	Kostohryz	Murphy
Bennett	DenOuden	Hartinger	Krueger	Nelson, D.
Bishop	Dyke	Hartle	Kvam	Nelson, K.
Blatz	Elioff	Haukoos	Levi	Neuenschwander
Boerboom	Ellingson	Heap	Lieder	Norton
Boo	Erickson	Himle	Long	O'Connor
Brandl	Fjeslien	Jacobs	Marsh	Ogren
Brinkman	Forsythe	Johnson	McDonald	Olsen, S.
Brown	Frederick	Kahn	McEachern	Olsen, E.

Omann	Price	Schafer	Stanius	Valento
Onnen	Quinn	Scheid	Staten	Vanasek
Osthoff	Quist	Schoenfeld	Sviggunn	Vellenga
Otis	Redalen	Schreiber	Thiede	Voss
Ozment	Rees	Seaberg	Thorson	Waltman
Pappas	Rest	Segal	Tjornhom	Welle
Pauly	Richter	Shaver	Tomlinson	Wenzel
Peterson	Rivness	Simoneau	Tompkins	Wynia
Piepho	Rodovovich	Skoglund	Tunheim	
Piper	Rose	Solberg	Uphus	
Poppenhagen	Sarna	Sparby	Valan	

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

S. F. No. 1374 was reported to the House.

McLaughlin and Skoglund moved to amend S. F. No. 1374, as follows:

Page 1, line 14, after the period insert:

"However, on each anniversary date of the signing of the concession agreement the concessioner must prove to the satisfaction of the Commissioner that reasonable progress has been made towards completion of the restoration project."

A roll call was requested and properly seconded.

The question was taken on the McLaughlin and Skoglund amendment and the roll was called.

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

There were 49 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jaros	Minne	Piper	Solberg
Battaglia	Jennings, L.	Munger	Price	Sparby
Beard	Kahn	Nelson, D.	Quinn	Staten
Begich	Kalis	Nelson, K.	Rest	Tunheim
Brandl	Knuth	Neuenschwander	Rivness	Vanasek
Brown	Kostohryz	Ogren	Rodovovich	Vellenga
Carlson, L.	Krueger	Olson, E.	Schoenfeld	Voss
Clark	Lieder	Otis	Segal	Welle
Elloff	Long	Pappas	Simoneau	Wynia
Greenfield	McLaughlin	Peterson	Skoglund	

Those who voted in the negative were:

Anderson, R.	Boo	Cohen	Erickson	Frerichs
Backlund	Brinkman	Dempsey	Fjoslien	Gruenes
Becklin	Burger	DenOuden	Forsythe	Gutknecht
Bennett	Carlson, D.	Dimler	Frederick	Halberg
Blatz	Clausnitzer	Dyke	Frederickson	Hartering

Hartle	McDonald	Osthoff	Schafer	Tompkins
Heap	McEachern	Ozment	Scheid	Uphus
Himle	McKasy	Pauly	Schreiber	Valan
Jacobs	McPherson	Piepho	Seaberg	Valento
Johnson	Metzen	Poppenhagen	Shaver	Waltman
Kiffmeyer	Murphy	Quist	Stanius	Wenzel
Knickerbocker	O'Connor	Rees	Sviggum	Zaffke
Kvam	Olsen, S.	Richter	Thiede	Spk. Jennings, D.
Levi	Omman	Rose	Thorson	
Marsh	Onnen	Sarna	Tjornhom	

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

S. F. No. 1374, A bill for an act relating to state parks; establishing lease rate for a certain part of Fort Snelling state park.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

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

There were 117 yeas and 10 nays as follows :

Those who voted in the affirmative were :

Anderson, R.	Forsythe	Kvam	Otis	Simoneau
Backlund	Frederick	Levi	Ozment	Solberg
Battaglia	Frederickson	Lieder	Pauly	Sparby
Beard	Frerichs	Long	Peterson	Stanius
Begich	Greenfield	Marsh	Piepho	Sviggum
Bennett	Gruenes	McDonald	Piper	Thiede
Bishop	Gutknecht	McEachern	Poppenhagen	Thorson
Blatz	Halberg	McKasy	Price	Tjornhom
Boerboom	Harteringer	McPherson	Quist	Tomlinson
Boo	Hartle	Metzen	Redalen	Tompkins
Brinkman	Haukoos	Minne	Rees	Tunheim
Burger	Heap	Munger	Rest	Uphus
Carlson, D.	Himle	Murphy	Richter	Valan
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	Wenzel
Dimler	Kiffmeyer	Olsen, S.	Schoenfeld	Zaffke
Dyke	Knickerbocker	Olson, E.	Schreiber	Spk. Jennings, D.
Elioff	Knuth	Omman	Seaberg	
Erickson	Kostohryz	Onnen	Shaver	
Fjoslien	Krueger	Osthoff	Sherman	

Those who voted in the negative were :

Anderson, G.	Kahn	Pappas	Skoglund	Vellenga
Brandl	McLaughlin	Quinn	Staten	Wynia

The bill was passed and its title agreed to.

S. F. No. 1358, 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 third time 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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	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	Minne	Rees	Tompkins
Brandl	Haukoos	Munger	Rest	Tunheim
Brinkman	Heap	Murphy	Rice	Uphus
Brown	Himle	Nelson, D.	Richter	Valan
Burger	Jacobs	Nelson, K.	Riveness	Valento
Carlson, D.	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
DenOuden	Kelly	Olson, E.	Schoenfeld	Wenzel
Dimler	Knickerbocker	Omann	Schreiber	Wynia
Dyke	Knuth	Onnen	Seaberg	Zaffke
Elioff	Kostohryz	Osthoff	Shaver	Spk. Jennings, D.
Ellingson	Krueger	Otis	Sherman	
Erickson	Kvam	Ozment	Simoneau	
Fjoslien	Levi	Pappas	Skoglund	

The bill was passed and its title agreed to.

S. F. No. 1244 was reported to the House.

Seaberg moved to amend S. F. No. 1244, as follows:

Page 1, line 13, delete "654.021" and insert "645.021"

The motion prevailed and the amendment was adopted.

S. F. No. 1244, 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 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 117 yeas and 6 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Fjoslien	Krueger	Ozment	Solberg
Backlund	Forsythe	Kvam	Pappas	Sparby
Battaglia	Frederick	Levi	Pauly	Stanius
Beard	Frederickson	Lieder	Peterson	Staten
Becklin	Frerichs	Long	Piepho	Sviggum
Begich	Greenfield	Marsh	Piper	Thorson
Bennett	Gruenes	McDonald	Poppenhagen	Tjornhom
Blatz	Gutknecht	McEachern	Price	Tomlinson
Boerboom	Halberg	McKasy	Quinn	Tompkins
Boo	Hartle	McLaughlin	Redalen	Tunheim
Brandl	Haukoos	Metzen	Rees	Uphus
Brinkman	Heap	Minne	Rest	Valan
Brown	Himle	Murphy	Riveness	Valento
Burger	Jacobs	Nelson, K.	Rodosovich	Vanasek
Carlson, D.	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	Wynia
Dimler	Kiffmeyer	Omann	Seaberg	Spk. Jennings, D.
Dyke	Knickerbocker	Onnen	Shaver	
Elioff	Knuth	Osthoff	Sherman	
Ellingson	Kostohryz	Otis	Simoneau	

Those who voted in the negative were :

Erickson	McPherson	Nelson, D.	Skoglund	Thiede
Hartinger				

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

S. F. No. 1131, 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 third time 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 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Krueger	Onnen	Shaver
Backlund	Erickson	Kvam	Osthoff	Sherman
Battaglia	Fjoslien	Levi	Otis	Simoneau
Beard	Forsythe	Lieder	Ozment	Skoglund
Begich	Frederick	Long	Pappas	Solberg
Bennett	Frederickson	Marsh	Pauly	Sparby
Bishop	Frerichs	McDonald	Peterson	Stanius
Blatz	Greenfield	McEachern	Piepho	Staten
Boerboom	Gruenes	McKasy	Piper	Thiede
Boo	Gutknecht	McLaughlin	Poppenhagen	Thorson
Brandl	Halberg	McPherson	Price	Tomlinson
Brinkman	Hartinger	Metzen	Quinn	Tompkins
Brown	Hartle	Minne	Redalen	Tunheim
Burger	Haukoos	Munger	Rees	Uphus
Carlson, D.	Heap	Murphy	Rest	Valan
Carlson, L.	Jaros	Nelson, D.	Riveness	Valento
Clark	Jennings, L.	Nelson, K.	Rodosovich	Vanasek
Clausnitzer	Kahn	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	Olsen, E.	Schreiber	Wynia
Elioff	Kostohryz	Omann	Seaberg	Zaffke

The bill was passed and its title agreed to.

S. F. No. 798, 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 third time 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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Brandl	Dempsey	Frerichs	Jacobs
Backlund	Brinkman	Dimler	Greenfield	Jaros
Battaglia	Brown	Dyke	Gruenes	Jennings, L.
Beard	Burger	Elioff	Gutknecht	Kahn
Begich	Carlson, D.	Ellingson	Halberg	Kalis
Bennett	Carlson, J.	Erickson	Hartinger	Kelly
Bishop	Carlson, L.	Fjoslien	Hartle	Kiffmeyer
Blatz	Clark	Forsythe	Haukoos	Knickerbocker
Boerboom	Clausnitzer	Frederick	Heap	Knuth
Boo	Cohen	Frederickson	Himle	Kostohryz

Krueger	Nelson, D.	Piepho	Scheid	Tompkins
Kvam	Nelson, K.	Piper	Schoenfeld	Tunheim
Levi	Neuenschwander	Poppenhagen	Seaberg	Uphus
Lieder	Norton	Price	Shaver	Valan
Long	O'Connor	Quinn	Sherman	Valento
Marsh	Ogren	Quist	Simoneau	Vanasek
McDonald	Olsen, S.	Redalen	Skoglund	Vellenga
McEachern	Olson, E.	Rees	Solberg	Voss
McKasy	Omann	Rest	Sparby	Waltman
McLaughlin	Onnen	Rice	Stanius	Welle
McPherson	Osthoff	Riveness	Staten	Wenzel
Metzen	Otis	Rodosovich	Sviggun	Wynia
Minne	Ozment	Rose	Thiede	Zaffke
Munger	Pappas	Sarna	Thorson	Spk. Jennings, D.
Murphy	Peterson	Schafer	Tomlinson	

The bill was passed and its title agreed to.

S. F. No. 1499, A bill for an act relating to Goodhue county; permitting the county to levy a tax for the county historical society; imposing a reverse referendum requirement.

The bill was read for the third time 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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1404 was reported to the House.

Dempsey moved to amend S. F. No. 1404, as follows:

Page 2, after line 4, insert:

"Sec. 3. [471.653] [DISTRIBUTION OF CERTAIN FEDERAL PAYMENTS.]

Federal payment in lieu of taxes on entitlement lands made pursuant to United States Code, title 31, sections 6901 to 6906 must be transferred by a county to the home rule or statutory city or town where the entitlement land is located if the county board determines that the statutory or home rule city or town is the principal provider of governmental services affecting the use of entitlement lands and if the total annual federal payment to the county is \$5,000 or more. The county board shall make its determination based on factors which must include: (1) whether the city or town has at least 60 acres of land within the entitlement lands; (2) whether city or town roads are the primary access to the entitlement lands; (3) whether the city or town provides specific services to the entitlement lands such as fire protection, police protection, and search and rescue services; and (4) whether the city or town is primarily responsible for land use planning and official controls.

The distribution of federal payment in lieu funds shall be made by the county board to a qualifying city or town in the proportion that the acreage of entitlement land located in each bears to the total acreage of entitlement land in the county. If more than 25 percent of entitlement acreage in a county is located in qualifying cities or towns, there shall be a pro rata reduction in each qualifying city or town's share, so that only 30 percent of the total county payment is distributed.

Sec. 4. [EFFECTIVE DATE.]

Section 3 is effective January 1, 1986."

Amend the title as follows:

Page 1, line 3, after "transfers;" insert "providing for transfer of certain federal payments in lieu of taxes from a county to a city or town;"

Page 1, line 6, delete "chapter 385" and insert "chapters 385 and 471"

The motion prevailed and the amendment was adopted.

S. F. No. 1404, A bill for an act relating to local government; expanding the authority of counties to make electronic funds transfers; amending Minnesota Statutes 1984, section 385.07; and proposing coding for new law in Minnesota Statutes, chapter 385.

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 124 yeas and 0 nays as follows :

Those who voted in the affirmative were :

Backlund	Erickson	Krueger	Ozment	Simoneau
Battaglia	Fjoslien	Kvam	Pappas	Skoglund
Beard	Forsythe	Levi	Pauly	Solberg
Becklin	Frederick	Lieder	Peterson	Sparby
Begich	Frederickson	Long	Piper	Stanius
Bennett	Frerichs	Marsh	Poppenhagen	Staten
Bishop	Greenfield	McDonald	Price	Sviggum
Blatz	Gruenes	McEachern	Quinn	Thiede
Boerboom	Gutknecht	McLaughlin	Quist	Thorson
Boo	Halberg	McPherson	Redalen	Tomlinson
Brandl	Hartinger	Metzen	Rees	Tompkins
Brinkman	Hartle	Minne	Rest	Tunheim
Brown	Haukoos	Munger	Rice	Uphus
Burger	Heap	Murphy	Richter	Valan
Carlson, D.	Himle	Nelson, D.	Riverness	Valento
Carlson, L.	Jacobs	Nelson, K.	Rodosovich	Vanasek
Clark	Jaros	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	Omann	Schreiber	Wynia
Dyke	Knickerbocker	Onnen	Seaberg	Zaffke
Elioff	Knuth	Osthoff	Shaver	Spk. Jennings, D.
Ellingson	Kostohryz	Otis	Sherman	

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

S. F. No. 1414, 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 third time 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 119 yeas and 6 nays as follows :

Those who voted in the affirmative were :

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

Those who voted in the negative were :

Clark	Gutknecht	Osthoff	Sarna	Solberg
Erickson				

The bill was passed and its title agreed to.

S. F. No. 1171 was reported to the House.

Bishop moved to amend S. F. No. 1171, as follows :

Delete everything after the enacting clause and insert :

"Section 1. [CONVEYANCE OF A ROAD EASEMENT TO OLMSTED COUNTY.]

Subdivision 1. [COMMISSIONER MUST OFFER EASEMENT.] Because of increased local economic opportunity and growth and notwithstanding any other law, the commissioner of natural resources shall convey an easement in the land described in subdivision 2 to Olmsted county to be used for a roadway.

The commissioner must offer the land at the appraised value determined by appraisers according to law, plus costs, by August 1, 1985 and Olmsted county has until March 1, 1986 to accept the offer.

The conveyance shall be made in a form approved by the attorney general. The attorney general may not approve the conveyance unless the design of the roadway incorporates the maximum mitigation efforts as identified by the commissioner in the completed environmental impact statement, except for additional corn growth contract requirements.

Subd. 2. [LAND DESCRIPTION.] The commissioner of natural resources shall offer an easement in the land described in this subdivision to Olmsted county.

(a) A parcel of land in the northwest quarter of section 5, township 106 north, range 13 west, Olmsted county Minnesota, described as follows:

Beginning at the northwest corner of the northwest quarter; thence north 88 degrees 46 minutes 17 seconds east (for the purpose of this description the north line of the northwest quarter is assumed to be north 88 degrees 46 minutes 17 seconds east) along the north line of the northwest quarter for a distance of 1313.61 feet; thence south 01 degrees 13 minutes 43 seconds east for a distance of 100.00 feet; thence south 87 degrees 06 minutes 46 seconds west for a distance of 941.55 feet; thence south 86 degrees 31 minutes 53 seconds west for a distance of 233.94 feet; thence south 52 degrees 23 minutes 06 seconds west for a distance of 117.75 feet; thence south 00 degrees 06 minutes 36 seconds west for a distance of 304.96 feet; thence south 01 degrees 51 minutes 26 seconds east for a distance of 180.21 feet; thence south 01 degrees 11 minutes 25 seconds east for a distance of 1870.77 feet more or less to the south line of the northwest quarter; thence westerly along the south line of said quarter to the southwest corner of the northwest quarter for a distance of 46.00 feet; thence north 01 degrees 02 minutes 19 seconds west along the west line of the northwest quarter for a distance of 2561.96 feet to the northwest corner of the northwest quarter and the point of beginning.

(b) A parcel of land consisting of the west 46 feet of the southwest quarter of section 5 lying north of the north right-of-way line of trunk highway No. 14. The parcel is subject to all existing roadway easements.

(c) A parcel of land in the northeast quarter in section 6, township 106 north, range 13 west, Olmsted county Minnesota, described as follows:

Beginning at the northeast corner of the northeast quarter of section 6; thence south 89 degrees 34 minutes 27 seconds west (for the purposes of this description the north line of the northeast quarter is assumed to be south 89 degrees 34 minutes 27 seconds west) along the north line of said quarter a distance of 910.58 feet; thence south 00 degrees 07 minutes 33 seconds

east for a distance of 86.23 feet; thence south 85 degrees 58 minutes 28 seconds east for a distance of 621.63 feet; thence south 48 degrees 17 minutes 20 seconds east for a distance of 133.16 feet; thence south 08 degrees 23 minutes 21 seconds east for a distance of 251.13 feet; thence south 02 degrees 01 minutes 48 seconds east for a distance of 200.95 feet; thence south 01 degrees 11 minutes 25 seconds east for a distance of 690.71 feet to the north line of the south 1180 feet of the northeast quarter; thence north 88 degrees 47 minutes 30 seconds east for a distance of 157.13 feet to the east line of the northeast quarter; thence north 01 degrees 02 minutes 19 seconds west along the east line of the northeast quarter for a distance of 1381.96 feet to the northeast corner of the northeast quarter and the point of beginning. The parcel is subject to all existing roadway easements.

The parcels in paragraphs (a), (b), and (c) containing 14.0 acres more or less.

(d) A parcel of land in the southeast quarter and the south one-half of the northeast quarter of section 31, township 107 north, range 13 west, Olmsted county Minnesota, described as follows:

Beginning at the southeast corner of the southeast quarter; thence north 00 degrees 43 minutes 30 seconds west (for the purpose of this description the east line of the southeast quarter is assumed to be north 00 degrees 43 minutes 30 seconds west) along the east line of said quarter for a distance of 848.56 feet; thence north 31 degrees 33 minutes 48 seconds west for a distance of 394.73 feet; thence northerly 1000.11 feet along a non-tangential curve, concave southwesterly, a central angle of 07 degrees 24 minutes 14 seconds, a radius of 7739.44 feet, and the chord of said curve bears north 18 degrees 57 minutes 13 seconds west for a distance of 999.41 feet; thence north 22 degrees 39 minutes 20 seconds west for a distance of 545.41 feet to the north line of the southeast quarter; thence continuing north 22 degrees 39 minutes 20 seconds west for a distance of 1411.85 feet to the north line of the south one-half of the northeast quarter; thence south 89 degrees 35 minutes 55 seconds west along the north line of the south one-half of the northeast quarter for a distance of 216.10 feet; thence south 22 degrees 39 minutes 20 seconds east for a distance of 1412.11 feet to the north line of the southeast quarter; thence continuing south 22 degrees 39 minutes 20 seconds east for a distance of 626.99 feet; thence southerly 1349.73 feet along a tangential curve, concave southwesterly, a central angle of 10 degrees 15 minutes 26 seconds, a radius of 7539.44 feet, and the chord of said curve bears south 17 degrees 31 minutes 37 seconds east for a distance of 1347.93 feet; thence south 06 degrees 05 minutes 53 seconds east, not tangent to curve, for a distance of 539.30 feet; thence south 39 degrees 31 minutes 07 seconds west for a distance of 153.23 feet; thence south 84 degrees 04 minutes 49 seconds west for a distance of 552.74 feet;

thence south 00 degrees 07 minutes 33 seconds east for a distance of 63.77 feet to the south line of the southeast quarter; thence north 89 degrees 34 minutes 27 seconds east along the south line of the southeast quarter for a distance of 910.58 feet to the southeast corner of the southeast quarter to the point of beginning.

Less the Chicago and Northwestern Railroad right-of-way in the south one-half of the northeast quarter. The parcel is subject to all existing roadway easements.

This parcel contains 22.21 acres more or less.

(e) A parcel of land in the southwest quarter of the southwest quarter of section 32, township 107 north, range 13 west, Olmsted county Minnesota, described as follows:

Beginning at the southwest corner of the southwest quarter; thence north 00 degrees 43 minutes 30 seconds west (for the purpose of this description the west line of the southwest quarter is assumed to be north 00 degrees 43 minutes 30 seconds west) along the west line of said quarter quarter for a distance of 848.56 feet; thence southeasterly 654.77 feet along a nontangential curve, concave southwesterly, a central angle of 04 degrees 46 minutes 24 seconds, a radius of 7859.44 feet, and the chord of said curve bears south 10 degrees 06 minutes 08 seconds east for a distance of 654.58 feet; thence south 47 degrees 06 minutes 34 seconds east for a distance of 127.00 feet; thence south 86 degrees 49 minutes 24 seconds east for a distance of 174.20 feet; thence north 88 degrees 46 minutes 17 seconds east for a distance of 941.35 feet to the east line of the southwest quarter of the southwest quarter; thence south 00 degrees 38 minutes 36 seconds east for a distance of 100.00 feet along the east line of the southwest quarter of the southwest quarter to the southeast corner of the southwest quarter of the southwest quarter; thence south 88 degrees 46 minutes 17 seconds west along the south line of said quarter quarter for a distance of 1313.61 feet to the southwest corner of the southwest quarter of the southwest quarter and the point of beginning. The parcel is subject to all existing roadway easements.

This parcel contains 4.27 acres more or less.

(f) That part of the southeast quarter and that part of the south one-half of the northeast quarter of section 31, lying south of the south right-of-way line of the Chicago and Northwestern railroad, township 107 north, range 13 west, Olmsted county Minnesota, described as follows:

Commencing at the southwest quarter of the southeast quarter; thence north 00 degrees 43 minutes 24 seconds west (for the purpose of this description the west line of the southeast quarter is assumed to be north 00 degrees 43 minutes 24 seconds west) along the west line of southeast quarter for a distance of 2100.00

feet to the point of beginning; thence north 89 degrees 16 minutes 36 seconds east for a distance of 1911.81 feet; thence north 22 degrees 39 minutes 20 seconds west to the north line of the southeast quarter for a distance of 571.30 feet; thence continuing north 22 degrees 39 minutes 20 seconds west to the south right-of-way line of said railroad for a distance of 64.75 feet; thence south 75 degrees 01 minutes 33 seconds west along the south right-of-way line of said railroad for a distance of 239.27 feet to the north line of the southeast quarter; thence continuing south 75 degrees 01 minutes 33 seconds west along the south right-of-way line of said railroad for a distance of 1488.13 feet to the west line of the southeast quarter; thence south 00 degrees 43 minutes 24 seconds east along the west line of the southeast quarter for a distance of 164.79 feet to the point of beginning. Said tract is subject to all existing roadway easements.

This parcel contains 16.11 acres more or less.

Sec. 2. [APPROPRIATION.]

Money received in return for the transfer of lands under section 1 shall be deposited in the land acquisition account, section 94.165, and is hereby appropriated to the commissioner of natural resources for the purpose of acquiring lands for wildlife management in Olmsted county.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day after enactment."

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

S. F. No. 1171, A bill for an act relating to state lands; conveying land to Olmsted county.

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 72 yeas and 51 nays as follows:

Those who voted in the affirmative were:

Backlund	Begich	Blatz	Burger	Dempsey
Battaglia	Bennett	Boerboom	Carlson, D.	DenOuden
Becklin	Bishop	Boo	Clausnitzer	Dimler

Dyke	Hartle	McKasy	Poppenhagen	Thorson
Elioff	Haukoos	McPherson	Quist	Tjornhom
Erickson	Heap	Miller	Redalen	Uphus
Fjoslien	Himle	Minne	Rees	Valan
Forsythe	Johnson	Neuenschwander	Richter	Valento
Frederick	Kelly	Ogren	Schafer	Voss
Frederickson	Kiffmeyer	Olsen, S.	Schoenfeld	Waltman
Frerichs	Knickerbocker	Olson, E.	Schreiber	Zaffke
Gruenes	Kvam	Onnen	Seaberg	Spk. Jennings, D.
Gutknecht	Levi	Ozment	Sparby	
Halberg	Marsh	Pauly	Stanius	
Hartinger	McDonald	Piepho	Thiede	

Those who voted in the negative were :

Anderson, G.	Kahn	Nelson, K.	Rice	Tomlinson
Beard	Kalis	Norton	Riveness	Tompkins
Brandl	Knuth	O'Connor	Rodosovich	Tunheim
Brinkman	Kostohryz	Omann	Sarna	Vanasek
Carlson, L.	Lieder	Osthoff	Scheid	Welle
Clark	McEachern	Otis	Segal	Wenzel
Cohen	McLaughlin	Pappas	Simoneau	Wynia
Ellingson	Metzen	Peterson	Skoglund	
Greenfield	Munger	Price	Solberg	
Jacobs	Murphy	Quinn	Staten	
Jennings, L.	Nelson, D.	Rest	Sviggum	

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

S. F. No. 1388, A bill for an act relating to courts; clarifying the jurisdiction of the court of appeals to issue writs; amending Minnesota Statutes 1984, section 480A.06, subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

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

There were 114 yeas and 0 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Burger	Forsythe	Kahn	McPherson
Backlund	Carlson, D.	Frederick	Kalis	Metzen
Battaglia	Carlson, L.	Frederickson	Kelly	Minne
Beard	Clark	Frerichs	Kiffmeyer	Munger
Begich	Clausnitzer	Greenfield	Knickerbocker	Murphy
Bennett	Cohen	Gruenes	Knuth	Nelson, D.
Bishop	Dempsey	Hartinger	Kostohryz	Nelson, K.
Blatz	DenOuden	Hartle	Krueger	Neuenschwander
Boerboom	Dyke	Haukoos	Levi	Norton
Boo	Elioff	Heap	Long	O'Connor
Brandl	Ellingson	Himle	Marsh	Ogren
Brinkman	Erickson	Jacobs	McEachern	Olsen, S.
Brown	Fjoslien	Jaros	McLaughlin	Olsen, E.

Omann	Price	Scheid	Sviggunn	Vanasek
Ounen	Quist	Schoenfeld	Thiede	Vellenga
Osthoff	Rees	Segal	Thorson	Voss
Otis	Rest	Shaver	Tjornhom	Waltman
Pappas	Richter	Simoneau	Tomlinson	Welle
Pauly	Riveness	Skoglund	Tompkins	Wenzel
Peterson	Rodosovich	Solberg	Tunheim	Wynia
Piepho	Rose	Sparby	Uphus	Zaffke
Piper	Sarna	Stanius	Valan	Spk. Jennings, D.
Poppenhagen	Schafer	Staten	Valento	

The bill was passed and its title agreed to.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 862 :

McKasy, Halberg, Dempsey, Voss and Schafer.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 676 :

Uphus, Frederickson and Minne.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1032 :

Rees, Kiffmeyer and Vanasek.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 58 :

Valan, Poppenhagen and Kalis.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 83 :

Forsythe, Halberg and Kelly.

MOTION FOR RECONSIDERATION

Dempsey moved that the vote whereby H. F. No. 671 was not passed on Monday, May 13, 1985, be now reconsidered. The motion prevailed.

H. F. No. 671 was reported to the House.

Knickerbocker moved to lay H. F. No. 671 on the table.

A roll call was requested and properly seconded.

The question was taken on the Knickerbocker motion and the roll was called.

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

There were 102 yeas and 3 nays as follows :

Those who voted in the affirmative were :

Backlund	Dimler	Knuth	Otis	Stanius
Battaglia	Dyke	Kostobryz	Ozment	Staten
Becklin	Elioff	Krueger	Pauly	Sviggum
Begich	Ellingson	Levi	Peterson	Thorson
Bennett	Erickson	Long	Piepho	Tjornhom
Bishop	Fjoslien	Marsh	Piper	Tompkins
Blatz	Forsythe	McDonald	Price	Tunheim
Boerboom	Frederick	McEachern	Quist	Uphus
Boo	Frederickson	McKasy	Redalen	Valan
Brandl	Frerichs	McPherson	Rees	Valento
Brinkman	Greenfield	Metzen	Rest	Vanasek
Brown	Gruenes	Minne	Riveness	Vellenga
Burger	Halberg	Nelson, K.	Rodosovich	Voss
Carlson, D.	Hartinger	Neuenschwander	Rose	Waltman
Carlson, J.	Hartle	Norton	Sarna	Wenzel
Carlson, L.	Heap	Ogren	Schafer	Wynia
Clark	Himic	Olsen, S.	Scheid	Zaffke
Clausnitzer	Jacobs	Olson, E.	Schoenfeld	Spk. Jennings, D.
Cohen	Johnson	Omann	Shaver	
Dempsey	Kiffmeyer	Onnen	Simoneau	
DenOuden	Knickerbocker	Osthoff	Solberg	

Those who voted in the negative were :

Murphy Segal Welle

The motion prevailed and H. F. No. 671 was laid on the table.

MOTION FOR RECONSIDERATION

Sviggum moved that the vote whereby S. F. No. 40 was not passed on Monday, May 13, 1985, be now reconsidered. The motion prevailed.

S. F. No. 40 was reported to the House.

Forsythe moved to lay S. F. No. 40 on the table. The motion prevailed and S. F. No. 40 was laid on the table.

SPECIAL ORDERS, Continued

S. F. No. 295 was reported to the House.

Zaffke moved to amend S. F. No. 295, as follows :

Page 4, line 25, after "tax" insert "of a total amount"

Page 4, line 25, delete "one mill" and insert "\$70,000"

Page 5, line 30, to page 7, line 18, delete section 8

Renumber the sections in sequence

Amend the title as follows :

Page 1, line 15, delete everything after the semicolon

Page 1, line 16, delete everything before "proposing"

The motion prevailed and the amendment was adopted.

Marsh and Brinkman moved to amend S. F. No. 295, as amended, as follows :

Page 8, after line 34, insert :

"Sec. 16. [STEARNS COUNTY AGGREGATE MATERIAL.]
The Stearns county board may by resolution exempt from the tax imposed pursuant to Minnesota Statutes, section 298.75 any aggregate material produced in Stearns county which is transported by railroad and which is not transported on or used on the roads, streets, or highways in Stearns or any other county.

Sec. 17. [EFFECTIVE DATE.] *Section 16 is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the Stearns county board.'*

Amend the title as follows :

Page 1, line 15, after the semicolon insert :

"exempting certain aggregate material in Stearns county from the aggregate tax ;"

The motion prevailed and the amendment was adopted.

S. F. No. 295, A bill for an act relating to counties; authorizing a special levy for county agricultural society and park and recreation purposes for Hubbard county; authorizing a special levy for support of the Clearwater county hospital; authorizing a special levy for tourism and agriculture promotion in Cass county; requiring a reverse referendum under certain circumstances; increasing the amount of loans available to certain counties for design and construction costs of district heating and qualified energy improvements; allowing municipalities to accel-

erate repayment of principal of energy loans; authorizing county regulation of pawnbrokers, second-hand, and junk dealers; designating Hubbard county as a fiscal agent; amending Minnesota Statutes 1984, section 116J.36, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 471.

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 101 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Long	Pauly	Sviggum
Backlund	Erickson	Marsh	Peterson	Thiede
Battaglia	Fjoslien	McDonald	Piper	Thorson
Becklin	Frederick	McLaughlin	Quinn	Tjornhom
Begich	Frederickson	McPherson	Quist	Tomlinson
Bennett	Greenfield	Metzen	Redalen	Tompkins
Blatz	Gruenes	Minne	Rees	Tunheim
Boerboom	Hartinger	Munger	Rest	Uphus
Boo	Hartle	Murphy	Rice	Valento
Brandl	Heap	Nelson, D.	Richter	Vellenga
Brinkman	Jacobs	Nelson, K.	Riveness	Voss
Brown	Jaros	Neuenschwander	Rose	Waltman
Burger	Kahn	Norton	Scheid	Welle
Carlson, D.	Kelly	Ogren	Schoenfeld	Wenzel
Carlson, L.	Kiffmeyer	Olsen, S.	Segal	Wynia
Clark	Knickerbocker	Olson, E.	Shaver	Zaffke
Clausnitzer	Knuth	Omann	Simoneau	Spk. Jennings, D.
Cohen	Kostohryz	Onnen	Skoglund	
DenOuden	Krueger	Otis	Sparby	
Dyke	Levi	Ozment	Stanius	
Elioff	Lieder	Pappas	Staten	

Those who voted in the negative were:

Beard	O'Connor	Rodosovich	Sarna	Vanasek
McEachern	Price			

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

S. F. No. 904, A bill for an act relating to local government; granting the cities of Red Wing and Hastings the authority to establish a port authority; authorizing each port authority to exercise the power of a municipal housing and redevelopment authority; authorizing the cities to impose restrictions and limitations upon the powers and procedures of the port authority; permitting each city to choose the name of the port authority; providing for removal of port authority commissioners; requiring local approval.

The bill was read for the third time 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 116 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 63 was reported to the House.

There being no objection S. F. No. 63 was temporarily laid over on Special Orders.

S. F. No. 647 was reported to the House.

Erickson moved to amend S. F. No. 647, as follows:

Page 1, line 23, strike everything after "MECC"

Page 1, strike line 24

Page 1, line 25, strike everything before "who"

Page 2, line 26, reinstate the stricken language

Page 2, line 27, before the period insert "*except for administrative microcomputer software products developed by the corporation*"

Page 2, lines 27 to 31, delete the new language

Kahn moved to amend the Erickson amendment to S. F. No. 647, as follows:

In the Erickson amendment, delete lines 2, 3, and 4

A roll call was requested and properly seconded.

The question was taken on the Kahn amendment to the Erickson amendment and the roll was called.

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

There were 50 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Kahn	Nelson, D.	Quinn	Solberg
Battaglia	Kelly	Nelson, K.	Rees	Sparby
Beard	Knuth	Neuenschwander	Rice	Staten
Begich	Kostohryz	Norton	Riveness	Tomlinson
Brandl	Lieder	Ogren	Rodosovich	Tunheim
Clark	Long	Otis	Scheid	Vanasek
Cohen	McLaughlin	Pappas	Schoenfeld	Vellenga
Ellingson	Minne	Peterson	Segal	Voss
Greenfield	Munger	Piper	Simoneau	Welle
Jaros	Murphy	Price	Skoglund	Wenzel

Those who voted in the negative were:

Anderson, R.	Dimler	Hartle	Olsen, S.	Swiggum
Backlund	Dyke	Haukoos	Omann	Thiede
Becklin	Elioff	Heap	Onnen	Thorson
Bennett	Erickson	Kiffmeyer	Ozment	Tjornhom
Boerboom	Fjoslien	Knickerbocker	Pauly	Tompkins
Boo	Forsythe	Levi	Quist	Uphus
Burger	Frederick	Marsh	Redalen	Valento
Carlson, D.	Frederickson	McDonald	Richter	Waltman
Carlson, J.	Frerichs	McEachern	Schafer	Wynia
Carlson, L.	Gruenes	McPherson	Shaver	Zafke
Clausnitzer	Halberg	Metzen	Sherman	Spk. Jennings, D.
DenOuden	Hartinger	O'Connor	Stanius	

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

The question recurred on the adoption of the Erickson amendment to S. F. No. 647. The motion prevailed and the amendment was adopted.

S. F. No. 647, A bill for an act relating to education; Minnesota Educational Computing Corporation; removing some limits on its powers; providing for compliance with certain bidding laws for management computing services; amending Minnesota Statutes 1984, sections 119.04, subdivision 2; 119.05, subdivision 2; and 119.07.

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 108 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

McDonald Rees Voss

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

S. F. No. 63 which was temporarily laid over earlier today was again reported to the House.

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 third time 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 114 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1485, 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 third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

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

There were 111 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Marsh	Peterson	Stanius
Anderson, R.	Fjoslien	McDonald	Piper	Staten
Backlund	Forsythe	McEachern	Price	Thicde
Battaglia	Frederick	McLaughlin	Quinn	Thorson
Beard	Frederickson	McPherson	Quist	Tjornhom
Becklin	Frerichs	Metzen	Redalen	Tomlinson
Begich	Greenfield	Minne	Rees	Tompkins
Bennett	Cruenes	Munger	Rest	Tunheim
Blatz	Halberg	Murphy	Richter	Uphus
Boo	Hartinger	Nelson, D.	Riveness	Valento
Brandl	Hartle	Nelson, K.	Rodosovich	Vanasek
Brown	Heap	Neuenschwander	Rose	Vellenga
Burger	Jaros	Norton	Sarna	Voss
Carlson, D.	Jennings, L.	Ogren	Schafer	Waltman
Carlson, J.	Kahn	Olsen, S.	Scheid	Welle
Carlson, L.	Kelly	Olson, E.	Schoenfeld	Wenzel
Clark	Kiffmeyer	Omamn	Segal	Wynia
Clausnitzer	Knickerbocker	Onnen	Shaver	Zaffke
Cohen	Knuth	Osthoff	Sherman	Spk. Jennings, D.
DenOuden	Kostohryz	Otis	Simoneau	
Dimler	Krueger	Ozment	Skoglund	
Dyke	Lieder	Pappas	Solberg	
Elioff	Long	Pauly	Sparby	

Those who voted in the negative were:

Rice

The bill was passed and its title agreed to.

S. F. No. 925 was reported to the House.

Pauly moved to amend S. F. No. 925, as follows:

Page 1, after line 17, insert:

“Section 1. [472B.01] [POPULAR NAME.]

Sections 1 to 8 may be cited as the “mined underground space development act.”

Sec. 2. [472B.02] [POLICY.]

The legislature finds that many subsurface areas of the state have a largely undeveloped potential to be mined for the development of underground space. The development and redevelopment of mined underground space makes use of the state's special geologic resources, fosters wise land use, especially in built-up urban areas, encourages commercial and industrial development, increases employment opportunities, enhances the tax base, contributes to the preservation of agricultural and other open lands, permits more energy efficient development and promotes and protects the public welfare. The legislature finds that these underground spaces provide an exceptionally stable environment

and may therefore be particularly attractive to such clean industries as high technology and warehousing companies.

Therefore, the legislature finds that it is in the public interest to authorize municipalities to encourage, promote, and enable both public and private development of mined underground space and to authorize municipalities to protect both subsurface areas potentially suitable for development and existing mined underground space."

Renumber remaining sections and conform the internal references to them

Page 9, line 32, after "excavating" insert "and supporting"

Page 9, line 34, after "utilities" insert "including fire sprinkler systems"

Page 21, line 23, before the period insert " , provided the intent of the building code to establish reasonable safeguards for health, safety, welfare, comfort, and security is maintained"

The motion prevailed and the amendment was adopted.

Pauly; Dimler; Knuth; Johnson; Knickerbocker; Norton; Voss; Nelson, K.; McDonald; Shaver; Frederickson; Tjornhom; Onnen; Otis; Nelson, D., and Valento moved to amend S. F. No. 925, as amended, as follows:

Page 2, line 2, delete the period and insert " , but shall not include the development or redevelopment of mined underground space for long term storage or disposal of hazardous waste or high level nuclear waste."

The motion prevailed and the amendment was adopted.

S. F. No. 925, 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, and by adding a subdivision; 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 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 0 nays as follows:

Those who voted in the affirmative were:

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

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

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 third time 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 116 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Becklin	Blatz	Brandl	Burger
Battaglia	Begich	Boerboom	Brinkman	Carlson, D.
Beard	Bennett	Boo	Brown	Carlson, J.

Carlson, L.	Jaros	Nelson, K.	Rees	Thiede
Clark	Jennings, L.	Neuenschwander	Rest	Thorson
Clausnitzer	Kahn	Norton	Rice	Tjornhom
Cohen	Kelly	O'Connor	Richter	Tomlinson
Dempsey	Kiffmeyer	Ogren	Riveness	Tompkins
DenOuden	Knickerbocker	Olsen, S.	Rodosovich	Tunheim
Dimler	Knuth	Olson, E.	Rose	Uphus
Dyke	Kostohryz	Omann	Sarna	Valento
Elioff	Krueger	Onnen	Schafer	Vanasek
Fjoslien	Levi	Osthoff	Scheid	Vellenga
Forsythe	Lieder	Otis	Schoenfeld	Voss
Frederick	Long	Ozment	Segal	Waltman
Frederickson	Marsh	Pappas	Shaver	Welle
Frerichs	McDonald	Pauly	Sherman	Wenzel
Greenfield	McEachern	Peterson	Simoneau	Wynia
Gruenes	McLaughlin	Piepho	Skoglund	Zaffke
Halberg	McPherson	Piper	Solberg	Spk. Jennings, D.
Hartinger	Metzen	Price	Sparby	
Haukoos	Minne	Quinn	Stanisus	
Heap	Munger	Quist	Staten	
Jacobs	Nelson, D.	Redalen	Sviggum	

The bill was passed and its title agreed to.

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 third time 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 95 yeas and 15 nays as follows:

Those who voted in the affirmative were:

Backlund	Cohen	Jaros	Nelson, K.	Rees
Battaglia	DenOuden	Kelly	Neuenschwander	Rest
Beard	Dyke	Kiffmeyer	Norton	Rice
Becklin	Elioff	Knickerbocker	Ogren	Richter
Begich	Erickson	Kostohryz	Olsen, S.	Riveness
Bennett	Fjoslien	Krueger	Olson, E.	Rose
Blatz	Forsythe	Levi	Omann	Schafer
Boerboom	Frederick	Lieder	Onnen	Scheid
Boo	Frederickson	Marsh	Otis	Schoenfeld
Brandl	Gruenes	McDonald	Ozment	Segal
Brinkman	Halberg	McLaughlin	Pappas	Shaver
Brown	Hartinger	McPherson	Pauly	Simoneau
Burger	Hartle	Metzen	Peterson	Solberg
Carlson, D.	Haukoos	Minne	Piper	Sparby
Carlson, L.	Heap	Murphy	Quinn	Stanisus
Clausnitzer	Jacobs	Nelson, D.	Redalen	Sviggum

Thiede	Tomlinson	Valento	Waltman	Wynia
Thorson	Tunheim	Vellenga	Welle	Zaffke
Tjornhom	Uphus	Voss	Wenzel	Spk. Jennings, D.

Those who voted in the negative were:

Anderson, G.	Greenfield	Munger	Price	Skoglund
Clark	Long	O'Connor	Rodosovich	Staten
Ellingson	McEachern	Osthoff	Sarna	Vanasek

The bill was passed and its title agreed to.

S. F. No. 82, A bill for an act relating to real property; requiring that condominium floor plans be approved by county surveyor before recording; amending Minnesota Statutes 1984, section 389.09.

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.

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

There were 117 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1347, 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 third time 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 116 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1353, 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 third time 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 118 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Sarna

The bill was passed and its title agreed to.

Simoneau was excused between the hours of 3:15 p.m. and 4:05 p.m.

S. F. No. 230 was reported to the House.

Blatz moved to amend S. F. No. 230, the unofficial engrossment, as follows:

Page 8, line 17, before the period insert "*, regardless of the amount of the loan*"

Page 21, line 34, before the second period insert "*for adjustments of dollar amounts, except adjustments of the minimum default charge for which a reference base index of December 1984 shall be applied to a beginning minimum default charge of \$4*"

Page 23, after line 18, insert:

"Sec. 23. [APPLICATION.]

Sections 1 to 22 do not affect the adjustments to dollar amounts made pursuant to Minnesota Statutes, section 56.131, subdivision 4, on July 1, 1984, or thereafter unless otherwise specifically provided."

Page 23, line 20, delete "22" and insert "23"

Renumber the remaining section

The motion prevailed and the amendment was adopted.

Blatz moved to amend S. F. No. 230, the unofficial engrossment, as amended, as follows:

Page 23, after line 15, insert:

"Sec. 22. Minnesota Statutes 1984, section 550.37, subdivision 4a, is amended to read:

Subd. 4a. [ADJUSTMENT OF DOLLAR AMOUNTS.] (a) The dollar amounts in (SUBDIVISION 4) *this section* shall change periodically as provided in this subdivision to the extent of changes in the implicit price deflator for the gross national product, 1972 = 100, compiled by the United States department of commerce, and hereafter referred to as the index. The index for December, (1982) 1980, is the reference base index.

(b) The designated dollar amounts shall change on July 1 of each even-numbered year if the percentage of change, calculated to the nearest whole percentage point, between the index for December of the preceding year and the reference base index is ten percent or more. The portion of the percentage change in the index in excess of a multiple of ten percent shall be disregarded and the dollar amounts shall change only in multiples of ten percent of the amounts stated in (SUBDIVISION 4) *this section*.

(c) If the index is revised, the percentage of change pursuant to this section shall be calculated on the basis of the revised index. If a revision of the index changes the reference base index, a revised reference base index shall be determined by multiplying the reference base index then applicable by the rebasing factor furnished by the department of commerce. If the index is superseded, the index referred to in this section is the one represented by the department of commerce as reflecting most accurately changes in the purchasing power of the dollar for consumers.

(d) The commissioner of commerce shall announce and publish:

(1) on or before April 30 of each year in which dollar amounts are to change, the changes in dollar amounts required by paragraph (b); and

(2) promptly after the changes occur, changes in the index required by paragraph (c) including, if applicable, the numerical equivalent of the reference base index under a revised reference base index and the designation or title of any index superseding the index.

(e) A person does not violate this chapter with respect to a transaction otherwise complying with this chapter if he relies on dollar amounts either determined according to paragraph (b) or appearing in the last publication of the commissioner announcing the then current dollar amounts."

Renumber remaining sections in sequence

Page 23, line 20, delete "22" and insert "21 and section 23"

Page 23, line 21, after the period insert "Section 22 is effective July 1, 1986."

Amend the title as follows:

Page 1, line 23, after the semicolon insert "providing an inflation adjustment for amounts exempt from creditors;"

Page 1, line 29, after the semicolon insert "and 550.37, subdivision 4a"

The motion prevailed and the amendment was adopted.

Kvam moved to amend S. F. No. 230, the unofficial engrossment, as amended, as follows:

Page 2, after line 30, insert:

"Sec. 2. Minnesota Statutes 1984, section 49.05, is amended by adding a subdivision to read:

Subd. 5. [FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER OR LIQUIDATOR.] The Federal Deposit Insurance Corporation created by Section 12B of the Federal Reserve Act, as amended, upon appointment by the commissioner, may act without bond as receiver or liquidator of a financial institution, the deposits in which are to any extent insured by this corporation, and that has been closed pursuant to section 49.04, subdivision 1.

Notwithstanding any other provision of law the appropriate state authority having the right to appoint a receiver or liquidator of a financial institution may, in the event of the closing, tender to the corporation the appointment as receiver or liquidator of the financial institution; and, if the corporation accepts

the appointment, the corporation shall have and possess all the powers and privileges provided by the laws of this state with respect to a receiver or liquidator, respectively, of a financial institution, its depositors, and other creditors.

Sec. 3. Minnesota Statutes 1984, section 49.05, is amended by adding a subdivision to read:

Subd. 6. [RIGHT OF SUBROGATION.] When a financial institution has been closed, and the federal deposit insurance corporation has paid or made available for payment the insured deposit liabilities of the closed institution, the corporation, whether or not it has or shall thereafter become a liquidating agent of the closed institution is subrogated, by operation of law with like force and effect as if the closed institution were a national bank, to all rights of the owners of these deposits against the closed financial institution in the same manner and to the same extent as now or hereafter necessary to enable the federal deposit insurance corporation under federal law to make insurance payments available to depositors of closed insured banks; provided, that the rights of depositors and other creditors of the closed institution shall be determined in accordance with the laws of this state. The commissioner may, in his or her discretion, in the event of the closing of any financial institution pursuant to section 49.04, subdivision 1, the deposits of which banking institution are to any extent insured by the corporation, tender to the corporation the appointment as liquidating agent of this financial institution and, if the corporation accepts the appointment, it shall have and possess all the powers and privileges provided by the laws of this state with respect to a special deputy examiner of the department of commerce in the management and liquidation of this institution, and be subject to all the duties of the special deputy examiner; provided, that nothing contained in this subdivision shall be construed as a surrender of the right of the commissioner to liquidate financial institutions under his or her supervision pursuant to the statute in such case made and provided; and the commissioner may waive the filing of a bond by the corporation as the special deputy examiner."

Page 23, line 20, delete "22" and insert "24"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon insert "authorizing the FDIC to act as receiver or liquidator of closed financial institution and providing a right of subrogation;"

Page 1, line 25, after the semicolon insert "49.05, by adding subdivisions;"

The motion prevailed and the amendment was adopted.

Wynia moved to amend S. F. No. 230, the unofficial engrossment, as amended, as follows:

Page 21, line 8, delete the semicolon

Page 21, delete lines 9 to 24

Page 21, line 25, delete "lender"

A roll call was requested and properly seconded.

The Speaker called Halberg to the Chair.

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

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

There were 60 yeas and 60 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Backlund	Dyke	Haukoos	Olsen, S.	Shaver
Becklin	Erickson	Heap	Onnen	Sherman
Bennett	Fjoslien	Kiffmeyer	Osthoff	Stanius
Blatz	Forsythe	Knickerbocker	Ozment	Sviggum
Boerboom	Frederick	Kostohryz	Pauly	Thiede
Boo	Frederickson	Kvam	Quist	Thorson
Brinkman	Frerichs	Levi	Redalen	Tjornhom
Burger	Gruenes	Marsh	Rees	Tompkins
Clausnitzer	Gutknecht	McDonald	Richter	Uphus
Dempsey	Halberg	McKasy	Rose	Valento
DenOuden	Hartinger	McPherson	Schafer	Waltman
Dimler	Hartle	Metzen	Scheid	Zaffke

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

POINT OF ORDER

Norton raised a point of order pursuant to rule 2.4 relating to explaining or changing votes. The Speaker pro tempore Halberg ruled the Norton point of order not well taken.

MOTION FOR RECONSIDERATION

Osthoff moved that the vote whereby the Wynia amendment to S. F. No. 230, the unofficial engrossment, as amended, was not adopted be now reconsidered.

A roll call was requested and properly seconded.

POINT OF ORDER

Levi raised a point of order pursuant to section 527 of "Mason's Manual of Legislative Procedure" relating to correcting the vote. The Speaker pro tempore Halberg ruled the Levi point of order well taken.

The question recurred on the Osthoff motion to reconsider the Wynia amendment to S. F. No. 230, the unofficial engrossment, as amended, and the roll was called.

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

There were 68 yeas and 61 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.	Rest	Sviggum
Bishop	Kalis	Nelson, K.	Rice	Tomlinson
Brandl	Kelly	Norton	Riveness	Tunheim
Brown	Knuth	Ogren	Rodosovich	Vanasek
Carlson, D.	Kostohryz	Olson, E.	Sarna	Vellenga
Carlson, L.	Krueger	Omann	Scheid	Voss
Clark	Lieder	Osthoff	Schoenfeld	Welle
Cohen	Long	Otis	Seaberg	Wenzel
Elioff	McDonald	Ozment	Segal	Wynia
Ellingson	McEachern	Pappas	Simoneau	
Greenfield	McLaughlin	Peterson	Skoglund	

Those who voted in the negative were :

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

The motion prevailed.

The Wynia amendment to S. F. No. 230, the unofficial engrossment, as amended, was reported to the House.

Wynia moved to amend S. F. No. 230, the unofficial engrossment, as amended, as follows:

Page 21, line 8, delete the semicolon

Page 21, delete lines 9 to 24

Page 21, line 25, delete "lender"

A roll call was requested and properly seconded.

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

Those who voted in the negative were:

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

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

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

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 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 75 yeas and 47 nays as follows:

Those who voted in the affirmative were:

Backlund	Dimler	Hartinger	McDonald	Pauly
Bennett	Dyke	Hartle	McKasy	Piepho
Bishop	Ellingson	Haukoos	McPherson	Poppenhagen
Blatz	Erickson	Heap	Metzen	Quist
Boerboom	Fjoslien	Himle	Miller	Redalen
Boo	Forsythe	Jacobs	Nelson, K.	Rees
Brinkman	Frederick	Johnson	Neuenschwander	Richter
Burger	Frederickson	Kiffmeyer	Olsen, S.	Rose
Carlson, L.	Frerichs	Knickerbocker	Onnen	Schafer
Clausnitzer	Gruenes	Levi	Osthoff	Scheid
Cohen	Gutknecht	Lieder	Otis	Schreiber
Dempsey	Halberg	Marsh	Ozment	Seaberg

Shaver	Swiggum	Tjornhom	Valan	Wenzel
Sherman	Thiede	Tompkins	Valento	Zaffke
Stanisus	Thorson	Uphus	Waltman	Spk. Jennings, D.

Those who voted in the negative were :

Anderson, G.	Kahn	Nelson, D.	Rice	Tomlinson
Battaglia	Kelly	Norton	Riveness	Tunheim
Beard	Knuth	O'Connor	Rodosovich	Vanasek
Begich	Krueger	Ogren	Sarna	Vellenga
Brandl	Long	Olson, E.	Schoenfeld	Voss
Brown	McEachern	Omann	Simoneau	Welle
Carlson, D.	McLaughlin	Pappas	Skoglund	Wynia
Clark	Minne	Peterson	Solberg	
Elioff	Munger	Price	Sparby	
Greenfield	Murphy	Rest	Staten	

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

S. F. No. 1183 was reported to the House.

Bennett moved to amend S. F. No. 1183, as follows:

Add a section to read:

“Sec. 3. [340.147] [LICENSING OF INDUSTRY REPRESENTATIVES.]

Subdivision 1. [DEFINITION.] “Industry representative” means a person located in Minnesota who is an agent or broker other than an employee, of a distillery or winery.

Subd. 2. [LICENSE REQUIRED.] All industry representatives and their employees must obtain a license from the commissioner of public safety as a prerequisite to representing a distillery or winery.

Subd. 3. [FEE; TERM.] The annual license fee for an industry representative is \$300. The annual license fee for an employee thereof is \$12 payable at the time of application. An industry representative’s license is a personal privilege, valid for one year unless sooner suspended or revoked. An application for renewal of an industry representative’s license, along with all license fees, must be filed with the commissioner of public safety not less than 45 days prior to the date of expiration.

Subd. 4. [VERIFICATION OF EMPLOYMENT.] An application for an industry representative’s license must be accompanied by a written statement from the distillery or winery the applicant proposes to represent verifying the applicant’s employment or contractual arrangement, and must contain a statement that the employer is responsible for the actions of the agent or broker.

Subd. 5. [PRIVILEGES.] A licensed industry representative may promote the vendor's products and may call upon licensed retailers to insure product identification, give advance notice of new products or product changes, and share other pertinent market information. An industry representative may not provide in-store services of any kind, either directly or indirectly, for licensed retailers, such as stocking shelves, pricing product, or taking inventory. An industry representative may not directly or indirectly take orders from a licensed retailer.

Subd. 6. [SAMPLES.] An industry representative may furnish a sample of an alcoholic beverage to a retail licensee, and his agents or employees, who has not previously purchased the brand. The industry representative may not furnish samples of more than 500 milliliters of a brand of distilled spirits or more than three liters of a brand of wine. If a particular product is not available in a size within the quantity limitation of this subdivision, an industry representative may furnish to a licensed retailer the next larger size. An industry representative may not distribute unopened bottles or cases to licensed retailers in the form of a bonus of free goods or as an inducement for current or further purchases of these products.

Subd. 7. [REPORTS.] A distillery, winery, or broker must furnish within 60 days after the end of each month a report to the commissioner specifying for that month the type, quantity, date, and the licensed retailers who received samples from the distillery or winery.

Subd. 8. [VIOLATIONS.] The commissioner may revoke, or suspend for up to 60 days, the license of an industry representative on a finding that the industry representative has violated a law, or a rule of the commissioner, relating to alcoholic beverages. If an industry representative's license is revoked, that individual is ineligible for a new license for a period of five years. The commissioner may revoke, or suspend for up to 60 days, the importation license of a distillery or winery on a finding by the commissioner that its industry representative has violated a law, or rule of the commissioner, relating to alcoholic beverages."

ReNUMBER the remaining sections

Amend the title as follows:

Page 1, line 5, after the semicolon insert "requiring the licensing of industry representatives;"

Page 1, line 8, after "subdivision" insert "; proposing coding for new law in Minnesota Statutes, chapter 340"

The motion prevailed and the amendment was adopted.

Zaffke moved to amend S. F. No. 1183, as amended, as follows :

Page 2, delete section 2

Page 3, after line 1, insert :

"Sec. 3. [ON-SALE AND OFF-SALE LICENSES ; INDIAN RESERVATIONS.]

Notwithstanding Minnesota Statutes, section 340.11 or any other law to the contrary, a license to sell off-sale or on-sale intoxicating liquor in effect on July 1, 1984, and issued by the governing body of an Indian tribe in accordance with United States Code, title 18, section 1161, is valid under Minnesota Statutes, chapter 340 without obtaining a license from a local unit of government. A valid license under this section may be renewed with the approval of the commissioner of public safety.

Sec. 4. [REPEALER.]

Section 3 is repealed July 1, 1986."

Page 3, delete lines 3 to 12

Page 3, line 13, delete "3" and insert "2"

Page 3, after line 15, insert :

"Section 3 is effective July 1, 1985."

Renumber the sections in sequence

The motion prevailed and the amendment was adopted.

Dempsey offered an amendment to S. F. No. 1183, as amended.

POINT OF ORDER

Skoglund raised a point of order pursuant to rule 3.9 that the Dempsey amendment was not in order. The Speaker pro tempore Halberg ruled the Skoglund point of order well taken and the Dempsey amendment out of order.

Brinkman, O'Connor, Piepho, Marsh, Frerichs and Valan offered an amendment to S. F. No. 1183, as amended.

POINT OF ORDER

Kelly raised a point of order pursuant to rule 3.9 that the Brinkman et al. amendment was not in order. The Speaker pro

tempore Halberg ruled the Kelly point of order well taken and the Brinkman et al. amendment out of order.

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

S. F. No. 1183, A bill for an act relating to intoxicating liquor; providing for issuance of licenses within Indian country; allowing the sales between collectors of discontinued brands of beer in cans; authorizing the issuance of on-sale licenses in certain theaters in Minneapolis; amending Minnesota Statutes 1984, section 340.11, subdivision 15, and by adding a subdivision.

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 109 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Hartinger

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

S. F. No. 375, A bill for an act relating to insurance; authorizing domestic companies to purchase or sell certain futures con-

tracts; amending Minnesota Statutes 1984, section 61A.28, sub-division 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.

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

There were 107 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

The Speaker resumed the Chair.

S. F. No. 1036 was reported to the House.

Greenfield moved to amend S. F. No. 1036, as follows:

Page 2, line 18, after "service" insert "made by a sheriff"

Page 3, line 2, before the semi-colon insert ". If the court finds that the safety of the victim or the children will be jeopardized by unsupervised or unrestricted visitation, the court shall condition or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of the victim and the children. The court's deliberation under

this subdivision shall in no way delay the issuance of an order for protection granting other reliefs provided for in this act"

The motion prevailed and the amendment was adopted.

S. F. No. 1036, 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 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 107 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 1234 was reported to the House.

Osthoff moved to amend S. F. No. 1234, as follows:

Delete everything after the enacting clause and insert:

"Section 1. [SAINT PAUL; TEMPORARY WINE LICENSES.]

Notwithstanding the provisions of any law or charter provision to the contrary, and in addition to the number of on-sale intoxicating liquor licenses authorized by law or charter, the Saint Paul city council may issue to bona fide nonprofit charitable, religious, or veterans organizations temporary on-sale wine licenses for periods not to exceed three consecutive days at a fee to be established by said governing body. The licenses shall authorize the sale of wine not exceeding 14 percent alcohol by volume for consumption on the licensed premises only, as described on the approved license application, on the days described in the license, which may be any days of the week.

Sec. 2. Minnesota Statutes 1984, section 340.11, subdivision 21, is amended to read:

Subd. 21. [LIABILITY INSURANCE.] Every person licensed to sell at retail intoxicating liquor or nonintoxicating malt liquor at on-sale or off-sale shall, after August 1, 1983, demonstrate proof of financial responsibility with regard to liability imposed by section 340.95, to the authority issuing the license as a condition of the issuance or renewal of his license, provided this subdivision does not apply to licensees who by affidavit establish that they are on-sale nonintoxicating malt liquor licensees with sales of less than \$10,000 of nonintoxicating malt liquor for the preceding year, or off-sale nonintoxicating malt liquor licensees with sales of less than \$20,000 of nonintoxicating malt liquor for the preceding year, or holders of on-sale wine licenses under subdivision 20 or holders of temporary wine licenses issued under law, with sales of less than \$10,000 of wine for the preceding year. The issuing authority must submit to the commissioner the proof of financial responsibility or exemption affidavit submitted by the license applicant. Proof of financial responsibility may be given by filing:

(a) A certificate that there is in effect for the period covered by the license an insurance policy or pool providing the following minimum coverages;

(1) \$50,000 because of bodily injury to any one person in any one occurrence, and, subject to the limit for one person, in the amount of \$100,000 because of bodily injury to two or more persons in any one occurrence, and in the amount of \$10,000 because of injury to or destruction of property of others in any one occurrence.

(2) \$50,000 for loss of means of support of any one person in any one occurrence, and, subject to the limit for one person, \$100,000 for loss of means of support of two or more persons in any one occurrence; or

(b) A bond of a surety company with minimum coverages as provided in clause (a), or

(c) A certificate of the state treasurer that the licensee has deposited with him \$100,000 in cash or securities which may legally be purchased by savings banks or for trust funds having a market value of \$100,000.

This subdivision does not prohibit a local governing unit from requiring higher insurance or bond coverages, or a larger deposit of cash or securities than is required hereunder, as a condition of issuance or renewal of a retail intoxicating liquor or non-intoxicating malt liquor on-sale or off-sale license.

The commissioner of commerce shall advise licensees and municipalities subject to the financial responsibility requirements of this subdivision of those persons offering insurance coverage. The commissioner of commerce shall establish a program to assist licensees in obtaining insurance coverage. The program shall include a committee appointed by the commissioner of commerce of a representative group of insurance carriers and producers. The commissioner of commerce shall serve as an ex officio member of the committee. The committee shall review and act upon all properly executed applications requesting liquor liability market assistance. The market assistance program shall be established by the commissioner of commerce by August 1, 1983, and shall continue to function so long as its services are deemed by the commissioner of commerce to be necessary to relieve perceived availability problems in the liquor liability insurance market. If the committee finds that it cannot assist in securing insurance coverage it shall notify the applicant in writing with a full explanation and recommendation for enhancing its ability to secure insurance. The commissioner of commerce shall, if necessary, establish an assigned risk plan pursuant to subdivision 23.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective upon compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Saint Paul."

Delete the title and insert:

"A bill for an act relating to liquor; permitting the city of St. Paul to issue temporary on-sale wine licenses to nonprofit charitable, religious, or veterans organizations; providing for the applicability of mandatory liability insurance; amending Minnesota Statutes 1984, section 340.11, subdivision 21."

The motion prevailed and the amendment was adopted.

S. F. No. 1234, 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 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 105 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslien	Kvam	Otis	Simoneau
Battaglia	Forsythe	Levi	Ozment	Solberg
Beard	Frederick	Lieder	Pappas	Sparby
Begich	Frederickson	Long	Pauly	Stanius
Bennett	Frerichs	Marsh	Peterson	Staten
Blatz	Greenfield	McDonald	Piper	Sviggum
Boerboom	Gruenes	McEachern	Price	Thorson
Boo	Gutknecht	McLaughlin	Quist	Tjornhom
Brandt	Halberg	McPherson	Rest	Tomlinson
Brinkman	Hartle	Metzen	Rice	Tompkins
Brown	Haukoos	Minne	Richter	Tunheim
Burger	Heap	Murphy	Riveness	Uphus
Carlson, D.	Himle	Nelson, D.	Rodosovich	Valento
Carlson, L.	Jacobs	Nelson, K.	Rose	Vanasek
Clark	Jaros	Neuenschwander	Sarna	Vellenga
Clausnitzer	Kahn	Norton	Schafer	Voss
Cohen	Kelly	Ogren	Scheid	Waltman
Dimler	Kiffmeyer	Olsen, S.	Schoenfeld	Welle
Dyke	Knickerbocker	Olson, E.	Segal	Wenzel
Elioff	Kostohryz	Omann	Shaver	Zaffke
Ellingson	Krueger	Osthoff	Sherman	Spk. Jennings, D.

Those who voted in the negative were:

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

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 952, 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.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such Committee Messrs. Waldorf, Wegscheid and Mrs. Brataas.

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

Levi 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. 952. The motion prevailed.

Mr. Speaker :

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on :

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 Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 952:

Miller, Clausnitzer and Krueger.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 213:

Stanius; Nelson, K., and Valento.

The Speaker announced the following change of conferee on S. F. No. 862:

Delete Dempsey and add Boo.

GENERAL ORDERS

Levi moved that the bills on General Orders for today be continued one day. The motion prevailed.

ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 12:00 noon, Thursday, May 16, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Thursday, May 16, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-FOURTH SESSION -- 1985

SIXTY-SECOND DAY

SAINT PAUL, MINNESOTA, THURSDAY, MAY 16, 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 Pastor Duane Nelson, Our Savior's Lutheran, Pequot Lakes, 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	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	Waitman
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. Haukoos 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.

Anderson, R., was excused while in conference.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 490, 646, 939, 961, 1015, 1250 and 1436 and S. F. Nos. 866, 251, 818 and 919 have been placed in the members' files.

S. F. No. 866 and H. F. No. 939, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Rose moved that the rules be so far suspended that S. F. No. 866 be substituted for H. F. No. 939 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Forsythe from the Committee on Appropriations 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 following amendments:

Page 3, after line 29, insert:

"Sec. 4. Minnesota Statutes 1984, section 145.917, subdivision 4, is amended to read:

Subd. 4. [WITHDRAWAL.] Any participating county or city (,) may by resolution of its governing body (,) indicate its intention to withdraw from the subsidy program established by sections 145.911 to (145.922) 145.921.

(a) Notification shall be given to the state commissioner of health and to each county or city in any multi-county or multi-city combination, at least one year before the beginning of the fiscal year in which it takes effect.

(b) When two or more counties or cities have combined for the purposes of sections 145.911 to 145.921, the withdrawal provision shall not be applicable during the first two years following the adoption of the initial agreement to combine.

(c) The withdrawal of a county or city from a group of two or more counties or cities combined for the purposes of sections 145.911 to 145.921 shall not affect the eligibility for the community health services subsidy of the remaining counties or cities for at least one year following the withdrawal.

(d) *The amount of any additional annual payment for calendar year 1985 made pursuant to Laws 1976, section 11, subdivision 4, shall be subtracted from the subsidy for a county that, due to withdrawal from a multi-county combination, ceases to meet the terms and conditions under which that additional annual payment was made.*

Page 5, line 11, before the period insert “, except as provided in section 145.917, subdivision 4”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete “and” and insert a comma

Page 1, line 5, after “3” insert “, and 4”

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. 769, A bill for an act relating to human services; creating a procedure for reconsideration of a resident's case mix classification; establishing approval procedures and requirements for hospital swing beds; restricting licensure of new nursing home beds; expanding the preadmission screening program; revising statutes relating to nursing home reimbursement; creating an appeal process for nursing home appraisals; recovering the federal share of overpayments from medical vendors; requiring review by the commissioners of human services and health of proposals for revenue bond financing of health facility projects; amending Minnesota Statutes 1984, sections 144.50, subdivision 2; 144A.01, subdivision 5; 144A.071, subdivisions 1, 2, and 3; 256B.02, subdivision 8; 256B.091, subdivisions 1, 2, 4, 5, and 8; 256B.431, subdivisions 2b, 3, and 4; 256B.50; and 474.01, subdivisions 7a and 9; proposing coding for new law in Minnesota Statutes, chapters 144 and 256B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“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 supporting 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 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 non-ambulatory persons in obtaining emergency or nonemergency medical care when paid directly to an ambulance company, com-

mon 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. 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 as-*

stance 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. *In developing the geographic groups for purposes of reimbursement under this section, the commissioner shall ensure that nursing homes in any county contiguous to the Minneapolis-St. Paul seven-county metropolitan area be included in the same group.* 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 diems 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. *For the rate year beginning on July 1, 1985, the commissioner shall:*

(1) *allow nursing homes that have an average length of stay of 180 days or less in their skilled nursing level of care, 125 percent of the care related limit and 105 percent of the other operating cost limit established by rule by the commissioner; and*

(2) *exempt nursing homes licensed on July 1, 1983, by the commissioner to provide residential services for the physically handicapped under Minnesota Rules, parts 9570.2000 to 9570.3600, from the care related limits and allow 105 percent of the other operating cost limit established by rule by the commissioner.*

For the purpose of calculating the other operating cost efficiency incentive, the commissioner shall use the other operating cost limit before application of the 105 percent.

For the rate year beginning July 1, 1985, each nursing home total payment rate must be effective two calendar months from

the first day of the month after the commissioner issues the rate notice to the nursing home. From July 1, 1985, until the total payment rate becomes effective, the commissioner shall make payments to each nursing home at a temporary rate which is the prior rate year's operating cost payment rate increased 2.6 percent plus the prior rate year's property-related payment rate and the prior rate year's real estate taxes and special assessments payment rate. The commissioner shall retroactively adjust the property-related payment rate and the real estate taxes and special assessments payment rate to July 1, 1985, but must not retroactively adjust the operating cost payment rate.

(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, is amended by adding a subdivision to read:

Subd. 2g. [PHASE-IN.] The commissioner shall allow each nursing home whose actual allowable historical operat-

ing cost per diem for the reporting year ending September 30, 1984, and the following two reporting years is five percent or more above the limits established by the commissioner to be reimbursed for part of the excess costs each year for up to three rate years according to the formula in this subdivision. The commissioner shall reimburse the nursing home:

(1) for the rate year beginning July 1, 1985, 75 percent of the difference between the actual allowable historical operating cost per diem and the limit established by the commissioner;

(2) for the rate year beginning July 1, 1986, 60 percent of the difference between the actual allowable historical operating cost per diem and the limit established by the commissioner; and

(3) for the rate year beginning July 1, 1987, 45 percent of the difference between the actual allowable historical operating cost per diem and the limit established by the commissioner.

Sec. 16. 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 resident's 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 movable 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. 17. 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 S 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. 18. Minnesota Statutes 1984, section 256B.48, is amended by adding a subdivision to read:

Subd. 6. [MEDICARE CERTIFICATION.] All nursing homes certified as skilled nursing facilities under the medical assistance program shall participate in Medicare part A and part B unless, after submitting an application, Medicare certification is denied by the federal health care financing administration. Medicare review will be conducted at the time of the annual medical assistance review. Charges for Medicare-covered services provided to residents who are simultaneously eligible for medical assistance and Medicare must be billed to Medicare part A or part B before billing medical assistance. Medical assistance may be billed only for charges not reimbursed by Medicare.

The commissioner of health may grant exceptions from this requirement when it is determined that there is a sufficient number of Medicare-certified beds to meet the needs of Medicare beneficiaries in that region of the state. For the purposes of this section, the relevant geographic area would be the county in which the nursing home is located together with contiguous Minnesota counties. To determine that there is a sufficient number of Medicare-certified beds for a particular geographic region, the commissioner of health shall assure that there are at least as many Medicare-certified beds per 1,000 elderly as the national average, based on 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 must 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 certification review.

Sec. 19. 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. 20. [256B.0641] [RECOVERY OF OVERPAYMENT.]

Subdivision 1. Notwithstanding the provisions of Minnesota Statutes, section 256B.72 or any laws or rules to the contrary, when it has been determined that an overpayment has been made by the state to any medical assistance vendor

and that the federal phase 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 paid to that provider using the same schedule of payments required by the federal government.

Subd. 2. Notwithstanding the provisions of Minnesota Statutes, section 256B.72 or any laws or rules to the contrary, if the overpayment to a medical assistance vendor is due to a retroactive adjustment caused by either the medical assistance vendor's temporary payment rate being higher than the established desk audit payment rate or a department error in calculating a payment rate, the state shall recover from the medical assistance vendor the total amount of the overpayment within 120 days after the date in which written notice of the adjustment is sent to the medical assistance vendor or according to a schedule of payments approved by the commissioner.

Sec. 21. [256B.72] [RIGHT OF APPEAL.]

The commissioner shall not recover overpayments from medical assistance vendors during the pendency of any administrative appeal or judicial action challenging the proposed recovery.

Sec. 22. 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. 23. 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.*

Sec. 24. [EFFECTIVE DATE.]

Sections 1 to 8, 14, 16, 17, 19, 22, and 23 are effective the day following final enactment. Sections 9 to 13 are effective July 1, 1985. Sections 20 and 21 are effective upon adoption of the federal rules governing medical assistance overpayments made by the state."

Delete the title and insert:

"A bill for an act relating to human services; creating a procedure for reconsideration of a resident's case mix classification; establishing approval procedures and requirements for hospital swing beds; restricting licensure of new nursing home beds; expanding the preadmission screening program; revising statutes relating to nursing home reimbursement; creating an appeal process for nursing home appraisals; recovering the federal share of overpayments from medical vendors; requiring review by the commissioners of human services and health of proposals for revenue bond financing of health facility projects; amending Minnesota Statutes 1984, sections 144.50, subdivision 2; 144A.01, subdivision 5; 144A.071, subdivisions 1, 2, and 3; 256B.02, sub-

division 8; 256B.091, subdivisions 1, 2, 4, 5, and 8; 256B.431, subdivisions 2b, 3, 4, and by adding a subdivision; 256B.48, by adding a subdivision; 256B.50; and 474.01, subdivisions 7a and 9; proposing coding for new law in Minnesota Statutes, chapters 144 and 256B."

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. 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; imposing penalties; amending Minnesota Statutes 1984, sections 297.02, by adding a subdivision; 297.03, subdivisions 6 and 10; 297.13, subdivision 1; 297.22, subdivision 1; 297.32, subdivisions 1, 2, and by adding subdivisions; 297.35, subdivision 1; and 325D.41; proposing coding for new law in Minnesota Statutes, chapters 124, 144, 145, and 609.

Reported the same back with the following amendments:

Page 2, line 35, delete "12" and insert "6"

Page 3, lines 8 and 28, delete "12" and insert "6"

Page 4, line 21, delete everything after the first comma

Page 4, line 22, delete "shall be"

Pages 5 and 6, delete section 9

Page 9, delete section 18

Page 9, line 26, delete "\$" and insert "\$1,323,187"

Page 9, line 27, delete "10" and insert "9"

Page 9, line 29, before the period insert "if and when"

Page 9, line 30, delete "\$" and insert "\$3,657,644"

Page 9, line 31, delete "10" and insert "9"

Page 9, line 33, before the period insert "if and when"

Pages 9 and 10, delete section 20

Renumber the sections in sequence

Amend the title as follows :

Page 1, delete line 5

Page 1, line 9, delete "subdivisions" and insert "subdivision" and delete "and 10"

Page 1, line 13, after "144," insert "and" and delete ", and 609"

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. 828, A bill for an act relating to economic security ; clarifying the community action program financial assistance requirements ; amending Minnesota Statutes 1984, sections 268.52, subdivisions 1 and 2 ; and 268.53, subdivision 2.

Reported the same back with the following amendments :

Page 4, after line 2, insert :

"Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective the day after 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. 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.

Reported the same back with the following amendments:

Page 5, line 16, delete "15" and insert "25"

Page 5, line 17, after the period insert "*All routes shall be approved by the commissioner under this section.*"

Page 5, line 19, after the period insert "*The commissioner shall not issue permits under this subdivision if their issuance will result in a loss of federal highway funding to the state.*"

Amend the title as follows:

Page 1, line 6, delete "15" and insert "25"

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. 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.

Reported the same back with the following amendments:

Page 3, line 26, after the period insert "*Neglect also means "medical neglect" as defined in section 260.015, subdivision 10, clause (e).*"

Page 3, lines 27 to 29, delete the new language

Page 3, line 35, reinstate the stricken "(e)" and delete "(f)"

Page 4, lines 2, 6, 8, and 10, reinstate the stricken language and delete the new language

Page 4, after line 14, insert:

"Sec. 3. 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 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 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, 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, notification of this interview be withheld from the parent, legal custodian, or guardian.

(c) When the local welfare or local law enforcement agency determines that an interview should take place on school property, written notification 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, 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. 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 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, 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 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, *including medical 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."

Page 4, line 20, after "shall" insert "*in addition to its other duties under this section,*"

Page 4, line 25, after the comma insert "*and by filing an expedited motion*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete the second "subdivision" and insert "subdivisions" and after "2," insert "10,"

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. 1258, A bill for an act relating to human services; revising methods for determining state payments to counties for administrative costs of public assistance programs; revising the community social services act; requiring the commissioner to develop standards; establishing minimum funding levels; authorizing certain persons to provide foster or family care services; amending Minnesota Statutes 1984, sections 256D.22; 256E.05, subdivision 3; 256E.06, subdivisions 2, 2a, 3, 5, 6, and by adding subdivisions; 256E.08, subdivision 1; 256E.09, subdivisions 1, 2, and 3; and 382.18; repealing Minnesota Statutes 1984, section 256E.06, subdivision 7.

Reported the same back with the following amendments:

Page 2, line 23, delete "40" and insert "50"

Page 2, lines 28 and 29, delete "four"

Page 2, line 33, delete "one-fourth" and insert "one-half"

Page 3, line 2, after the semicolon insert "and"

Page 3, delete lines 3 to 5

Page 3, line 6, delete "(3) one-fourth" and insert "(2) one-half"

Page 3, line 9, delete "; and" and insert a period

Page 3, delete lines 10 to 15

Page 6, delete lines 24 to 26, and insert:

"(1) for calendar year 1985, not less than 100 percent of the state money received for calendar year 1984;"

Page 12, after line 28, insert:

"Sec. 14. [STUDY.]

The commissioner of human services and representatives of counties shall study the planning and reporting requirements under the community social services act, including the required contents of the biennial plan, and provide a report and recommendations to the legislature by January 1, 1986, on methods of minimizing the administrative burdens imposed on counties under the act."

Page 13, line 12, delete "14" and insert "15"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the semicolon insert "requiring a study;"

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. 928, A bill for an act relating to occupations and professions; providing for licensure of persons engaged in the sale of hearing instruments; requiring the commissioner of health to reconsider the application of speech language pathologists and audiologists for credentialing; appropriating money; providing a penalty; proposing coding for new law as Minnesota Statutes, chapter 153A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [153A.01] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] For the purposes of sections 1 to 13, the terms defined in this section have the meanings given to them.

Subd. 2. [HEARING INSTRUMENT.] "Hearing instrument" means an instrument designed for or represented as aiding defective human hearing, and its parts, attachments, or accessories, including but not limited to ear molds. Batteries and cords are not parts, attachments, or accessories of a hearing instrument. Surgically implanted hearing instruments are excluded. Assistive listening devices not requiring testing, fitting, or the use of ear molds, and which neither they nor their attachments are worn within the ear canal, are not hearing instruments.

Subd. 3. [HEARING INSTRUMENT DISPENSER.] "Hearing instrument dispenser" means a natural person licensed by the department to fit and dispense hearing instruments, to assist the consumer in instrument selection, and to sell hearing instruments at retail. The term includes the testing of human hearing in connection with these activities. Nothing contained in this

chapter shall be deemed to preclude or limit the testing of hearing by audiologists who are duly certified by the American speech and hearing association to test human hearing.

Subd. 4. [HEARING INSTRUMENT DISPENSING.] "Hearing instrument dispensing" means fitting and dispensing hearing instruments, assisting the consumer in instrument selection, and selling hearing instruments at retail. The term includes the testing of human hearing in connection with these activities.

Subd. 5. [COMMISSIONER.] "Commissioner" means the commissioner of commerce.

Subd. 6. [DEPARTMENT.] "Department" means the department of commerce.

Sec. 2. [153A.02] [POWERS AND DUTIES.]

Subdivision 1. [REGULATION.] The department shall:

- (1) regulate the practice of hearing instrument dispensing;
- (2) regulate the retail fitting, dispensing, and sale of hearing instruments within this state;
- (3) examine and license as hearing instrument dispensers all applicants whom it considers qualified;
- (4) deny, suspend, revoke, or refuse to renew a license required under this chapter, to any applicant or licensee upon any of the following grounds:
 - (a) fraud or deception in connection with the securing of a license or in connection with the fitting, dispensing, or sale of hearing instruments;
 - (b) conviction in any court of a felony;
 - (c) conviction in any court of an offense involving moral turpitude;
 - (d) employing, assisting, or enabling in any manner an unlicensed person to engage in hearing instrument dispensing;
 - (e) violation of any of the provisions of sections 1 to 13 or any of the rules adopted to implement sections 1 to 13;
- (5) perform any other duties and exercise other powers required by sections 1 to 13;

(6) ensure that hearing instruments are dispensed in compliance with requirements of the Federal Food and Drug Administration.

For the purposes of clauses (1) to (6) the department shall adopt rules to carry out sections 1 to 13.

Subd. 2. [CONTESTED CASES.] The department shall comply with the contested case provisions of chapter 14 before it fails to issue, fails to renew, suspends, or revokes any license issued under sections 1 to 13.

Subd. 3. [REINSTATEMENT OF LICENSE.] A license that has been suspended or revoked may be reinstated by the department if the holder of the license pays all costs of the proceedings resulting in the suspension or revocation and also pays a fee set by the department.

Sec. 3. [153A.03] [EXAMINATIONS; FEES.]

The department shall give reasonable notice of all examinations by mail to known applicants for examination. Testing of applicants must occur at least three times annually and at intervals no greater than five calendar months apart. The department shall record the names of all persons licensed as hearing instrument dispensers, together with the grounds upon which the right of each to licensure was claimed. The department may establish the fee for examination. The fee may, in the discretion of the department, be returned to applicants not taking the examination.

Sec. 4 [153A.04] [CONTENTS OF EXAMINATION.]

Testing for licensure as a hearing instrument dispenser must consist of written, oral, and practical tests. The tests must be objective in method and applied in a consistent manner and must include the following subjects: (1) basic physics of sound; (2) the structure and function of hearing instruments; (3) the fitting of hearing instruments; (4) puretone audiometry, including air conduction testing and bone conduction testing; (5) live voice or record voice speech audiometry, or both; (6) recording and evaluation of audiograms and speech audiometry to determine the hearing instrument candidacy; (7) selection and adaptation of hearing instruments; (8) the taking of ear mold impressions; (9) indications suggesting the need for referral to competent medical personnel for diagnosis and treatment of any disease or injury; and (10) knowledge of the federal and state laws regarding hearing instrument dispensing. The examination must not test knowledge of either the diagnosis or the treatment of any disease or injury to the human body. The commission

shall consult with otolaryngologists, audiologists, and hearing instrument dispensers in connection with preparation of the examination.

Sec. 5. [153A.05] [QUALIFICATIONS OF APPLICANTS.]

To be entitled to examination as a hearing instrument dispenser, the applicant must be of good moral character and at least 18 years old and meet educational criteria established for licensure by the department.

Sec. 6. [153A.06] [RECIPROCITY; LICENSURE.]

The department may in its discretion grant licensure without examination to any hearing instrument dispenser licensed by the regulatory agency of another state that gives similar recognition to licensees of this state. The department may grant such licensure if it finds that the requirements for licensure in the other state are equivalent to those provided in sections 1 to 13. The department may set the fee for licensure by rule.

Sec. 7. [153A.07] [RENEWAL FEE; CONTINUING EDUCATION.]

Subdivision 1. [FEE.] Every person licensed by the department shall pay to the department a renewal fee to be fixed by it. The commissioner may establish by rule a charge to be assessed for the delinquent payment of a fee. It is unlawful for a person who refuses or fails to pay the renewal fee to practice hearing instrument dispensing in this state. Every license expires at the time prescribed in the license.

Subd. 2. [TASK FORCE ON CONTINUING EDUCATION.] The commissioner may appoint an advisory task force on continuing education, consisting of not more than ten members, including consumers, hearing instrument dispensers, audiologists, and otolaryngologists to study continuing education programs and requirements and to submit its report and recommendations to the department. The task force expires and the compensation and removal of members are as provided in section 15.059.

Sec. 8. [153A.08] [REINSTATEMENTS.]

A person who has been licensed as a hearing instrument dispenser and has defaulted in the payment of the renewal fee may be reinstated within two years of default without examination, upon payment of the arrears and upon compliance with education requirements established under section 7, subdivision 2.

Sec. 9. [153A.09] [UNLAWFUL USE OF HEARING INSTRUMENT DISPENSER.]

It is unlawful for any person to falsely assume or pretend to the title of hearing instrument dispenser.

Sec. 10. [153A.10] [BOND REQUIRED.]

A sole proprietor, partnership, association, or corporation engaged in the practice of hearing instrument dispensing shall provide a surety bond in favor of the state of Minnesota in the amount of \$10,000 for every five or fewer of its licensees engaged in the practice of hearing instrument dispensing, but a bond in excess of \$20,000 is not required of a business entity regardless of the number of licensed persons.

Sec. 11. [153A.11] [EXPENSES.]

The expenses of administering sections 1 to 9 must be paid from the appropriations made to the department.

Sec. 12. [153A.12] [PROHIBITED ACTS.]

No person may:

(1) fit, deliver, dispense, sell, or offer for sale at retail any hearing instrument without first obtaining a license;

(2) receive any portion of the profits from the fitting, dispensing, or sale of hearing instruments at retail unless the person is licensed under this chapter or employs a person licensed under this chapter;

(3) conduct a business engaged in the fitting, dispensing, or sale of hearing instruments at retail without a licensed hearing instrument dispenser or person licensed under chapter 147 in charge;

(4) fit, dispense, assist in selection, or sell a hearing instrument at retail exclusively by means of telephonic or mailed communication, or both; or

(5) prescribe or otherwise recommend to any person the use of a hearing instrument unless the prescription or recommendation is in writing and delivered to the person to whom it relates, and which shall bear the following information in 12 point or larger bold type: HEARING INSTRUMENTS MAY BE PURCHASED FROM ANY LICENSED HEARING INSTRUMENT DISPENSER OR PHYSICIAN. THIS PRESCRIPTION MAY BE FILLED BY THE DISPENSER OR PHYSICIAN OF YOUR CHOICE.

A prescription or written recommendation shall include, upon patient authorization, any audiogram upon which the prescription or recommendation is based.

The attorney general shall enforce this section in the manner provided by section 8.31, but there is no private remedy as provided by section 8.31, subdivision 3a.

Sec. 13. [153A.13] [ADVERTISING.]

The commissioner shall adopt rules respecting advertising of the fitting, dispensing, and sale of hearing instruments. However, the commissioner must not adopt a rule that:

(1) restricts the licensee's use of any medium for advertising;

(2) restricts the licensee's personal appearance or use of his or her voice in an advertisement;

(3) relates to the size or duration of an advertisement by the licensee; or

(4) restricts the licensee's advertisement under a trade name.

Sec. 14. [APPLICATION.]

Sections 1 to 13 have no application to persons licensed under Minnesota Statutes, chapter 147 or to audiologists who hold the certificate of clinical competence of the American speech-language-hearing association. The board of medical examiners shall have jurisdiction to regulate the dispensing of hearing instruments by persons licensed under chapter 147.

Sec. 15. [APPROPRIATION.]

\$ is appropriated from the general fund to the department of commerce to implement sections 1 to 13, to be available until June 30, 1987.

Sec. 16. [EFFECTIVE DATES.]

Sections 1 to 8, 10, 11, 13, and 14 are effective July 1, 1985. Sections 9, 12, and 13 are effective July 1, 1986."

Delete the title and insert:

“A bill for an act relating to occupations and professions; providing for licensure of persons engaged in the sale of hearing instruments; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 153A.”

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. 930, A bill for an act relating to public safety; motor vehicles; clarifying penalties for failure to provide security for basic repairation 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; 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; 171.321, subdivision 2; and 297B.12.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 65B.67, subdivision 4, is amended to read:

Subd. 4. [PENALTY.] Any operator of a motor vehicle or motorcycle who is convicted (OF A MISDEMEANOR) under the terms of this section, *is guilty of a misdemeanor, and* shall be sentenced as provided in section 609.03, clause (3), and shall have his driver’s license revoked for not more than 12 months. If the operator is also an owner of the motor vehicle or motorcycle, the registration of the motor vehicle or motorcycle shall also be revoked for not more than 12 months. Before reinstatement of a driver’s license or registration, the operator shall file with the commissioner of public safety the written certificate of an insurance carrier authorized to do business in this state stating that

security has been provided by the operator as required by section 65B.48. The commissioner shall include a notice of the penalties contained in this section on all forms for registration of motor vehicles or motorcycles required to maintain a plan of reparation security.

Sec. 2. Minnesota Statutes 1984, section 168.011, subdivision 4, is amended to read:

Subd. 4. [MOTOR VEHICLE.] "Motor vehicle" means any self-propelled vehicle not operated exclusively upon railroad tracks and any vehicle propelled or drawn by a self-propelled vehicle and includes vehicles known as trackless trolleys which are propelled by electric power obtained from overhead trolley wires but not operated upon rails, except snowmobiles and manufactured homes. *Motor vehicle does not include a three-wheel off-road vehicle as defined in section 84.92, subdivision 8.*

Sec. 3. Minnesota Statutes 1984, section 168.011, subdivision 28, is amended to read:

Subd. 28. [VAN.] "Van" means any vehicle of box-like design with no barrier or separation between the operator's area and the remainder of the passenger-carrying or cargo-carrying area, and with a manufacturer's *nominal* rated carrying capacity of (2,000 POUNDS) *three-fourths ton* or less and commonly known as a van.

Sec. 4. Minnesota Statutes 1984, section 168.011, subdivision 29, is amended to read:

Subd. 29. [PICKUP TRUCKS.] "Pickup truck" means any truck with a manufacturer's *nominal* rated carrying capacity of (2,000 POUNDS) *three-fourths ton* or less and commonly known as a pickup truck.

Sec. 5. Minnesota Statutes 1984, section 168.012, subdivision 1, is amended to read:

Subdivision 1. Vehicles owned and used solely in the transaction of official business by representatives of foreign powers, by the federal government, the state, or any political subdivision thereof, or vehicles owned and used exclusively by educational institutions and used solely in the transportation of pupils to and from such institutions, shall be exempt from the provision of this chapter requiring payment of tax or registration fees, *except as provided in section 6.*

Vehicles owned by the federal government, municipal fire apparatus, police patrols and ambulances, the general appearance of which is unmistakable, shall not be required to register or display number plates.

Unmarked vehicles used in general police work, arson investigations, and passenger vehicles, station wagons, and buses owned or operated by the department of corrections shall be registered and shall display passenger vehicle classification license number plates which shall be furnished by the registrar at cost. *Original and renewal applications for these passenger vehicle license plates authorized for use in general police work and for use by the department of corrections must be accompanied by a certification signed by the appropriate chief of police if issued to a police vehicle, the appropriate sheriff if issued to a sheriff's vehicle, the commissioner of corrections if issued to a department of corrections vehicle, or the appropriate officer in charge if issued to a vehicle of any other law enforcement agency. The certification must be on a form prescribed by the commissioner and state that the vehicle will be used exclusively for a purpose authorized by this section.*

All other motor vehicles shall be registered and display tax exempt number plates which shall be furnished by the registrar at cost, *except as provided in section 6.*

All vehicles required to display tax exempt number plates shall have the name of the state department or public subdivision on the vehicle plainly printed on both sides thereof in letters not less than 2-1/2 inches high, one inch wide and of a three-eighths inch stroke; except that each state hospital and institution for the mentally ill and mentally retarded may have one vehicle without the required printing on the sides of the vehicle. Such printing shall be in a color giving a marked contrast with that of the part of the vehicle on which it is placed and shall be done with a good quality of paint that will endure throughout the term of the registration. The printing must be on a part of the vehicle itself and not on a removable plate or placard of any kind and shall be kept clean and visible at all times; except that a removable plate or placard may be utilized on vehicles leased or loaned to a political subdivision. The owner of any such vehicle desiring to come under the foregoing exemption provisions shall first notify the chief of the state patrol who shall provide suitable seals and cause the same to be affixed to any such vehicle.

Sec. 6. Minnesota Statutes 1984, section 168.012, is amended by adding a subdivision to read:

Subd. 1c. (a) The annual fee for trailer license plates issued to a tax-exempt vehicle under this section is \$5 for each plate.

(b) The annual fee for license plates issued to all other tax-exempt vehicles is a \$5 administrative handling fee and \$10 for two plates per vehicle.

(c) On and after March 1, 1986, the registration period for a tax-exempt vehicle is biennial and new plates will be issued for the life of the vehicle. Fees are due on March 1 biennially and payable the preceding January 1, with validating stickers issued at time of payment. If the tax-exempt vehicle is newly registered for less than the two-year period, the fee must be apportioned by six-month increments, but in no event may the fee be less than \$5 per vehicle.

Sec. 7. Minnesota Statutes 1984, section 168.012, is amended by adding a subdivision to read:

Subd. 11. Semitrailers as defined in section 168.011, subdivision 14, shall not be taxed as a motor vehicle using the public streets and highways and shall display a number plate for identification purposes only.

Sec. 8. Minnesota Statutes 1984, section 168.013, subdivision 1c, is amended to read:

Subd. 1c. [FARM TRUCKS.] (1) On farm trucks having a gross weight of not more than 57,000 pounds, the tax shall be based on total gross weight and shall be 45 percent of the Minnesota base rate prescribed by subdivision 1e during each of the first eight years of vehicle life, but in no event less than \$35, and during the ninth and succeeding years of vehicle life the tax shall be 27 percent of the Minnesota base rate prescribed by subdivision 1e, but in no event less than \$21, except as otherwise provided in this subdivision. On farm trucks having a gross weight of not more than 57,000 pounds during each of the first eight years of vehicle life, the tax shall be (:)

((A) FOR THE REGISTRATION YEAR 1982, 34 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((B) FOR THE REGISTRATION YEAR 1983, 38 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((C) FOR THE REGISTRATION YEAR 1984, 42 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((D) FOR THE REGISTRATION YEAR 1985, AND EACH SUCCEEDING YEAR,) 45 percent of the tax imposed in the Minnesota base rate schedule.

On farm trucks having a gross weight of not more than 57,000 pounds during the ninth and succeeding years of vehicle life, the tax shall be (:)

((A) FOR THE 1982 REGISTRATION YEAR, 20 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((B) FOR THE 1983 REGISTRATION YEAR, 22 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((C) FOR THE 1984 REGISTRATION YEAR, 24 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((D) FOR THE 1985 REGISTRATION YEAR, AND EACH SUCCEEDING YEAR,) 27 percent of the Minnesota base rate schedule.

(2) On farm trucks having a gross weight of more than 57,000 pounds, the tax shall be 60 percent of the Minnesota base rate during the first eight years of vehicle life and 36 percent of the Minnesota base rate during the ninth and succeeding years, except as otherwise provided in this subdivision. On farm trucks having a gross weight of more than 57,000 pounds during the first eight years of vehicle life, the tax shall be (:)

((A) FOR THE REGISTRATION YEAR 1982, 38 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((B) FOR THE REGISTRATION YEAR 1983, 45 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((C) FOR THE REGISTRATION YEAR 1984, 53 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((D) FOR THE REGISTRATION YEAR 1985, AND EACH SUCCEEDING YEAR,) 60 percent of the tax imposed in the Minnesota base rate schedule.

On farm trucks having a gross weight of more than 57,000 pounds, during the ninth and succeeding years of vehicle life, the tax shall be (:)

((A) FOR THE 1982 REGISTRATION YEAR, 23 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((B) FOR THE 1983 REGISTRATION YEAR, 27 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((C) FOR THE 1984 REGISTRATION YEAR, 31 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((D) FOR THE 1985 REGISTRATION YEAR, AND EACH SUCCEEDING YEAR,) 36 percent of the tax imposed in the Minnesota base rate schedule.

In addition to the gross weight tax imposed on a truck-tractor or truck used as a truck-tractor, each semitrailer shall be taxed a fee of \$10 for a one year period or \$50 for a five year period whichever the applicant elects.

Sec. 9. Minnesota Statutes 1984, section 168.013, subdivision 1e, is amended to read:

Subd. 1e. [TRUCKS; TRACTORS; COMBINATIONS; EXCEPTIONS.] On trucks and tractors except those in this chapter defined as farm trucks, (AND URBAN TRUCKS, AND) on truck-tractor and semitrailer combinations except those defined as farm combinations (AND URBAN COMBINATIONS), and on commercial zone vehicles, the tax based on total gross weight shall be graduated according to the Minnesota base rate schedule prescribed in this subdivision, but in no event less than \$120.

Minnesota Base Rate Schedule

Scheduled taxes include five percent surtax provided for in subdivision 14

TOTAL GROSS WEIGHT IN POUNDS		TAX
A	0 - 1,500	\$ 15
B	1,501 - 3,000	20
C	3,001 - 4,500	25
D	4,501 - 6,000	35
E	6,001 - 9,000	45
F	9,001 - 12,000	70
G	12,001 - 15,000	105
H	15,001 - 18,000	145
I	18,001 - 21,000	190

J	21,001 - 26,000	270	
K	26,001 - 33,000	360	
L	33,001 - 39,000	(470)	475
M	39,001 - 45,000	(590)	595
N	45,001 - 51,000	(710)	715
O	51,001 - 57,000	(860)	865
P	57,001 - 63,000	(1010)	1015
Q	63,001 - 69,000	(1180)	1185
R	69,001 - 73,280	(1320)	1325
S	73,281 - 78,000	(1520)	1525
T	78,001 - 81,000	(1620)	1625

For each vehicle with a gross weight in excess of 81,000 pounds an additional tax of \$50 is imposed for each ton or fraction thereof in excess of 81,000 pounds, subject to subdivision 12.

Truck-tractors except those herein defined as farm (AND URBAN TRUCK-TRACTORS) and commercial zone vehicles shall be taxed in accord with the foregoing gross weight tax schedule on the basis of the combined gross weight of the truck-tractor and any semitrailer or semitrailers which the applicant proposes to combine with the truck-tractor. (IN ADDITION, TO THE GROSS WEIGHT TAX IMPOSED ON THE TRUCK-TRACTOR, EACH SEMITRAILER SHALL BE TAXED A FEE OF \$10 FOR A ONE YEAR PERIOD OR \$50 FOR A FIVE YEAR PERIOD WHICHEVER THE APPLICANT ELECTS.)

Commercial zone trucks include only trucks, truck-tractors, and semitrailer combinations which are:

(1) used by an authorized local cartage carrier operating under a permit issued under section 221.296 and whose gross transportation revenue consists of at least 60 percent obtained solely from local cartage carriage, and are operated solely within an area composed of two contiguous cities of the first class and municipalities contiguous thereto as defined by section 221.011, subdivision 17; or,

(2) operated by an interstate carrier registered under section 221.61 or 221.62, or by an authorized local cartage carrier

or other carrier receiving operating authority under chapter 221, and operated solely within a zone exempt from regulation by the interstate commerce commission pursuant to United States Code, title 49, section 10526(b).

The license plates issued for commercial zone vehicles shall be plainly marked. A person operating a commercial zone vehicle outside the zone or area in which its operation is authorized is guilty of a misdemeanor and, in addition to the penalty therefor, shall have the registration of the vehicle as a commercial zone vehicle revoked by the registrar and shall be required to reregister the vehicle at 100 percent of the full annual tax prescribed in the Minnesota base rate schedule, and no part of this tax shall be refunded during the balance of the registration year.

On commercial zone trucks the tax shall be based on the total gross weight of the vehicle and during the first eight years of vehicle life shall be 75 percent of the Minnesota base rate schedule. During the ninth and succeeding years of vehicle life the tax shall be 50 percent of the Minnesota base rate schedule, except as otherwise provided in this subdivision. On commercial zone trucks, during the ninth and succeeding years of vehicle life, the tax shall be (:)

((A) FOR THE 1982 REGISTRATION YEAR, 35 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((B) FOR THE 1983 REGISTRATION YEAR, 40 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((C) FOR THE 1984 REGISTRATION YEAR, 45 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((D) FOR THE 1985 REGISTRATION YEAR, AND EACH SUCCEEDING YEAR,) 50 percent of the tax imposed in the Minnesota base rate schedule.

On trucks, truck-tractors and semitrailer combinations, except those defined as farm trucks and farm combinations, and except for those urban trucks and combinations and commercial zone vehicles specifically provided for in this subdivision, the tax for the first eight years of vehicle life shall be 100 percent of the tax imposed in the Minnesota base rate schedule, and during the ninth and succeeding years of vehicle life, the tax shall be 75 percent of the Minnesota base rate prescribed by this subdivision, except as otherwise provided in this subdivision.

On trucks, truck-tractors and semitrailer combinations, except those defined as farm trucks and farm combinations, and except

for those (URBAN TRUCKS AND COMBINATIONS AND) commercial zone vehicles specifically provided for in this subdivision, during each of the first eight years of vehicle life the tax shall be (:)

((A) FOR THE REGISTRATION YEAR 1982, 83 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((B) FOR THE REGISTRATION YEAR 1983, 89 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((C) FOR THE REGISTRATION YEAR 1984, 95 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((D) FOR THE REGISTRATION YEAR 1985, AND EACH SUCCEEDING YEAR,) 100 percent of the tax imposed in the Minnesota base rate schedule.

Sec. 10. Minnesota Statutes 1984, section 168.013, subdivision 1g, is amended to read:

Subd. 1g. [RECREATIONAL VEHICLES.] Self-propelled recreational vehicles shall be separately licensed and taxed annually on the basis of total gross weight and the tax shall be graduated according to the Minnesota base rate schedule prescribed in subdivision 1e, but in no event less than \$20, except as otherwise provided in this subdivision.

For all self-propelled recreational vehicles, the tax for the ninth and succeeding years of vehicle life shall be (:)

((A) FOR THE 1982 REGISTRATION YEAR, 64 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((B) FOR THE 1983 REGISTRATION YEAR, 68 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((C) FOR THE 1984 REGISTRATION YEAR, 72 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((D) FOR THE 1985 REGISTRATION YEAR AND EACH SUCCEEDING YEAR,) 75 percent of the tax imposed in the Minnesota base rate schedule.

Towed recreational vehicles shall be separately licensed and taxed annually on the basis of total gross weight at 30 percent

of the Minnesota base rate prescribed in subdivision 1e but in no event less than \$5.

Notwithstanding any law to the contrary, all trailers and semitrailers taxed pursuant to this section shall be exempt from any wheelage tax now or hereafter imposed by any political subdivision or political subdivisions.

Sec. 11. Minnesota Statutes 1984, section 168.013, subdivision 16, is amended to read:

Subd. 16. [REPAIR AND SERVICING PERMIT.] Upon the written application of the owner of a motor vehicle registered and taxed as a commercial zone truck, (AN URBAN TRUCK,) a truck tractor, a semitrailer, or any combination thereof in accordance with this section, the registrar may grant permission in writing to such owner to operate such vehicle to and from a repair shop or service station outside of its licensed zone of operation for the limited purpose of repair or servicing. The application and any permit issued under this subdivision shall state the location of the repair or servicing facility, together with such other information and subject to such conditions as the registrar may specify. Any motor vehicle operated under such a permit shall carry no load.

Sec. 12. Minnesota Statutes 1984, section 168.021, subdivision 1, is amended to read:

Subdivision 1. [SPECIAL PLATES; APPLICATION FOR ISSUANCE.] When a motor vehicle registered under section 168.017, (OR A SELF-PROPELLED MOTOR VEHICLE WITH A MANUFACTURER'S RATED CAPACITY OF 2,000 POUNDS OR LESS,) or a self-propelled recreational vehicle, is owned or primarily operated by a physically handicapped person, the owner may apply for and secure from the registrar of motor vehicles two license number plates with attached emblems, one plate to be attached to the front, and one to the rear of the vehicle. Application for issuance of these plates must be made at the time of renewal or first application for registration.

Sec. 13. Minnesota Statutes 1984, section 168.09, is amended by adding a subdivision to read:

Subd. 5. On semitrailers as defined in section 168.011, subdivision 14, a number plate must be assigned to the registered owner as identification for the vehicle and correlate with the certificate of title documentation on file with the department. This number plate shall not display a year designator. The registration card must indicate the number plate for the number plate to be valid.

Sec. 14. Minnesota Statutes 1984, section 168.27, subdivision 11, is amended to read:

Subd. 11. [LICENSES.] Upon the filing of an application for a license and the proper fee, the registrar is authorized, unless the application on its face appears to be invalid, to grant a 90 day temporary license and during said 90 day period shall investigate the fitness of the applicant, inspect the site and make such other investigation as is necessary to insure compliance with the licensing law. The registrar may extend the temporary license 30 days. At the end of the period of investigation the license shall either be granted or denied. If the application is approved, the registrar shall license the applicant as a motor vehicle dealer for the remainder of the calendar year, and issue a certificate of license therefor as the registrar may provide upon which shall be placed a distinguishing number of identification of such dealer. Each initial application for a license shall be accompanied by a fee of \$50 in addition to the annual fee. The annual fee shall be (\$76) \$100. All initial fees and annual fees which shall be paid into the state treasury and credited to the general fund. If the initial application is received by the registrar after July 1 of any year, the first annual fee shall be reduced by one-half.

Sec. 15. Minnesota Statutes 1984, section 168.29, is amended to read:

168.29 [DUPLICATE PLATES.]

In the event of the defacement, loss or destruction of any number plates, the registrar, upon receiving and filing a sworn statement of the vehicle owner, setting forth the circumstances of the defacement, loss, destruction or theft of the number plates, together with any defaced plates and the payment of the fee of \$5 shall issue a new set of plates (, PROVIDED THAT IF THE \$5 FEE EXCEEDS THE ANNUAL TAX, THE FEE SHALL BE THE SAME AS THE ANNUAL TAX. DUPLICATE PLATES FOR TAX EXEMPT VEHICLES LICENSED UNDER SECTION 168.012, SUBDIVISION 1, ARE FURNISHED BY THE REGISTRAR AT COST). The registrar shall then note on his records the issue of such new number plates and shall proceed in such manner as he may deem advisable to cancel and call in the original plates so as to insure against their use on another motor vehicle. Duplicate registration certificates plainly marked as duplicates may be issued in like cases upon the payment of a \$1 fee.

Sec. 16. Minnesota Statutes 1984, section 168.31, subdivision 4, is amended to read:

Subd. 4. [INSTALLMENTS.] If the tax for a vehicle assessed under section 168.013 or 168.187 amounts to more than \$400, the owner may pay such tax by installments. The owner shall tender with his application for registration one-third of the annual tax due or \$400, whichever is greater, plus any penalties or arrears, *plus a fee of \$10. Instead of this fee, the applicant may furnish a bond, bank letter of credit, or certificate of deposit ap-*

proved by the registrar of motor vehicles, for the total of the tax still due. The amount of the bond, letter of credit, or certificate of deposit may include any penalties which are assessed. The bond, letter of credit, or certificate of deposit shall be for the benefit of the state for monetary loss caused by failure of the vehicle owner to pay delinquent license fees and penalties. The remainder of the tax due shall be paid in two equal installments; the due date of the first installment shall be the first day of the fifth month of the registration period for which the tax is assessed and the second installment shall be due on the first day of the ninth month of the registration period for which the tax is assessed. (THE REGISTRAR SHALL ISSUE NO REGISTRATION CERTIFICATE UNTIL THE FULL AMOUNT OF THE TAX HAS BEEN PAID. IN LIEU OF SUCH REGISTRATION CERTIFICATE, THE REGISTRAR SHALL ISSUE TO THE OWNER A RECEIPT FOR INSTALLMENTS PAID, WHICH RECEIPT SHALL BE DISPLAYED UPON THE WINDSHIELD OF THE VEHICLE AS EVIDENCE THAT UNDER THE PROVISIONS OF THIS SECTION THE VEHICLE MAY BE OPERATED ON THE STREETS AND HIGHWAYS OF THIS STATE.) When the applicant elects to pay the administrative fee, the registrar shall issue to the applicant validation stickers for the installment paid. When the applicant elects to furnish a bond, bank letter, or letter of deposit, the registrar shall issue validation stickers for the registration year. If an owner of a vehicle fails to pay an installment on or before the due date thereof, the vehicle shall not use the public streets or highways in this state until the installment or installments of the tax remaining due on such vehicle shall have been paid in full for the licensed year together with a penalty at the rate of \$1 per day for the remainder of the month in which the balance of the tax becomes due and \$4 a month for each succeeding month or fraction thereof during which the balance of the tax remains unpaid. Upon the payment of the balance of the tax and the penalties, the registrar shall issue a registration certificate to the owner of the vehicle in the manner provided by law. The registrar shall deny installment payment privileges provided in this subdivision in the subsequent year to any owner on any or all vehicles of such owner who during the current year fails to pay any installment due within one month after the due date.

Sec. 17. Minnesota Statutes 1984, section 168.33, subdivision 7, is amended to read:

Subd. 7. [FEES.] In addition to all other statutory fees and taxes, a filing fee of \$3.25 is imposed on every application (. THE FILING FEE SHALL BE \$2.50 EFFECTIVE AUGUST 1, 1981, AND 3.25 EFFECTIVE JANUARY 1, 1983); *except that a filing fee may not be charged for a document returned for a refund or for a correction of an error made by the department or a deputy registrar.* The filing fee shall be shown as a separate item on all registration renewal notices sent out by the department of public safety.

Sec. 18. Minnesota Statutes 1984, section 169.79, is amended to read:

169.79 [VEHICLE REGISTRATION.]

No person shall operate, drive or park a motor vehicle on any highway unless the vehicle is registered in accordance with the laws of this state and has the number plates for the current year only, as assigned to it by the commissioner of public safety, conspicuously displayed thereon in a manner that the view of any plate is not obstructed. *If the vehicle is a semitrailer, the number plate displayed must be assigned to the registered owner and correlate to the certificate of title documentation on file with the department and shall not display a year indicator.* If the vehicle is a motorcycle, motor scooter, motorized bicycle, motorcycle sidecar, trailer, semitrailer, or vehicle displaying a dealer plate, one plate shall be displayed on the rear thereof; if the vehicle is a truck-tractor, road-tractor or farm truck, as defined in section 168.011, subdivision 17, but excluding from that definition semitrailers and trailers, one plate shall be displayed on the front thereof; if it is any other kind of motor vehicle, one plate shall be displayed on the front and one on the rear thereof. All plates shall be securely fastened so as to prevent them from swinging. The person driving the motor vehicle shall keep the plate legible and unobstructed and free from grease, dust, or other blurring material so that the lettering shall be plainly visible at all times. *License plates issued to vehicles registered under section 168.017 must display the month of expiration in the lower left corner as viewed facing the plate and the year of expiration in the lower right corner as viewed facing the plate.*

Sec. 19. Minnesota Statutes 1984, section 171.02, subdivision 2, is amended to read:

Subd. 2. [VOLUNTEER FIREFIGHTERS; TRUCKS AND EMERGENCY EQUIPMENT; MIDMOUNT AERIAL LADDER TRUCK.] Drivers' licenses shall be classified according to the types of vehicles which may be driven by the holder of each type or class of license. The commissioner may, as appropriate, subdivide the classes listed in this subdivision and issue licenses classified accordingly. No class of license shall be valid to operate a motorcycle or school bus unless so endorsed. There shall be three general classes of licenses as follows:

(a) Class C; valid for all farm trucks as defined in section 168.011, subdivision 17, operated by the owner or an immediate member of his family or an employee not primarily employed for the purpose of operating the farm truck or employed for the purpose of operating the farm truck during harvest for the first, continuous transportation of agricultural products from the place of production or on farm storage site to any other location within 50 miles of the place of the production or on farm storage

site, fire trucks and emergency fire equipment, regardless of the number of axles, and whether or not in excess of (24,000) 26,000 pounds GVW, driven or operated by volunteer firefighters while on duty, and all single unit two-axle vehicles not in excess of (24,000) 26,000 pounds GVW including vehicles with a temporary auxiliary axle as defined in section 169.67, subdivision 4. Holder may also tow trailers under 10,000 pounds GVW including house trailers. Buses as defined under this chapter may not be driven by a holder of a class C license. A person employed as a tillerman by a fire department may drive the rear portion of a midmount aerial ladder truck with a class C license.

(b) Class B; valid for all vehicles in class C and all other single unit vehicles including buses.

(c) Class A; valid for any vehicle or combination thereof.

Sec. 20. Minnesota Statutes 1984, section 171.06, subdivision 4, is amended to read:

Subd. 4. [APPLICATION, FILING.] Any applicant for an instruction permit, a driver's license, restricted license, or duplicate license may file an application with a clerk of the district court or at a state office. The clerk or state office shall receive and accept the application. To cover all expenses involved in receiving, accepting, or forwarding to the department applications and fees, the clerk of the district court may retain a county fee of \$1 for each application for a Minnesota identification card, instruction permit, duplicate license, driver license, or restricted license. The amount allowed to be retained by the clerk of the district court shall be paid into the county treasury and credited to the general revenue fund of the county. The clerk of court shall forward all applications and fees, less the amount herein allowed to be retained for expense, to the department within (TEN DAYS OF THE RECEIPT BY HIM) *72 hours of the final day of any established reporting period.* The clerks of the district courts may appoint agents to assist in accepting applications, but the clerks shall require every agent to forward to the clerk by whom he is appointed all applications accepted and fees collected by him, except that an agent may retain one-half of the \$1 county fee to cover his expenses involved in receiving, accepting, or forwarding the applications and fees. The clerks of court shall be reasonable for the acts of agents appointed by them and for the forwarding to the department of all applications accepted and those fees collected by agents and by themselves as are required to be forwarded to the department.

Sec. 21. Minnesota Statutes 1984, section 171.17, is amended to read:

171.17 [REVOCATION.]

The department shall forthwith revoke the license of any driver upon receiving a record of such driver's conviction of any of the following offenses:

(1) Manslaughter or criminal (NEGLIGENCE) *vehicular operation* resulting from the (OPERATING) *operation* of a motor vehicle;

(2) Any violation of section 169.121 or 609.487;

(3) Any felony in the commission of which a motor vehicle was used;

(4) Failure to stop and disclose identity and render aid, as required under the laws of this state, in the event of a motor vehicle accident resulting in the death or personal injury of another;

(5) Perjury or the making of a false affidavit or statement to the department under any law relating to the ownership or operation of a motor vehicle;

(6) Except as this section otherwise provides, conviction, plea of guilty, or forfeiture of bail not vacated, upon three charges of violating, within a period of 12 months any of the provisions of chapter 169, or of the rules, regulations, or municipal ordinances enacted in conformance therewith for which the accused may be punished upon conviction by imprisonment;

(7) Conviction of an offense in another state which, if committed in this state, would be grounds for the revocation of the driver's license.

When any judge of a juvenile court, or any of its duly authorized agents, shall determine, formally or informally, that any person under the age of 18 years has committed any offense defined in this section, such judge, or duly authorized agent, shall immediately report such determination to the department, and the commissioner shall immediately revoke the license of that person.

Upon revoking the license of any person, as hereinbefore in this chapter authorized, the department shall immediately notify the licensee, in writing, by depositing in the United States post-office a notice addressed to the licensee at his last known address, with postage prepaid thereon.

Sec. 22. Minnesota Statutes 1984, section 171.20, is amended by adding a subdivision to read:

Subd. 4. [REINSTATEMENT FEE.] A person whose drivers license has been suspended under section 171.18 or 171.182 must pay a \$20 fee before the license is reinstated, except that a suspension may be rescinded without fee for good cause.

Sec. 23. Minnesota Statutes 1984, section 171.21, is amended to read:

171.21 [(COPIES OF) DEPARTMENT RECORDS AS EVIDENCE.]

An official department record certified by the commissioner shall be received in any court in Minnesota as prima facie evidence of the driving record of the subject of the record. Copies of any of the files or records of the department certified by the commissioner as being true copies shall be received in evidence in any court in this state with the same force and effect as the originals.

Sec. 24. Minnesota Statutes 1984, section 171.321, subdivision 2, is amended to read:

Subd. 2. The (STATE BOARD OF EDUCATION AND THE) commissioner, in consultation with the commissioner of education, shall (JOINTLY) prescribe rules governing the qualifications of individuals to drive school buses.

Sec. 25. Minnesota Statutes 1984, section 297B.12, is amended to read:

297B.12 [(CONFIDENTIAL) PRIVATE NATURE OF INFORMATION.]

It shall be unlawful for the motor vehicle registrar, deputy registrars or any other public official or employee to divulge or otherwise make known in any manner any particulars disclosed in any purchaser's certificate or any information concerning affairs of any person making such certificate acquired from his records, officers or employees except in connection with (THE PROCEEDING INVOLVING TAXES DUE UNDER LAWS 1971, CHAPTER 853) state or federal tax proceedings or upon request of the person named on the certificate. Nothing herein contained should be construed to prohibit the publishing of statistics so classified as not to disclose the identity of particular purchasers' certificates and the contents thereof. Any person violating the provisions of this section shall be guilty of a gross misdemeanor.

Sec. 26. Laws 1982, chapter 639, section 10, is amended to read:

Sec. 10. PUBLIC SAFETY. (100,000) 200,000

To the commissioner of public safety to establish and equip a decentralized animated audio-visual traffic accident reconstruction system. (THIS MONEY SHALL BE USED IN CONJUNCTION WITH FEDERAL GRANTS OR PRIVATE CONTRIBUTIONS.) This appropriation is from the trunk highway fund.

Sec. 27. [STUDY.]

The transportation committees of the house of representatives and the senate shall study and report to the legislature on which state agency should enforce laws relating to motor carriers and transportation of hazardous materials. The report shall recommend placing enforcement responsibility for these laws in one agency. The report must be submitted before January 1, 1986, and shall include proposed legislation necessary to implement the recommendations.

Sec. 28. [REPEALER.]

Minnesota Statutes 1984, section 168.013, subdivision 1i; and 168.105, subdivision 4, are repealed."

Delete the title and insert:

"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; 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; providing for a traffic accident reconstruction system; appropriating money; amending Minnesota Statutes 1984, sections 65B.67, subdivision 4; 168.011, subdivisions 4, 28, and 29; 168.012, subdivision 1, and by adding subdivisions; 168.013, sub-

divisions 1c, 1e, 1g, and 16; 168.021, subdivision 1; 168.09, by adding a subdivision; 168.27, subdivision 11; 168.29; 168.31, subdivision 4; 168.33, subdivision 7; 169.79; 171.02, subdivision 2; 171.06, subdivision 4; 171.17; 171.20, by adding a subdivision; 171.21; 171.321, subdivision 2; 297B.12; and Laws 1982, chapter 639, section 10; repealing Minnesota Statutes 1984, sections 168.013, subdivision 1i; and 168.105, subdivision 4.”

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 658, 769, 810, 828, 1083, 1175 and 1258 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 866, 928 and 930 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Nelson, K., introduced:

H. F. No. 1679, A bill for an act relating to horse racing; imposing a tax for the funding of social services programs; amending Minnesota Statutes 1984, section 240.15, subdivisions 1 and 6.

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

Segal and Ogren introduced:

H. F. No. 1680, A bill for an act relating to traffic regulations; requiring school buses to have seat belts; amending Minnesota Statutes 1984, section 169.44, subdivision 9.

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

Carlson, D. ; Solberg and Neuenschwander introduced :

H. F. No. 1681, A bill for an act relating to natural resources ; providing for an administrative process for the designation of peatland scientific and natural areas ; establishing powers and duties of the commissioner of natural resources ; requiring local participation in the designation process ; 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.

Staten, Greenfield, Segal, Clark and Wynia introduced :

H. F. No. 1682, A bill for an act relating to taxation ; sales and use ; exempting certain persons age 65 or over ; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

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

Segal and Greenfield introduced :

H. F. No. 1683, A bill for an act relating to human services ; requiring a study of medical assistance payments to day treatment programs for the mentally ill.

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

HOUSE ADVISORIES

The following House Advisories were introduced :

Valento and Skoglund introduced :

H. A. No. 47, A proposal to study the feasibility of building a convention center in Minneapolis.

The advisory was referred to the Committee on Local and Urban Affairs.

Clark, Staten, Greenfield and Gruenes introduced :

H. A. No. 48, A proposal to study the health care problems of uninsured children.

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 accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File :

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

The Senate has appointed as such Committee Messrs. Langseth, Stumpf and DeCramer.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested :

H. F. No. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Thorson moved that the House refuse to concur in the Senate amendments to H. F. No. 968, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker :

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on :

S. F. No. 331.

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. 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.

May 13, 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. 331, 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. 331 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [390.36] [CORONER REMOVAL OF PITUITARY GLAND DURING AUTOPSY.]

A county coroner who performs an autopsy under sections 390.11, 390.32, or any other general or local law relating to county coroners or medical examiners, may remove the pituitary gland from the body and give it to the national pituitary agency, or any other agency or organization, for research if the following conditions have been met:

(a) the removal would not alter a gift made under sections 525.921 to 525.93;

(b) the coroner or medical examiner has no knowledge of any objection to the removal by the decedent or other person having the right to control the disposition of the body; and

(c) the coroner or medical examiner has followed generally accepted ethical guidelines and the removal would not violate the tenets of the deceased's religion."

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

Senate Conferees: BETTY A. ADKINS, MARILYN M. LANTRY and DEAN E. JOHNSON.

House Conferees: BOB MCEACHERN, BRAD STANIUS and KATHLEEN VELLENGA.

McEachern moved that the report of the Conference Committee on S. F. No. 331 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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, 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 90 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Backlund	Greenfield	Marsh	Peterson	Simoneau
Beard	Gruenes	McDonald	Piepho	Skoglund
Boerboom	Gutknecht	McEachern	Piper	Sparby
Boo	Hartinger	Metzen	Poppenhagen	Svigum
Brown	Hartle	Miller	Price	Thiede
Burger	Haukoos	Munger	Quist	Thorson
Carlson, L.	Heap	Murphy	Rees	Tjornhom
Clark	Jacobs	Nelson, D.	Rest	Tunheim
Clausnitzer	Jaros	Nelson, K.	Richter	Valan
Cohen	Johnson	Neuenschwander	Riveness	Vanasek
DenOuden	Kahn	Norton	Rodosovich	Vellenga
Dimler	Kalis	O'Connor	Rose	Voss
Dyke	Knickerbocker	Olson, E.	Sarna	Waltman
Ellingson	Knuth	Onnen	Schafer	Welle
Forsythe	Kostohryz	Osthoff	Scheid	Wenzel
Frederick	Krueger	Ozment	Schoenfeld	Wynia
Frederickson	Levi	Pappas	Segal	Zaffke
Frerichs	Lieder	Pauly	Sherman	Spk. Jennings, D.

Those who voted in the negative were:

Brinkman	McPherson	Omman	Staten	Tompkins
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The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker :

I hereby announce that the Senate refuses to concur in the House amendment to :

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.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Pogemiller, Knaak and Dahl.

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

Hartinger 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. 33. The motion prevailed.

Mr. Speaker :

I hereby announce that the Senate refuses to concur in the House amendment to :

S. F. No. 295, A bill for an act relating to counties ; authorizing a special levy for county agricultural society and park and recreation purposes for Hubbard county ; authorizing a special levy for support of the Clearwater county hospital ; authorizing a special levy for tourism and agriculture promotion in Cass county ; requiring a reverse referendum under certain circumstances ; increasing the amount of loans available to certain counties for design and construction costs of district heating and qualified energy improvements ; allowing municipalities to accelerate repayment of principal of energy loans ; authorizing county regulation of pawnbrokers, second-hand, and junk dealers ; designating Hubbard county as a fiscal agent ; amending Minnesota Statutes 1984, section 116J.36, subdivision 6 ; proposing coding for new law in Minnesota Statutes, chapter 471.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Willet, Dicklich and Pehler.

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

Zaffke 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. 295. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 1176, A bill for an act relating to children; requiring a new job classification in child protection; requiring continuing education; providing for a joint training program; requiring a report to the legislature; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 626.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Merriam, Petty and Belanger.

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

Levi 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. 1176. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 339 and 719.

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. 708 and 977.

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. 304 and 1130.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 339, 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; 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 Appropriations.

S. F. No. 719, 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; requiring the removal of elk from the state; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 97.

The bill was read for the first time.

Rose moved that S. F. No. 719 and H. F. No. 940, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 708, A bill for an act relating to the legislature; providing for expanded authority of the legislative coordinating commission; establishing the position of director of protocol services; amending Minnesota Statutes 1984, sections 3.095; 3.29, subdivision 7; 3.30, subdivision 2; 3.3025, sub-

division 2; 3.303, by adding a subdivision; 3.304, subdivision 2a; 3.305; 3.351, subdivision 5; 3.85, subdivision 5; 3.855, by adding a subdivision; 3.865, subdivision 7; 3.9222, subdivision 6; 3.97, subdivision 5; 3C.02, subdivision 5; 3C.10, subdivision 3; 14.39; 16B.58, subdivision 6; 43A.18, subdivision 6; 86.08, subdivision 1; 115A.14, subdivision 2; and 161.1419, subdivision 4; Laws 1983, chapter 199, section 17, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 1.

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

S. F. No. 977, A bill for an act relating to elections; changing certain filing provisions; providing for training of election judges and election officials; requiring publication of certain election guides; excepting certain election judges from receiving compensation; changing certain canvassing procedures; providing for certain recounts; defining terms; changing certain deadlines; changing certain procedures relating to voting machines; appropriating money; amending Minnesota Statutes 1984, sections 204B.09, subdivision 1; 204B.25, subdivision 1; 204B.27, subdivision 5, and by adding a subdivision; 204B.31; 204C.32, subdivision 1; 204C.33, subdivision 1; 204C.35, by adding a subdivision; 206.56, by adding a subdivision; 206.58, subdivision 2 and by adding a subdivision; 206.82, by adding a subdivision; 206.83; and 206.84, subdivision 3.

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

S. F. No. 304, A bill for an act relating to transportation; motor carriers; providing for annual increases in gross weight tax rates; establishing a gross vehicle weight limitation for state trunk highways; revising the gross weight seasonal zone; providing for ten percent overweight allowance for movement of potatoes and sugar beets; allowing wide loads of baled agricultural products to travel certain roads at certain times by annual permit; removing a requirement that wide loads be marked by flashing amber lights; requiring a district priority list; providing that a county may challenge a seasonal weight restriction imposed by the commissioner; appropriating money; amending Minnesota Statutes 1984, sections 168.013, subdivision 1e; 169.81, subdivision 2; 169.825, subdivisions 8, 10, and 11, and by adding a subdivision; 169.833; 169.86, subdivisions 1a, 2, 5, and by adding a subdivision; 169.862; and 169.87, subdivision 1, and by adding a subdivision.

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

S. F. No. 1130, A bill for an act relating to occupations and professions; changing the composition of the board of medical examiners and the method of appointing board members; authorizing the release of certain information by the board of medical examiners; requiring the board of medical examiners to adopt a written statement describing its procedures, and publish disciplinary actions; revising the standards for licensing and disciplining physicians; establishing reporting requirements for health professionals and granting immunity to those complying with reporting requirements; establishing special requirements for health-related licensing boards; appropriating money; recodifying certain provisions in Minnesota Statutes, chapter 147; amending Minnesota Statutes 1984, sections 147.01, subdivisions 1, 2, and 4; 147.02, subdivision 1, and by adding subdivisions; 147.021; 147.03; 147.073; 147.074; 147.09; 147.10; 176.011, subdivision 9; 214.07, subdivision 1; and 214.10, subdivision 1, and by adding a subdivision; 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.

Onnen moved that S. F. No. 1130 and H. F. No. 1436, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Forsythe requested immediate consideration of H. F. No. 490; S. F. No. 818; H. F. No. 646; S. F. No. 251 and H. F. No. 1256.

H. F. No. 490, A bill for an act relating to state government; requiring preparation of fiscal notes for mandates to local units of government; amending Minnesota Statutes 1984, sections 3.98, subdivision 1; and 14.131; proposing coding for new law in Minnesota Statutes, chapter 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 107 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Bennett	Boo	Brown	Carlson, L.
Backlund	Bishop	Brandl	Burger	Clark
Beard	Boerboom	Brinkman	Carlson, D.	Clausnitzer

Cohen	Johnson	Nelson, K.	Rees	Thiede
DenOuden	Kahn	Neuenschwander	Rest	Thorson
Dimler	Kalis	Norton	Richter	Tjornhom
Dyke	Kiffmeyer	O'Connor	Rivness	Tompkins
Ellingson	Knickerbocker	Ogren	Rodosovich	Tunheim
Fjoslien	Knuth	Olson, E.	Sarna	Uphus
Forsythe	Kostohryz	Omann	Schafer	Valan
Frederick	Krueger	Onnen	Scheid	Valento
Frederickson	Levi	Osthoff	Schoenfeld	Vanasek
Frerichs	Lieder	Otis	Seaberg	Voss
Greenfield	Marsh	Ozment	Segal	Waltman
Gruenes	McDonald	Pappas	Shaver	Welle
Gutknecht	McEachern	Pauly	Sherman	Wenzel
Halberg	McPherson	Peterson	Simoneau	Wynia
Hartinger	Metzen	Piepho	Skoglund	Zaffke
Hartle	Miller	Poppenhagen	Sparby	Spk. Jennings, D.
Haukoos	Munger	Price	Stanius	
Jacobs	Murphy	Quist	Staten	
Jaros	Nelson, D.	Redalen	Sviggum	

The bill was passed and its title agreed to.

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.	Fjoslien	Kostohryz	Otis	Skoglund
Backlund	Forsythe	Krueger	Pappas	Sparby
Beard	Frederick	Levi	Pauly	Staten
Bennett	Frederickson	Lieder	Peterson	Sviggum
Bishop	Greenfield	Marsh	Piper	Thiede
Boerboom	Gruenes	McDonald	Poppenhagen	Thorson
Boo	Gutknecht	McEachern	Price	Tjornhom
Brandl	Halberg	McPherson	Quist	Tompkins
Brinkman	Hartinger	Metzen	Redalen	Tunheim
Brown	Hartle	Miller	Rest	Valan
Carlson, D.	Haukoos	Murphy	Richter	Vanasek
Carlson, L.	Heap	Nelson, D.	Rodosovich	Voss
Clark	Jacobs	Nelson, K.	Sarna	Waltman
Clausnitzer	Jaros	Norton	Schafer	Welle
Cohen	Johnson	Ogren	Schoenfeld	Wenzel
DenOuden	Kalis	Olson, E.	Seaberg	Zaffke
Dimler	Kiffmeyer	Omann	Segal	Spk. Jennings, D.
Dyke	Knickerbocker	Onnen	Sherman	
Ellingson	Knuth	Osthoff	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.

S. F. No. 818, A bill for an act relating to employment and economic opportunity; providing for the streamlining and coordination of job, economic development, and income-maintenance programs; setting as dual goals the lowering of unemployment rates and welfare caseloads; creating the councils for the hearing impaired and for the blind; abolishing the department of economic security; creating a new department of employment

and training; transferring responsibilities of the department of economic security to the department of employment 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 employment and training; providing for biennial state-wide plans for employment 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 15A.081, subdivision 1; 86.33, by adding subdivisions; 116J.035, by adding a subdivision; 116L.03, subdivision 7; 116L.04, by adding a subdivision; 129A.02, subdivision 2; 136.63, by adding a subdivision; 136C.06; 178.03, by adding a subdivision; 245.87; 248.07; 248.08; 256.736; 256.737; 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; 268.04, by adding subdivisions; 268.08, by adding a subdivision; 268.31; 268.32; 268.33; 268.34; 268.36; 268.672, subdivision 6; 268.676, subdivision 1; and 268.686; proposing coding for new law in Minnesota Statutes, chapters 256C and 268; proposing coding for new law as Minnesota Statutes, chapters 267 and 268A; repealing Minnesota Statutes 1984, sections 129A.02, subdivision 4; 245.84, subdivision 2; 256.736, subdivisions 1 and 2; 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; 268.80; and 268.81.

The bill was read for the third time 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 96 yeas and 10 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Burger	Fjoslien	Haukoos	Levi
Backlund	Carlson, D.	Forsythe	Heap	Lieder
Beard	Carlson, L.	Frederick	Jacobs	Marsh
Bennett	Clausnitzer	Frederickson	Johnson	McDonald
Bishop	Cohen	Frerichs	Kalis	McEachern
Blatz	Dempsey	Gruenes	Kiffmeyer	McLaughlin
Boerboom	DenOuden	Gutknecht	Knickerbocker	McPherson
Boo	Dimler	Halberg	Knuth	Metzen
Brinkman	Dyke	Hartinger	Kostohryz	Miller
Brown	Ellingson	Hartle	Krueger	Munger

Murphy	Peterson	Riveness	Simoneau	Vanasek
Nelson, D.	Piepho	Rodosovich	Stanius	Voss
Nelson, K.	Piper	Rose	Sviggum	Waltman
O'Connor	Price	Sarna	Thiede	Welle
Olsen, S.	Quinn	Schafer	Thorsen	Wenzel
Omann	Quist	Scheid	Tjornhom	Spk. Jennings, D.
Onnen	Redalen	Schoenfeld	Tompkins	
Otis	Rees	Segal	Tunheim	
Ozment	Rest	Shaver	Valan	
Pauly	Richter	Sherman	Valento	

Those who voted in the negative were:

Clark	Jaros	Norton	Pappas	Staten
Greenfield	Kahn	Osthoff	Skoglund	Wynia

The bill was passed and its title agreed to.

H. F. No. 646, A bill for an act relating to public records; providing for fees of the county recorder and secretary of state; changing grounds for appeal from resolution of county board setting salaries or budgets for certain county officials; amending Minnesota Statutes 1984, sections 268.161, subdivision 1; 270.69, by adding a subdivision; 272.483; 336.9-407; 357.18, subdivision 1; 384.151, subdivision 7; 385.373, subdivision 7; 386.015, subdivision 7; 386.77; 387.20, subdivision 7; 388.18, subdivision 6; 485.018, subdivision 7; 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 third time 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 100 yeas and 11 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Carlson, L.	Hartinger	McDonald	Osthoff
Backlund	Clausnitzer	Hartle	McEachern	Ozment
Beard	Cohen	Haukoos	McPherson	Pappas
Becklin	Dempsey	Jacobs	Metzen	Pauly
Bennett	DenOuden	Jaros	Miller	Peterson
Bishop	Dimler	Kalis	Munger	Piepho
Blatz	Dyke	Kelly	Murphy	Piper
Boerboom	Fjoslien	Kiffmeyer	Nelson, D.	Poppenhagen
Boo	Forsythe	Knickerbocker	Nelson, K.	Price
Brandl	Frederick	Knuth	O'Connor	Quinn
Brinkman	Frederickson	Kostohryz	Ogren	Quist
Brown	Frerichs	Krueger	Olsen, S.	Redalen
Burger	Gruenes	Levi	Olson, E.	Rees
Carlson, D.	Gutknecht	Lieder	Omann	Rest
Carlson, J.	Halberg	Marsh	Onnen	Richter

Riveness	Scheid	Stanius	Tompkins	Vanasek
Rodosovich	Schoenfeld	Sviggum	Tunheim	Waltman
Rose	Segal	Thiede	Uphus	Wenzel
Sarna	Shaver	Thorson	Valan	Zaffke
Schafer	Sherman	Tjornhom	Valento	Spk. Jennings, D.

Those who voted in the negative were :

Clark	Kahn	Norton	Skoglund	Voss
Ellingson	Long	Simoneau	Staten	Wynia
Greenfield				

The bill was passed and its title agreed to.

S. F. No. 251, A bill for an act relating to nursing homes; establishing an educational program for resident and family advisory councils; authorizing a surcharge on license fees; requiring evaluation and a report to the legislature by the Minnesota board on aging; appropriating money; amending Minnesota Statutes 1984, sections 256B.421, subdivision 8; and 256B.481, subdivision 2b; proposing coding for new law in Minnesota Statutes, chapter 144A.

The bill was read for the third time 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 109 yeas and 0 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Dempsey	Kiffmeyer	O'Connor	Riveness
Backlund	DenOuden	Knickerbocker	Ogren	Rodosovich
Beard	Dyke	Knuth	Olsen, S.	Rose
Becklin	Ellingson	Krueger	Omann	Sarna
Bennett	Fjoslien	Levi	Onnen	Schafer
Bishop	Frederick	Lieder	Osthoff	Scheid
Blatz	Frederickson	Long	Otis	Schoenfeld
Boerboom	Greenfield	Marsh	Ozment	Segal
Boo	Gruenes	McDonald	Pappas	Shaver
Brandl	Gutknecht	McEachern	Pauly	Sherman
Brinkman	Halberg	McLaughlin	Peterson	Simoneau
Brown	Hartinger	McPherson	Piper	Skoglund
Burger	Hartle	Metzen	Poppenhagen	Sparby
Carlson, D.	Jacobs	Miller	Price	Stanius
Carlson, J.	Jaros	Munger	Quinn	Staten
Carlson, L.	Johnson	Murphy	Redalen	Sviggum
Clark	Kahn	Nelson, D.	Rees	Thiede
Clausnitzer	Kalis	Nelson, K.	Rest	Thorson
Cohen	Kelly	Norton	Rice	Tjornhom

Tomlinson
Tompkins
Tunheim

Uphus
Valento
Vanasek

Vellenga
Voss
Waltman

Welle
Wenzel
Wynia

Zaffke
Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 1256 was reported to the House.

Riveness offered an amendment to H. F. No. 1256.

POINT OF ORDER

DenOuden raised a point of order pursuant to rule 5.10 that the Riveness amendment was out of order. The Speaker ruled the DenOuden point of order well taken and the Riveness amendment out of order.

H. F. No. 1256 was read for the third time.

MOTION FOR RECONSIDERATION

There being no objection the action whereby H. F. No. 1256 was given its third reading was reconsidered.

Knuth moved to amend H. F. No. 1256, the second engrossment, as follows:

Page 2, line 25, after "fee" delete "of not less than \$25 nor more than \$750"

A roll call was requested and properly seconded.

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

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

There were 42 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Battaglia
Begich
Brandl
Brown
Carlson, L.
Clark
Clausnitzer
Cohen
Elioff

Ellingson
Greenfield
Jaros
Kahn
Knuth
Kostohryz
Long
McLaughlin
Minne

Munger
Murphy
Nelson, D.
Nelson, K.
Norton
Osthoff
Otis
Pappas
Peterson

Piper
Price
Rest
Riveness
Scheid
Segal
Simoneau
Skoglund
Sparby

Staten
Tunheim
Vanasek
Vellenga
Voss
Wynia

Those who voted in the negative were:

Anderson, G.	Fjoslien	Knickerbocker	Piepho	Sviggum
Anderson, R.	Forsythe	Krueger	Poppenhagen	Thiede
Backlund	Frederick	Levi	Quinn	Thorson
Bennett	Frederickson	Lieder	Quist	Tjornhom
Bishop	Frerichs	Marsh	Redalen	Tompkins
Blatz	Gruenes	McDonald	Rees	Uphus
Boerboom	Gutknecht	McEachern	Richter	Valan
Boo	Halberg	McKasy	Rodosovich	Valento
Brinkman	Hartinger	McPherson	Sarna	Waltman
Burger	Hartle	Metzen	Schafer	Welle
Carlson, D.	Haukoos	Miller	Schoenfeld	Wenzel
Carlson, J.	Heap	O'Connor	Schreiber	Zaffke
DenOuden	Jacobs	Ogren	Shaver	Spk. Jennings, D.
Dimler	Johnson	Omann	Sherman	
Dyke	Kalis	Onnen	Solberg	
Erickson	Kiffmeyer	Ozment	Stanius	

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

H. F. No. 1256, A bill for an act relating to natural resources; altering certain provisions regarding water permit and annual water appropriation processing fees; amending Minnesota Statutes 1984, sections 105.41, subdivision 5; and 105.44, 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.

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

There were 106 yeas and 18 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Carlson, L.	Haukoos	Murphy	Quist
Anderson, R.	Clausnitzer	Heap	Nelson, D.	Redalen
Backlund	Cohen	Jacobs	Nelson, K.	Rees
Battaglia	DenOuden	Kahn	Neuenschwander	Rest
Beard	Dimler	Kalis	Olsen, S.	Rice
Becklin	Dyke	Kiffmeyer	Olson, E.	Richter
Begich	Elioff	Knickerbocker	Omann	Rivness
Bennett	Erickson	Knuth	Onnen	Rodosovich
Bishop	Fjoslien	Krueger	Osthoff	Schafer
Blatz	Forsythe	Levi	Otis	Scheid
Boerboom	Frederick	Lieder	Ozment	Schoenfeld
Boo	Frederickson	Long	Pappas	Schreiber
Brandl	Frerichs	Marsh	Pauly	Segal
Brinkman	Gruenes	McDonald	Piepho	Shaver
Brown	Gutknecht	McPherson	Piper	Sherman
Burger	Halberg	Metzen	Poppenhagen	Simoneau
Carlson, D.	Hartinger	Miller	Price	Solberg
Carlson, J.	Hartle	Minne	Quinn	Sparby

Stanius	Tjornhom	Uphus	Vellenga	Wenzel
Sviggum	Tompkins	Valan	Waltman	Zaffke
Thiede	Tunheim	Valento	Welle	Spk. Jennings, D.
Thorson				

Those who voted in the negative were:

Clark	Kostohryz	Norton	Sarna	Vanasek
Ellingson	McEachern	O'Connor	Skoglund	Voss
Greenfield	McLaughlin	Ogren	Staten	Wynia
Jaros	Munger	Peterson		

The bill was passed and its title agreed to.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Levi, from the Committee on Rules and Legislative Administration, pursuant to rule 1.9, designated the following bills as Special Orders to be acted upon immediately preceding General Orders pending for today, Thursday, May 16, 1985:

S. F. Nos. 521, 557, 1148, 581, 658, 1357, 966, 664, 650 and 863; H. F. No. 961; S. F. Nos. 1159, 1434, 1278, 1187, 1238, 721, 597, 1220, 1447, 616, 35, 243, 1279 and 825; H. F. Nos. 957 and 1064; and S. F. No. 1506.

SPECIAL ORDERS

Backlund and McLaughlin were excused while in conference.

The Speaker called Halberg to the Chair.

S. F. No. 521 was reported to the House.

Marsh offered an amendment to S. F. No. 521.

POINT OF ORDER

Staten raised a point of order pursuant to rule 3.9 that the Marsh amendment was not in order. The Speaker pro tempore Halberg ruled the Staten point of order well taken and the Marsh amendment out of order.

S. F. No. 521, 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 offi-

cers 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 third time 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 116 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslien	Lieder	Pappas	Sparby
Backlund	Forsythe	Long	Pauly	Stanius
Battaglia	Frederick	Marsh	Peterson	Staten
Becklin	Frederickson	McDonald	Piper	Sviggum
Begich	Greenfield	McEachern	Poppenhagen	Thiede
Bennett	Gruenes	McLaughlin	Price	Tjornhom
Bishop	Gutknecht	McPherson	Quinn	Tomlinson
Blatz	Halberg	Metzen	Redalen	Tompkins
Boo	Hartinger	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	Vellenga
Carlson, L.	Jaros	Norton	Rose	Voss
Clark	Johnson	O'Connor	Sarna	Welle
Clausnitzer	Kahn	Ogren	Schafer	Wenzel
Cohen	Kalis	Olsen, S.	Scheid	Wynia
Dempsey	Kelly	Olson, E.	Schoenfeld	Zaffke
DenOuden	Knickerbocker	Omann	Segal	Spk. Jennings, D.
Dimler	Knuth	Onnen	Shaver	
Dyke	Kostohryz	Osthoff	Sherman	
Elioff	Krueger	Otis	Simoneau	
Ellingson	Levi	Ozment	Skoglund	

The bill was passed and its title agreed to.

S. F. No. 557, 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 third time 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 114 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1148, 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 third time 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 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Becklin	Blatz	Brinkman	Carlson, D.
Backlund	Begich	Boo	Brown	Carlson, J.
Battaglia	Bennett	Brandl	Burger	Carlson, L.

Clark	Himle	Munger	Quinn	Sviggum
Clausnitzer	Jacobs	Murphy	Quist	Thiede
Cohen	Jaros	Nelson, D.	Redalen	Thorson
Dempsey	Johnson	Nelson, K.	Rees	Tjornhom
DenOuden	Kahn	Neuenschwander	Rest	Tomlinson
Dimler	Kalis	Norton	Rice	Tompkins
Dyke	Kiffmeyer	O'Connor	Richter	Tunheim
Elioff	Knickerbocker	Ogren	Riveness	Uphus
Ellingson	Knuth	Olsen, S.	Rodosovich	Valan
Forsythe	Kostohryz	Olsen, E.	Rose	Valento
Frederick	Krueger	Omann	Sarna	Vanasek
Frederickson	Levi	Onnen	Schafer	Vellenga
Frerichs	Lieder	Osthoff	Scheid	Voss
Greenfield	Long	Otis	Schoenfeld	Waltman
Gruenes	Marsh	Ozment	Segal	Welle
Gutknecht	McDonald	Pappas	Sherman	Wenzel
Halberg	McEachern	Pauly	Simoneau	Wynia
Hartinger	McKasy	Peterson	Skoglund	Zaffke
Hartle	McPherson	Piper	Sparby	Spk. Jennings, D.
Haukoos	Metzen	Poppenhagen	Stanius	
Heap	Minne	Price	Staten	

The bill was passed and its title agreed to.

Rose was excused between the hours of 1:15 p.m. and 2:30 p.m.

S. F. No. 581, 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 48.61, by adding a subdivision; 475.66, subdivision 3; and 501.125, by adding a subdivision; and 501.66, 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.

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

There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Brinkman	Dimler	Gutknecht	Kahn
Backlund	Brown	Dyke	Halberg	Kalis
Battaglia	Burger	Elioff	Hartinger	Kelly
Beard	Carlson, D.	Ellingson	Hartle	Kiffmeyer
Becklin	Carlson, L.	Fjoslien	Haukoos	Knickerbocker
Begich	Clark	Frederick	Heap	Knuth
Bennett	Clausnitzer	Frederickson	Himle	Kostohryz
Blatz	Cohen	Frerichs	Jacobs	Krueger
Boo	Dempsey	Greenfield	Jaros	Levi
Brandl	DenOuden	Gruenes	Johnson	Lieder

Long	Ogren	Price	Segal	Tompkins
Marsh	Olsen, S.	Quinn	Shaver	Tunheim
McDonald	Olsen, E.	Quist	Sherman	Uphus
McEachern	Omann	Redalen	Simoneau	Valento
McPherson	Onnen	Rees	Skoglund	Vanasek
Metzen	Osthoff	Rest	Solberg	Vellenga
Minne	Otis	Rice	Sparby	Voss
Munger	Ozment	Richter	Stanius	Waltman
Murphy	Pappas	Riveness	Staten	Welle
Nelson, D.	Pauly	Rodosovich	Sviggum	Wenzel
Nelson, K.	Peterson	Sarna	Thiede	Wynia
Neuenschwander	Piepho	Schafer	Thorson	Zaifke
Norton	Piper	Scheid	Tjornhom	Spk. Jennings, D.
O'Connor	Poppenhagen	Schoenfeld	Tomlinson	

The bill was passed and its title agreed to.

S. F. No. 658 was reported to the House.

There being no objection S. F. No. 658 was temporarily laid over on Special Orders.

S. F. No. 1357 was reported to the House.

There being no objection S. F. No. 1357 was temporarily laid over on Special Orders.

Bishop, DenOuden and Piepho were excused while in conference.

S. F. No. 966, A bill for an act relating to health; requiring a study and a report on the needs of persons with brain impairments.

The bill was read for the third time 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 114 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Backlund	Brown	Dyke	Hartinger	Kelly
Battaglia	Burger	Elioff	Hartle	Kiffmeyer
Beard	Carlson, D.	Ellingson	Haukoos	Knickerbocker
Becklin	Carlson, L.	Fjoslien	Heap	Kostohryz
Begich	Clark	Frederickson	Himle	Krueger
Bennett	Clausnitzer	Frerichs	Jacobs	Kvam
Blatz	Cohen	Greenfield	Jaros	Levi
Boerboom	Dempsey	Gruenes	Johnson	Lieder
Brandl	DenOuden	Gutknecht	Kahn	Long
Brinkman	Dimler	Halberg	Kalia	Marsh

McDonald	Ogren	Quist	Simoneau	Uphus
McEachern	Olsen, S.	Redalen	Skoglund	Valan
McKasy	Olson, E.	Rees	Solberg	Valento
McPherson	Omann	Rest	Sparby	Vanasek
Metzen	Osthoff	Richter	Stanius	Vellenga
Minne	Otis	Riveness	Staten	Voss
Munger	Ozment	Rodosovich	Sviggum	Waltman
Murphy	Pappas	Sarna	Thiede	Welle
Nelson, D.	Pauly	Schafer	Thorson	Wenzel
Nelson, K.	Peterson	Scheid	Tjornhom	Wynia
Neuenschwander	Piper	Schoenfeld	Tomlinson	Zaffke
Norton	Price	Shaver	Tompkins	Spk. Jennings, D.
O'Connor	Quinn	Sherman	Tunheim	

The bill was passed and its title agreed to.

S. F. No. 658 which was temporarily laid over earlier today was again reported to the House.

Thiede moved to amend S. F. No. 658, as follows :

Page 4, delete lines 1 through 12.

Renumber the sections accordingly.

Further, amend the title as follows :

Page 1, line 4, delete "sections" and insert "section"

Page 1, line 6, after the first semi-colon insert "and"

Page 1, line 7, delete "and 100.29, subdivision 8;"

A roll call was requested and properly seconded.

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

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

There were 88 yeas and 33 nays as follows :

Those who voted in the affirmative were :

Anderson, R.	Blatz	Carlson, L.	Forsythe	Hartle
Backlund	Boerboom	Dempsey	Frederick	Haukoos
Battaglia	Boo	DenOuden	Frederickson	Heap
Beard	Brinkman	Dimler	Frerichs	Jacobs
Becklin	Brown	Dyke	Gutknecht	Jaros
Begich	Burger	Elioff	Halberg	Johnson
Bishop	Carlson, D.	Fjoslien	Hartinger	Kalis

Kiffmeyer	McPherson	Osthoff	Riveness	Tunheim
Knickerbocker	Metzen	Ozment	Rodosovich	Uphus
Knuth	Minne	Pauly	Sarna	Valan
Kostohryz	Munger	Peterson	Schafer	Valento
Krueger	Murphy	Piper	Scheid	Vanasek
Kvam	Nelson, D.	Poppenhagen	Shaver	Waltman
Levi	O'Connor	Quinn	Sparby	Wenzel
Lieder	Ogren	Redalen	Sviggum	Zaffke
Marsh	Oisen, S.	Rees	Thiede	Spk. Jennings, D.
McDonald	Oison, E.	Rest	Thorson	
McEachern	Onnen	Richter	Tjornhom	

Those who voted in the negative were:

Anderson, G.	Greenfield	Neuenschwander	Schoenfeld	Tompkins
Bennett	Gruenes	Norton	Segal	Vellenga
Brandl	Jennings, L.	Omann	Simoneau	Voss
Clark	Kahn	Otis	Skoglund	Welle
Clausnitzer	Kelly	Pappas	Solberg	Wynia
Cohen	Long	Price	Stanius	
Ellingson	Nelson, K.	Rice	Tomlinson	

The motion prevailed and the amendment was adopted.

S. F. No. 658, 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 16; 98.46, subdivision 5; 98.52, by adding a subdivision; 100.273, subdivisions 6 and 9; and 100.29, subdivision 8; repealing Minnesota Statutes 1984, section 97.55, subdivision 4.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

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

There were 117 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Backlund	Burger	Frederick	Johnson	Marsh
Battaglia	Carlson, D.	Frederickson	Kahn	McDonald
Beard	Carlson, L.	Frerichs	Kalis	McEachern
Becklin	Clark	Gruenes	Kelly	McLaughlin
Begich	Cohen	Gutknecht	Kiffmeyer	McPherson
Bennett	Dempsey	Halberg	Knickerbocker	Metzen
Bishop	DenOuden	Hartinger	Knuth	Minne
Blatz	Dimler	Hartle	Kostohryz	Munger
Boerboom	Dyke	Haukoos	Krueger	Murphy
Boo	Elioff	Heap	Kvam	Nelson, D.
Brandl	Ellingson	Jacobs	Levi	Nelson, K.
Brinkman	Fjoslien	Jaros	Lieder	Neuenschwander
Brown	Forsythe	Jennings, L.	Long	Norton

O'Connor	Peterson	Riveness	Staten	Vanasek
Ogren	Piper	Rodosovich	Svigum	Vellenga
Olsen, S.	Poppenhagen	Sarna	Thiede	Voss
Olson, E.	Price	Schafer	Thorson	Waltman
Omann	Quinn	Scheid	Tjornhom	Welle
Onnen	Quist	Schoenfeld	Tomlinson	Wenzel
Osthoff	Redalen	Shaver	Tompkins	Zaffke
Otis	Rees	Simoneau	Tunheim	Spk. Jennings, D.
Ozment	Rest	Solberg	Uphus	
Pappas	Rice	Sparby	Valan	
Pauly	Richter	Stanis	Valento	

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

S. F. No. 664, 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 third time 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 121 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Krueger	Pappas	Sparby
Anderson, R.	Fjoslien	Kvam	Pauly	Stanis
Backlund	Forsythe	Levi	Peterson	Staten
Battaglia	Frederick	Lieder	Piper	Svigum
Beard	Frederickson	Marsh	Poppenhagen	Thiede
Becklin	Frerichs	McDonald	Price	Thorson
Begich	Greenfield	McEachern	Quinn	Tjornhom
Bennett	Gruenes	McLaughlin	Quist	Tomlinson
Blatz	Gutknecht	McPherson	Redalen	Tompkins
Boerboom	Halberg	Metzen	Rees	Tunheim
Boo	Hartinger	Minne	Rest	Uphus
Brandl	Hartle	Munger	Rice	Valento
Brinkman	Haukoos	Murphy	Richter	Vanasek
Brown	Heap	Nelson, D.	Riveness	Vellenga
Burger	Jacobs	Nelson, K.	Rodosovich	Voss
Carlson, D.	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.	Segal	Zaffke
Dempsey	Kelly	Olson, E.	Shaver	Spk. Jennings, D.
DenOuden	Kiffmeyer	Omann	Sherman	
Dimler	Knickerbocker	Onnen	Simoneau	
Dyke	Knuth	Otis	Skoglund	
Elioff	Kostohryz	Ozment	Solberg	

Those who voted in the negative were:

Long Osthoff

The bill was passed and its title agreed to.

S. F. No. 650 was reported to the House.

There being no objection S. F. No. 650 was temporarily laid over on Special Orders.

S. F. No. 863 was reported to the House.

There being no objection S. F. No. 863 was temporarily laid over on Special Orders.

H. F. No. 961 was reported to the House.

Nelson, D., moved to amend H. F. No. 961, the third engrossment, as follows:

Page 12, after line 19, insert:

“Sec. 16. Minnesota Statutes 1984, section 473.882, subdivision 1, is amended to read:

Subdivision 1. [WATERSHED MANAGEMENT TAX DISTRICT.] Any local government unit planning for water management under sections 473.878 and 473.879 may establish a watershed management tax district in the territory within the watershed, for the purpose of paying the costs of the planning required under sections 473.878 and 473.879. Any local government unit which has part of its territory within a watershed for which a plan has been adopted in accordance with section 473.878 and which has a local water management plan adopted in accordance with section 473.879 may establish a watershed management tax district in the territory within the watershed, for the purpose of paying capital costs of the water management facilities described in the capital improvement program of the plans and for the purpose of paying for normal and routine maintenance of the facilities. A county or counties required by section 473.878, subdivision 2, to prepare, adopt, and implement a watershed plan (MAY) shall apportion the costs of planning, capital improvements, and maintenance *proportionate to benefits*. The county may apportion the costs among the minor watershed units in the watershed, or among the statutory and home rule charter cities and towns having territory in the watershed, and for this purpose may establish more than one watershed management tax district in the watershed.”

Amend the title as follows :

Page 1, line 7, after "board;" insert "amending Minnesota Statutes 1984, section 473.882, subdivision 1;"

The motion prevailed and the amendment was adopted.

H. F. No. 961, A bill for an act relating to water; providing for comprehensive local water management; authorizing counties to develop and implement county water and related land resources plans; providing additional authorities to counties; providing additional duties of the water resources board; amending Minnesota Statutes 1984, section 473.882, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 110B.

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 120 yeas and 0 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Ellingson	Krueger	Otis	Simoneau
Anderson, R.	Fjoslien	Levi	Ozment	Skoglund
Backlund	Forsythe	Lieder	Pappas	Solberg
Battaglia	Frederick	Long	Pauly	Sparby
Beard	Frederickson	Marsh	Peterson	Stanius
Becklin	Frerichs	McDonald	Piper	Staten
Begich	Greenfield	McEachern	Poppenhagen	Sviglum
Bennett	Gruenes	McLaughlin	Price	Thiede
Blatz	Gutknecht	McPherson	Quinn	Thorson
Boerboom	Halberg	Metzen	Quist	Tjornhom
Boo	Hartinger	Minne	Redalen	Tomlinson
Brandl	Hartle	Munger	Rees	Tunheim
Brinkman	Haukoos	Murphy	Rest	Uphus
Brown	Heap	Nelson, D.	Rice	Valan
Burger	Jacobs	Nelson, K.	Richter	Valento
Carlson, D.	Jaros	Neuenschwander	Riveness	Vanasek
Carlson, L.	Jennings, L.	Norton	Rodosovich	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	Segal	Wynia
Dimler	Knickerbocker	Onnen	Shaver	Zaffke
Elioff	Knuth	Osthoff	Sherman	Spk. Jennings, D.

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

S. F. No. 1159 was reported to the House.

Heap moved to amend S. F. No. 1159, as follows:

Page 12, line 23, after "(a)" insert "*For issuing public corporations incorporated under this chapter before August 1, 1985, this section applies to a control share acquisition*"

Page 12, lines 24 and 25, delete the new language

Page 12, line 25, strike "an" and insert "*the corporation. For*"

Page 12, line 25, strike "corporation" and insert "*corporations incorporated under this chapter on or after August 1, 1985*"

Page 12, line 26, reinstate "applies" and delete the new language

Page 12, line 27, before the period insert "*if so provided in the articles of the corporation*"

The motion prevailed and the amendment was adopted.

S. F. No. 1159, 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 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 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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	Kalis	Nelson, D.	Quinn	Sviggum
Ellingson	Kelly	Nelson, K.	Redalen	Thiede
Fjoslien	Kiffmeyer	Neuenschwander	Rees	Thorson
Frederick	Knickerbocker	Norton	Rest	Tjornhom
Frederickson	Knuth	O'Connor	Richter	Tomlinson
Frerichs	Kostohryz	Ogren	Riveness	Tompkins
Greenfield	Krueger	Olsen, S.	Rodosovich	Tunheim
Gruenes	Levi	Olson, E.	Sarna	Uphus
Gutknecht	Lieder	Omann	Schafer	Valan
Halberg	Long	Onnen	Scheid	Valento
Hartinger	Marsh	Osthoff	Schoenfeld	Vanasek
Hartle	McDonald	Otis	Segal	Vellenga
Haukoos	McEachern	Ozment	Shaver	Voss
Heap	McLaughlin	Pappas	Sherman	Waltman
Jacobs	McPherson	Pauly	Simoneau	Welle
Jaros	Metzen	Peterson	Skoglund	Wenzel
Jennings, L.	Minne	Piper	Solberg	Wynia
Johnson	Munger	Poppenhagen	Stanius	Zaffke
Kahn	Murphy	Price	Staten	Spk. Jennings, D.

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

S. F. No. 1434, 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 third time 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 118 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	DenOuden	Kalis	Neuenschwander	Riveness
Anderson, R.	Dimler	Kelly	Norton	Rodosovich
Backlund	Dyke	Kiffmeyer	O'Connor	Sarna
Battaglia	Elioff	Knickerbocker	Ogren	Schafer
Beard	Ellingson	Knuth	Olson, E.	Scheid
Becklin	Fjoslien	Kostohryz	Omann	Schoenfeld
Begich	Forsythe	Krueger	Onnen	Segal
Bennett	Frederick	Levi	Osthoff	Shaver
Blatz	Frederickson	Lieder	Otis	Sherman
Boerboom	Frerichs	Long	Ozment	Simoneau
Boo	Greenfield	Marsh	Pappas	Skoglund
Brandl	Gruenes	McDonald	Pauly	Solberg
Brinkman	Gutknecht	McEachern	Peterson	Sparby
Brown	Hartinger	McLaughlin	Piper	Stanius
Burger	Hartle	McPherson	Poppenhagen	Staten
Carlson, D.	Haukoos	Metzen	Price	Sviggum
Carlson, L.	Heap	Minne	Quinn	Thiede
Clark	Jacobs	Munger	Redalen	Thorson
Clausnitzer	Jaros	Murphy	Rees	Tjornhom
Cohen	Jennings, L.	Nelson, D.	Rest	Tomlinson
Dempsey	Kahn	Nelson, K.	Richter	Tompkins

Tunheim
Uphus
Valan

Valento
Vanasek
Vellenga

Voss
Waltman
Welle

Wenzel
Wynia

Zaffke
Spk. Jennings, D.

Those who voted in the negative were:

Olsen, S.

The bill was passed and its title agreed to.

Boo and Haukoos were excused while in conference.

S. F. No. 1278, A bill for an act relating to financial institutions; providing for the extension of certain loan assumptions; amending Minnesota Statutes 1984, section 47.20, 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.

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

There were 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Krueger	Otis	Skoglund
Backlund	Fjoslien	Levi	Ozment	Solberg
Battaglia	Forsythe	Lieder	Pappas	Sparby
Beard	Frederick	Long	Pauly	Stanius
Becklin	Frederickson	Marsh	Peterson	Staten
Begich	Frerichs	McDonald	Piper	Sviggum
Bennett	Greenfield	McEachern	Poppenhagen	Thiede
Blatz	Gruenes	McLaughlin	Price	Thorson
Boerboom	Gutknecht	McPherson	Quinn	Tjornhom
Boo	Halberg	Metzen	Quist	Tomlinson
Brandl	Hartinger	Minne	Redalen	Tompkins
Brinkman	Hartle	Munger	Rees	Tunheim
Brown	Heap	Murphy	Rest	Uphus
Burger	Jacobs	Nelson, D.	Richter	Valan
Carlson, D.	Jaros	Nelson, K.	Riveness	Valento
Carlson, J.	Jennings, L.	Neuenschwander	Rodosovich	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.	Segal	Wenzel
Dimler	Knickerbocker	Omann	Shaver	Wynia
Dyke	Knuth	Onnen	Sherman	Zaffke
Elioff	Kostohryz	Osthoff	Simoneau	Spk. Jennings, D.

The bill was passed and its title agreed to.

S. F. No. 1187, 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 third time 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 116 yeas and 0 nays as follows :

Those who voted in the affirmative were :

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

The bill was passed and its title agreed to.

S. F. No. 1238 was reported to the House.

Pauly, Bennett and Anderson, R., moved to amend S. F. No. 1238, as follows :

Page 1, after line 7, insert :

"Section 1. Minnesota Statutes 1984, section 340.031, subdivision 2, is amended to read :

Subd. 2. No manufacturer or wholesaler shall, directly or indirectly, or through a subsidiary or affiliate corporation, or by any officer, director, stockholder, or partner thereof, give, lend, or advance any money, credit, or other thing of value to any retailer or to any person for the benefit or relief of any retailer, nor furnish, give, lend, lease, or sell to any person any furniture, fixtures, fittings, or equipment; nor shall any manufacturer or wholesaler, directly or indirectly, have any interest in, or pay for, any retail licenses, or advance, furnish, lend, or give money for the payment of retail license fees or any expense incident to the obtaining of a license; nor shall any manufacturer or wholesaler become bound in any manner, directly or indirectly, for the repayment of any loan made to, or the fulfillment of any financial obligation of, any retailer; except that manufacturers or wholesalers may:

(a) furnish, lend, or rent outside signs to retailers, provided the cost of such signs, in the aggregate, furnished, lent, or rented by any manufacturer or wholesaler to any retailer shall not exceed \$100, exclusive of erection, installation, and repair charges; (b) furnish inside signs, miscellaneous advertising matter, and other items not to exceed, in the aggregate, a cost of \$100 in any calendar year to any one retailer; (c) furnish or maintain for retailers equipment designed and intended to preserve and maintain the sanitary dispensing of non-intoxicating malt liquors, *including tap trailers, cold plates and other dispensing equipment*, provided the expense incurred thereby does not exceed the sum of \$100 per tap per calendar year, no part of which shall be paid in cash to any retailer; (d) lease or lend to the owner of the premises, or to any retailer now or hereafter occupying the premises, any furniture, fixtures, fittings, and equipment actually located on said premises on April 16, 1943.

Any retailer who shall be a party to any violation of this subdivision or who shall receive the benefits thereof shall be equally guilty of a violation of the provisions thereof and shall be subject to the penalty hereinafter provided.

Any person who shall violate the provisions of this subdivision is guilty of a gross misdemeanor, and each violation shall constitute a separate offense.

Sec. 3. Minnesota Statutes 1984, section 340.405, is amended to read:

340.405 [BREWERS, WHOLESALERS; NOT TO BE RETAILERS.]

No brewer or wholesaler shall, either directly or indirectly, own or control, or have any financial interest in, any retail business selling intoxicating malt liquor; but this restriction shall not be construed to deny such person the right to use or have his property rented for this purpose in any case where the brew-

er or wholesaler was a bona fide owner of the premises prior to November 1, 1933. No brewer or wholesaler shall, directly or indirectly, or through a subsidiary or affiliate corporation, or by any officer, director, stockholder, or partner thereof, give, lend, or advance any money, credit, or other thing of value to any retailer or to any person for the benefit or relief of any retailer, nor furnish, give, lend, lease, or sell to any person any furniture, fixtures, fittings, or equipment; nor shall any brewer or wholesaler, directly or indirectly, have any interest in, or pay for, any retail license, or advance, furnish, lend, or give money for the payment of retail license fees or any expense incident to the obtaining of a license; nor shall any brewer or wholesaler become bound in any manner, directly or indirectly, for the repayment of any loan made to, or the fulfillment of any financial obligation of, any retailer, except that brewers or wholesalers may: (1) furnish, lend, or rent outside signs to retailers, provided the cost of the signs, in the aggregate, furnished, lent or rented by any brewer or wholesaler to any retailer, including signs authorized by section 340.02, shall not exceed \$100, exclusive of erection, installation and repair charges; but nothing herein shall be construed as affecting signs owned and located in the state on the effective date hereof by any brewer or wholesaler; (2) furnish inside signs, miscellaneous advertising matter and other items not to exceed, in the aggregate, including similar items authorized by section 340.02, a cost of \$100 in any calendar year to any one retailer; (3) furnish or maintain for retailers equipment designed and intended to preserve and maintain the sanitary dispensing of intoxicating malt liquors, *including tap trailers, cold plates and other dispensing equipment*, provided the expense incurred thereby does not exceed the sum of \$100 per tap per calendar year, no part of which shall be paid in cash to any retailer."

Renumber the sections accordingly

Amend the title as follows:

Page 1, line 2, after the semicolon insert "authorizing beer wholesalers to provide certain equipment to retailers;"

Page 1, line 4, delete "section" and insert "sections"

Page 1, line 5, before "340.11" insert "340.031, subdivision 2;"

Page 1, line 5, after "subdivision" insert "; and 340.405"

The motion prevailed and the amendment was adopted.

Dempsey offered an amendment to S. F. No. 1238, as amended.

POINT OF ORDER

Skoglund raised a point or order pursuant to rule 3.9 that the Dempsey amendment was not in order. The Speaker pro tempore Halberg ruled the Skoglund point of order well taken and the Dempsey amendment out of order.

S. F. No. 1238, 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 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.

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

There were 108 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

S. F. No. 650 which was temporarily laid over earlier today was again reported to the House.

Valento moved to amend S. F. No. 650, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 609.855, subdivision 4, is amended to read:

Subd. 4. [PENALTY.] Whoever violates subdivision 1, 2, or 3 may be sentenced as follows:

(a) To imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the violation was accompanied by force or violence or a communication of a threat of force or violence; or

(b) To (THE PENALTY IMPOSED IN SECTION 169.89, SUBDIVISION 2) *imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both*, if the violation was not accompanied by force or violence or a communication of a threat of force or violence.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1985, and applies to crimes committed on or after that date."

Delete the title and insert:

"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 motion prevailed and the amendment was adopted.

Marsh moved to amend S. F. No. 650, as amended, as follows:

Page 1, after line 8, 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."

Page 2, after line 20, insert:

"Sec. 10. [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."

Page 2, line 22, delete "1 and 2" and insert "1 to 4, 8, and 9."

Page 2, line 23, after the period insert "Section 10 is effective August 1, 1985."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon insert "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; creating a presumption in favor of the confinement of certain convicted defendants pending imposition of sentence;"

Page 1, line 5, delete "section" and insert "sections 152.15, by adding subdivisions; 609.245; 609.582, by adding subdivisions; and"

Page 1, line 6, before the period insert " ; proposing coding for new law in Minnesota Statutes, chapter 629"

A roll call was requested and properly seconded.

POINT OF ORDER

Staten raised a point of order pursuant to rule 3.9 that the Marsh amendment was not in order. The Speaker pro tempore Halberg ruled the Staten point of order not well taken and the Marsh amendment in order.

POINT OF ORDER

Staten raised a point of order pursuant to rule 3.10 that the Marsh amendment was not in order. The Speaker pro tempore Halberg ruled the Staten point of order not well taken and the Marsh amendment in order.

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

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

There were 112 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Greenfield Kahn

The motion prevailed and the amendment was adopted.

S. F. No. 650, 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, subdivisions 3 and 4.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

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

There were 117 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 863 which was temporarily laid over earlier today was again reported to the House.

Seaberg moved to amend S. F. No. 863, as follows:

Page 1, line 22, after "value," insert "on credit,"

Page 2, lines 12 and 13, delete the new language

Page 11, line 1, delete "two" and insert "one"

Page 11, line 2, delete "two" and insert "one"

Page 11, line 19, delete the new language and insert *"influencing the issuer to issue a financial transaction card; or"*

Page 11, delete lines 25 to 36 and insert:

"(1) for a violation of subdivision 2, clause (1), (2), or (5), in the manner provided in section 609.52, subdivision 3;

(2) for a violation of subdivision 2, clause (3) or (4), to imprisonment for not more than 3 years or to payment of a fine of not more than \$5,000, or both; or

(3) for a violation of subdivision 2, clause (6) or (7),

(i) if no property, other than a financial transaction card, has been obtained by the defendant by means of the false statement or false report, to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both; or

(ii) if property, other than a financial transaction card, is so obtained, in the manner provided in section 609.52, subdivision 3."

Page 12, delete lines 1 and 2

Vanasek moved that the call of the House be dispensed with.

A roll call was requested and properly seconded.

The Speaker resumed the Chair.

The question was taken on the Vanasek motion and the roll was called.

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

There were 63 yeas and 55 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, R.	Dyke	Haukoos	Pauly	Stanius
Becklin	Fjoslien	Johnson	Poppenhagen	Svigum
Bennett	Forsythe	Kiffmeyer	Quist	Thorson
Blatz	Frederick	Knickerbocker	Redalen	Tjornhom
Boerboom	Frederickson	Levi	Rees	Tompkins
Burger	Frerichs	Marsh	Richter	Uphus
Carlson, D.	Gruenes	McDonald	Rose	Valan
Carlson, J.	Gutknecht	McPherson	Schafer	Valento
Clausnitzer	Halberg	Omann	Seaberg	Waltman
Dempsey	Hartinger	Onnen	Shaver	Zaffke
Dimler	Hartle	Ozment	Sherman	Spk. Jennings, D.

The motion did not prevail.

The question recurred on the adoption of the Seaberg amendment to S. F. No. 863. The motion prevailed and the amendment was adopted.

S. F. No. 863, 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 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 100 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Clark	Hartinger	Long	Omann
Anderson, R.	Clausnitzer	Hartle	Marsh	Onnen
Beard	Cohen	Jacobs	McDonald	Otis
Becklin	Dimler	Jennings, L.	McLaughlin	Ozment
Begich	Dyke	Johnson	McPherson	Pappas
Bennett	Elioff	Kahn	Minne	Pauly
Blatz	Ellingson	Kalis	Murphy	Poppenhagen
Boerboom	Fjoslien	Kelly	Nelson, D.	Price
Brinkman	Forsythe	Kiffmeyer	Nelson, K.	Quinn
Brown	Frederick	Knickerbocker	Neuenschwander	Quist
Burger	Frederickson	Knuth	Norton	Redalen
Carlson, D.	Frerichs	Kostchryz	O'Connor	Rees
Carlson, J.	Gruenes	Levi	Ogren	Rest
Carlson, L.	Gutknecht	Lieder	Olson, E.	Rice

Richter	Segal	Sparby	Tomlinson	Waltman
Riveness	Shaver	Stanius	Tompkins	Welle
Sarna	Sherman	Staten	Tunheim	Wenzel
Schafer	Simoneau	Sviggum	Uphus	Wynia
Schoenfeld	Skoglund	Thorson	Valento	Zaffke
Seaberg	Solberg	Tjornhom	Voss	Spk. Jennings, D.

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

S. F. No. 1357 which was temporarily laid over earlier today was again reported to the House.

Halberg moved to amend S. F. No. 1357, as follows:

Page 1, line 14, after "exceed" delete "\$500" and insert "\$50"

The motion prevailed and the amendment was adopted.

S. F. No. 1357, 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 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 71 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dyke	Kiffmeyer	Quist	Thorson
Anderson, R.	Fjoslien	Knickerbocker	Redalen	Tjornhom
Backlund	Forsythe	Levi	Rees	Tomlinson
Becklin	Frederick	Marsh	Richter	Tompkins
Bennett	Frederickson	McDonald	Riveness	Uphus
Blatz	Frerichs	McPherson	Rose	Valan
Boerboom	Gruenes	Nelson, D.	Schafer	Valento
Boo	Gutknecht	Norton	Schoenfeld	Waltman
Burger	Halberg	Olsen, S.	Seaberg	Welle
Carlson, D.	Hartinger	Omann	Shaver	Zaffke
Carlson, J.	Hartle	Ommen	Sherman	Spk. Jennings, D.
Clausnitzer	Haukoos	Ozment	Simoneau	
Dempsey	Heap	Pauly	Stanius	
DenOuden	Johnson	Piepho	Sviggum	
Dimler	Kelly	Poppenhagen	Thiede	

Those who voted in the negative were:

Brandl Cohen

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

Vanasek moved that the call of the House be dispensed with.

A roll call was requested and properly seconded.

The question was taken on the Vanasek motion and the roll was called.

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

There were 60 yeas and 66 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, R.	Dyke	Johnson	Ozment	Stanisus
Backlund	Fjoslien	Kiffmeyer	Pauly	Sviggum
Becklin	Forsythe	Knickerbocker	Piepho	Thorson
Bennett	Frederick	Kvam	Poppenhagen	Tjornhom
Blatz	Frederickson	Levi	Quist	Tompkins
Boerboom	Frerichs	McDonald	Redalen	Valan
Boo	Gruenes	McEachern	Rees	Valento
Burger	Gutknecht	McKasy	Richter	Waltman
Carlson, D.	Halberg	McPherson	Rose	Zaifke
Carlson, J.	Hartinger	Metzen	Schafer	Spk. Jennings, D.
Clausnitzer	Haukoos	Miller	Schreiber	
Dempsey	Heap	Olsen, S.	Scaberg	
DenOuden	Himle	Omman	Shaver	
Dimler	Jacobs	Onnen	Sherman	

The motion did not prevail.

S. F. No. 721 was reported to the House.

There being no objection S. F. No. 721 was temporarily laid over on Special Orders.

S. F. No. 597 was reported to the House.

There being no objection S. F. No. 597 was temporarily laid over on Special Orders.

McEachern moved that the call of the House be dispensed with.

A roll call was requested and properly seconded.

The question was taken on the McEachern motion and the roll was called.

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

There were 55 yeas and 59 nays as follows :

Those who voted in the affirmative were :

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

Those who voted in the negative were :

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

The motion did not prevail.

S. F. No. 1220 was reported to the House.

There being no objection S. F. No. 1220 was temporarily laid over on Special Orders.

S. F. No. 1447 was reported to the House.

There being no objection S. F. No. 1447 was temporarily laid over on Special Orders.

S. F. No. 616, A bill for an act relating to the city of Warroad; permitting the establishment of a port authority.

The bill was read for the third time and placed upon its final passage.

The question was taken on the final passage of the bill 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 60 yeas and 58 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion to excuse members from voting prevailed.

The roll was called on the final passage of S. F. No. 616.

There were 62 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Jaros	Minne	Piper	Solberg
Beard	Jennings, L.	Munger	Price	Sparby
Begich	Kahn	Murphy	Quinn	Staten
Brandl	Kalis	Nelson, D.	Rest	Tomlinson
Brinkman	Kelly	Neuenschwander	Rice	Tunheim
Brown	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	
Greenfield	McLaughlin	Pappas	Simoneau	
Jacobs	Metzen	Peterson	Skoglund	

Those who voted in the negative were:

Vanasek

The bill was not passed.

Carlson, D., was excused for the remainder of today's session.

S. F. No. 721 which was temporarily laid over earlier today was again reported to the House.

Valento moved to amend S. F. No. 721, as follows:

Page 1, line 18, delete "*This act*" and insert "*Section 1*"

Page 1, after line 20, insert:

"Section 3. [458.095] [CITIES; POWERS OF PORT AUTHORITIES.]

The governing body of a home rule charter or statutory city, wherever located, may exercise the powers of port authorities and cities contained in sections 458.09 to 458.1991, except the powers of seaway port authorities. The governing body of a city is deemed a port authority for purposes of sections 273.71 to 273.78.

Sec. 2. Minnesota Statutes 1984, section 458.18, subdivision 2, is amended to read:

Subd. 2. [AUDITS.] Notwithstanding the provisions of any law to the contrary, any seaway port authority may employ a certified public accountant to annually audit and examine the books of the authority. The report of the examination or audit by the certified public accountant shall be submitted to the state auditor who shall review the audit report and may accept the

audit or make additional examinations as he deems to be in the public interest.

The state auditor shall annually audit the books of a home rule charter or statutory city relating to port authority activities where the governing body of the city is exercising the powers of a port authority under section 1 of this act.

Sec. 4. [SUNSET PROVISION.]

No additional statutory or home rule charter city or other municipality shall begin exercising the powers, duties, or responsibilities of a port authority granted under Minnesota Statutes, chapter 458, or other pertinent law, after June 30, 1986."

Delete the title and insert:

"A bill for an act relating to local government; authorizing cities, however organized, to exercise the powers of port authorities; sunsetting port authority powers of municipalities after June 30, 1986; amending Minnesota Statutes 1984, sections 458.18, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 458."

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

S. F. No. 721, 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 third time 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 114 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Boerboom	Cohen	Frederick	Haukoos
Anderson, R.	Brandl	Dempsey	Frederickson	Heap
Backlund	Brinkman	Dimler	Frerichs	Jacobs
Battaglia	Brown	Dyke	Greenfield	Jaros
Beard	Burger	Elioff	Gruenes	Johnson
Becklin	Carlson, J.	Erickson	Gutknecht	Kahn
Begich	Carlson, L.	Fjoslien	Hartinger	Kalis
Bennett	Clausnitzer	Forsythe	Hartle	Kelly

Kiffmeyer	Minne	Pauly	Schafer	Tjornhom
Knickerbocker	Munger	Peterson	Scheid	Tomlinson
Knuth	Murphy	Piepho	Schoenfeld	Tompkins
Kostohryz	Nelson, D.	Piper	Segal	Tunheim
Krueger	Nelson, K.	Poppenhagen	Shaver	Uphus
Levi	Norton	Price	Sherman	Valan
Lieder	O'Connor	Redalen	Simoneau	Valento
Long	Ogren	Rees	Skoglund	Vanasek
Marsh	Olsen, S.	Rest	Solberg	Voss
McDonald	Olson, E.	Rice	Sparby	Waltman
McEachern	Omamm	Richter	Stanis	Welle
McLaughlin	Onnen	Riveness	Staten	Wenzel
McPherson	Osthoff	Rodosovich	Swiggum	Wynia
Metzen	Otis	Rose	Thiede	Spk. Jennings, D.
Miller	Ozment	Sarna	Thorson	

The bill was passed and its title agreed to.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1176:

Blatz, Vellenga and Kiffmeyer.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 295:

Zaffke, Brinkman and Marsh.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 33:

Hartinger, Kelly and Blatz.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 968:

Thorson, Haukoos and Boerboom.

MOTION FOR RECONSIDERATION

Vanasek moved that the vote whereby S. F. No. 616 was not passed earlier today be now reconsidered. The motion prevailed.

S. F. No. 616 was reported to the House.

S. F. No. 616, A bill for an act relating to the city of Warroad; permitting the establishment of a port authority.

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 109 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce 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. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

McKasy moved that the House concur in the Senate amendments to H. F. No. 1045 and that the bill be repassed as amended by the Senate. The motion prevailed.

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 60A.13, subdivision 1a; 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, subdivision 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 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.

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

There were 111 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, C.	Beard	Bennett	Brandl	Burger
Anderson, R.	Becklin	Blatz	Brinkman	Carlson, D.
Battaglia	Begich	Boerboom	Brown	Carlson, J.

Carlson, L.	Jaros	Minne	Quist	Sviggum
Clark	Johnson	Munger	Redalen	Thorson
Clausnitzer	Kahn	Murphy	Rees	Tjornhom
Cohen	Kalis	Nelson, D.	Rest	Tomlinson
Dempsey	Kelly	Nelson, K.	Richter	Tompkins
Dyke	Kiffmeyer	Neuenschwander	Riveness	Tunheim
Elioff	Knickerbocker	Norton	Rodosovich	Uphus
Ellingson	Knuth	O'Connor	Rose	Valan
Fjoslien	Kostohryz	Ogren	Sarna	Valento
Forsythe	Krueger	Olson, E.	Schafer	Vanasek
Frederick	Levi	Omman	Schoenfeld	Voss
Frederickson	Lieder	Onnen	Segal	Waltman
Greenfield	Long	Otis	Shaver	Welle
Gruenes	Marsh	Ozment	Sherman	Wenzel
Gutknecht	McDonald	Pappas	Simoneau	Wynia
Hartinger	McEachern	Pauly	Skoglund	Spk. Jennings, D.
Hartle	McKasy	Peterson	Solberg	
Haukoos	McLaughlin	Piper	Sparby	
Heap	McPherson	Price	Stanius	
Jacobs	Metzen	Quinn	Staten	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Sviggum moved that the House refuse to concur in the Senate amendments to H. F. No. 513, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 264, 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 dogs 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Heap moved that the House refuse to concur in the Senate amendments to H. F. No. 264, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Shaver moved that the House refuse to concur in the Senate amendments to H. F. No. 850, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

SPECIAL ORDERS

S. F. No. 597 which was temporarily laid over earlier today was again reported to the House.

S. F. No. 597, 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 third time 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 106 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1220 which was temporarily laid over earlier today was again reported to the House.

S. F. No. 1220, A bill for an act relating to the city of Wadena; permitting the establishment of a port authority.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

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

There were 106 yeas and 0 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Fjoslien	Long	Pappas	Stanius
Anderson, R.	Frederick	Marsh	Pauly	Staten
Beard	Frederickson	McDonald	Peterson	Sviggum
Becklin	Gruenes	McEachern	Piper	Thorson
Bennett	Gutknecht	McKasy	Price	Tjornhom
Blatz	Hartinger	McLaughlin	Quinn	Tomlinson
Boerboom	Hartle	McPherson	Quist	Tompkins
Boo	Haukoos	Metzen	Rees	Tunheim
Brandl	Heap	Minne	Rest	Uphus
Brinkman	Jacobs	Munger	Richter	Valan
Brown	Jaros	Murphy	Riveness	Valento
Burger	Johnson	Nelson, D.	Rodosovich	Vanasek
Carlson, D.	Kahn	Nelson, K.	Sarna	Voss
Carlson, J.	Kalis	Norton	Schafer	Waltman
Carlson, L.	Kelly	O'Connor	Scheid	Welle
Clark	Kiffmeyer	Ogren	Schoenfeld	Wenzel
Clausnitzer	Knickerbocker	Olson, E.	Segal	Wynia
Cohen	Knuth	Omman	Shaver	Spk. Jennings, D.
Dempsey	Kostohryz	Onnen	Sherman	
Dyke	Krueger	Osthoff	Simoneau	
Elioff	Levi	Otis	Skoglund	
Ellingson	Lieder	Ozment	Solberg	

The bill was passed and its title agreed to.

S. F. No. 1447 which was temporarily laid over earlier today was again reported to the House.

S. F. No. 1447, 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 third time 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 112 yeas and 0 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Beard	Bennett	Boo	Brown
Anderson, R.	Becklin	Blatz	Brandl	Burger
Battaglia	Begich	Boerboom	Brinkman	Carlson, D.

Carlson, J.	Heap	McPherson	Piper	Staten
Carlson, L.	Himle	Metzen	Price	Sviggum
Clark	Jaros	Minne	Quinn	Thorson
Clausnitzer	Johnson	Munger	Quist	Tjornhom
Cohen	Kahn	Murphy	Rees	Tomlinson
Dempsey	Kalis	Nelson, D.	Rest	Tompkins
Dimler	Kelly	Nelson, K.	Richter	Tunheim
Dyke	Kiffmeyer	Neuenschwander	Riveness	Uphus
Elioff	Knickerbocker	Norton	Rodosovich	Valan
Ellingson	Knuth	O'Connor	Sarna	Valento
Fjoslien	Kostohryz	Ogren	Schafer	Vanasek
Frederick	Krueger	Olson, E.	Scheid	Voss
Frederickson	Levi	Omann	Schoenfeld	Waltman
Frerichs	Lieder	Onnen	Segal	Welle
Gruenes	Long	Osthoff	Shaver	Wenzel
Gutkaecht	Marsh	Otis	Sherman	Wynia
Halberg	McDonald	Ozment	Simoneau	Spk. Jennings, D.
Hartinger	McEachern	Pappas	Skoglund	
Hartle	McKasy	Pauly	Solberg	
Haukoos	McLaughlin	Peterson	Stanisus	

The bill was passed and its title agreed to.

S. F. No. 35 was reported to the House.

Bennett moved to amend S. F. No. 35, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 626.52, is amended to read:

626.52 [(PHYSICIANS AND OTHER AIDS TO HEALING TO REPORT INJURIES FROM FIREARMS) REPORTING OF SUSPICIOUS WOUNDS BY HEALTH PROFESSIONALS.]

Subdivision 1. [DEFINITION.] As used in subdivision 2, "health professional" means a physician, surgeon, person authorized to engage in the practice of healing, superintendent or manager of a hospital, nurse, or pharmacist.

Subd. 2. [HEALTH PROFESSIONALS REQUIRED TO REPORT.] (EVERY PHYSICIAN, EVERY SURGEON, EVERY PERSON AUTHORIZED TO ENGAGE IN THE PRACTICE OF HEALING, EVERY SUPERINTENDENT OR MANAGER OF A HOSPITAL, EVERY NURSE AND EVERY PHARMACIST, WHETHER SUCH PHYSICIANS, SURGEONS, PERSONS ENGAGED IN THE PRACTICE OF HEALING, SUPERINTENDENT OR MANAGER OF ANY HOSPITAL, NURSE AND PHARMACIST BE LICENSED OR NOT,) A health professional shall immediately report, as provided under section 626.53, to the (PROPER) local police (AUTHORITIES, AS HEREIN DEFINED,) department or county sheriff all bullet wounds, gunshot wounds, powder burns, or any other injury aris-

ing from, or caused by the discharge of any gun, pistol, or any other firearm, which wound he is called upon to treat, dress, or bandage.

A health professional shall report to the proper police authorities any wound on a perpetrator of a crime that the reporter has reasonable cause to believe has been inflicted by a dangerous weapon other than a firearm as defined under section 609.02, subdivision 6.

Sec. 2. Minnesota Statutes 1984, section 626.55, is amended to read:

626.55 [(PENALTY) IMMUNITY.]

Any person (WHO VIOLATES ANY PROVISION OF SECTIONS 626.52 TO 626.55 IS GUILTY OF A GROSS MISDEMEANOR) reporting in good faith and exercising due care shall have immunity from any liability, civil or criminal, that otherwise might result by reason of his actions pursuant to section 1. No cause of action may be brought against any person for not making a report pursuant to section 1."

Amend the title as follows:

Page 1, line 4, delete "section" and insert "sections"

Page 1, line 5, before the period, insert " ; and 626.55"

The motion prevailed and the amendment was adopted.

S. F. No. 35, 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 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 114 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Becklin	Blatz	Brandl	Burger
Anderson, R.	Begich	Boerboom	Brinkman	Carlson, D.
Beard	Bennett	Boo	Brown	Carlson, J.

Carlson, L.	Himle	Minne	Quinn	Sparby
Clark	Jacobs	Munger	Quist	Stanius
Clausnitzer	Jaros	Murphy	Rees	Staten
Cohen	Kahn	Nelson, D.	Rest	Sviggum
Dempsey	Kalis	Nelson, K.	Rice	Thorson
Dimler	Kelly	Neuenschwander	Richter	Tjornhom
Dyke	Kiffmeyer	Norton	Riveness	Tomlinson
Elioff	Knickerbocker	O'Connor	Rodosovich	Tompkins
Ellingson	Knuth	Ogren	Rose	Tunheim
Fjoslien	Kostohryz	Olson, E.	Sarna	Uphus
Forsythe	Krueger	Omann	Schafer	Valan
Frederick	Levi	Onnen	Scheid	Valento
Frederickson	Lieder	Osthoff	Schoenfeld	Vanasek
Greenfield	Long	Otis	Schreiber	Voss
Gruenes	Marsh	Ozment	Segal	Waltman
Halberg	McDonald	Pappas	Shaver	Welle
Hartinger	McEachern	Pauly	Sherman	Wenzel
Hartle	McKasy	Peterson	Simoneau	Wynia
Haukoos	McPherson	Piper	Skoglund	Spk. Jennings, D.
Heap	Metzen	Price	Solberg	

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

S. F. No. 243, 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 third time 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 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Skoglund	Swiggum	Tunheim	Vellenga	Wynia
Solberg	Thorson	Uphus	Voss	Zaffke
Sparby	Tjornhom	Valan	Waltman	Spk. Jennings, D.
Stanius	Tomlinson	Valento	Welle	
Staten	Tompkins	Vanasek	Wenzel	

The bill was passed and its title agreed to.

S. F. No. 1279 was reported to the House.

Zaffke moved to amend S. F. No. 1279, as follows:

Page 4, line 25, after the period insert: "*After February 1, 1986,*"

The motion prevailed and the amendment was adopted.

S. F. No. 1279, 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, sections 144.495; and 325F.18, subdivisions 1, 1a, and 4; proposing coding for new law in Minnesota Statutes, chapter 325F; repealing Minnesota Statutes 1984, section 325F.18, subdivision 5.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

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

There were 116 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Clausnitzer	Haukoos	McKasy	Pauly
Battaglia	Cohen	Heap	McLaughlin	Peterson
Beard	Dempsey	Himle	McPherson	Piper
Becklin	DenOuden	Jacobs	Metzen	Poppenhagen
Begich	Dimler	Jaros	Miller	Price
Bennett	Dyke	Johnson	Minne	Quinn
Bishop	Elioff	Kahn	Munger	Rest
Blatz	Ellingson	Kalis	Murphy	Rice
Boerboom	Fjoslien	Kelly	Nelson, K.	Richter
Boo	Forsythe	Knickerbocker	Neuenschwander	Riveness
Brandl	Frederick	Knuth	Norton	Rodosovich
Brinkman	Frederickson	Krueger	Olson, E.	Rose
Brown	Frerichs	Kvam	Omann	Sarna
Burger	Greenfield	Levi	Onnen	Schafer
Carlson, D.	Gruenes	Lieder	Osthoff	Scheid
Carlson, J.	Halberg	Long	Otis	Schoenfeld
Carlson, L.	Hartinger	Marsh	Ozment	Schreiber
Clark	Harte	McEachern	Pappas	Segal

Shaver	Stanius	Tomlinson	Valento	Welle
Sherman	Staten	Tompkins	Vanasek	Wenzel
Simoneau	Sviggum	Tunheim	Vellenga	Wynia
Skoglund	Thorson	Uphus	Voss	Zaffke
Solberg	Tjornhom	Valan	Waltman	Spk. Jennings, D.
Sparby				

Those who voted in the negative were:

Nelson, D. O'Connor Ogren

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

S. F. No. 825, 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 third time 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 115 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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 subdivisions; 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 third time 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 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Krueger	Osthoff	Simoneau
Battaglia	Ellingson	Kvam	Otis	Skoglund
Beard	Fjoslien	Levi	Ozment	Solberg
Becklin	Forsythe	Lieder	Pappas	Sparby
Begich	Frederick	Long	Pauly	Stanius
Bennett	Frederickson	Marsh	Peterson	Staten
Bishop	Frerichs	McDonald	Piper	Sviggum
Blatz	Greenfield	McEachern	Price	Thorson
Boerboom	Gruenes	McLaughlin	Quinn	Tjornhom
Boo	Halberg	McPherson	Quist	Tomlinson
Brandl	Hartinger	Metzen	Redalen	Tompkins
Brinkman	Hartle	Miller	Rees	Tunheim
Brown	Haukoos	Minne	Rest	Uphus
Burger	Himle	Munger	Rice	Valento
Carlson, D.	Jacobs	Murphy	Riveness	Vanasek
Carlson, J.	Jaros	Nelson, D.	Rodosovich	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	Wynia
DenOuden	Kiffmeyer	Olson, E.	Segal	Spk. Jennings, D.
Dimler	Knickerbocker	Omamm	Shaver	
Dyke	Knuth	Onnen	Sherman	

The bill was passed and its title agreed to.

H. F. No. 1064, A bill for an act relating to public employment; providing that applicants for public employment in the fire services must be fingerprinted; amending Minnesota Statutes 1984, section 364.09.

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.

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

There were 106 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Krueger	Ozment	Simoneau
Battaglia	Ellingson	Kvam	Pappas	Skoglund
Beard	Fjoslien	Levi	Pauly	Solberg
Becklin	Forsythe	Lieder	Peterson	Sparby
Begich	Frederick	Leng	Piepho	Stanius
Bennett	Frederickson	Marsh	Poppenhagen	Sviggunn
Bishop	Frerichs	McDonald	Price	Thorson
Blatz	Gruenes	McPherson	Quist	Tjornhom
Boerboom	Halberg	Metzen	Redalen	Tomlinson
Boo	Hartinger	Minne	Rees	Tompkins
Brinkman	Hartle	Munger	Rest	Tunheim
Brown	Haukoos	Murphy	Richter	Uphus
Burger	Heap	Nelson, K.	Rodosovich	Valento
Carlson, D.	Himle	Neuenschwander	Rose	Voss
Carlson, J.	Jacobs	Norton	Sarna	Waltman
Carlson, L.	Jaros	O'Connor	Schafer	Welle
Clark	Jennings, L.	Ogren	Scheid	Wenzel
Clausnitzer	Johnson	Olson, E.	Schoenfeld	Wynia
Cohen	Kalis	Omann	Schreiber	
DenOuden	Kelly	Onnen	Segal	
Dimler	Kiffmeyer	Osthoff	Shaver	
Dyke	Knuth	Otis	Sherman	

Those who voted in the negative were:

Greenfield	McEachern	Rice	Vanasek	Spk. Jennings, D.
Kahn	McLaughlin	Staten		

The bill was passed and its title agreed to.

S. F. No. 1506, A bill for an act authorizing the city of Waseca to establish and provide taxes and service charges for a special service district; authorizing the city of Albert Lea to establish a port authority; authorizing the city of Austin to establish a port authority.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

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

There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 264:

Heap, Gutknecht and Kelly.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 513:

Sviggum, Knuth and McPherson.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 850:

Shaver, Tjornhom and Osthoff.

The Speaker announced the following change of conferee on S. F. No. 862:

Delete Boo and add Dempsey.

GENERAL ORDERS

Levi moved that the bills on General Orders for today be continued one day. The motion prevailed.

MOTIONS AND RESOLUTIONS

Ogren moved that his name be stricken as chief author and that the name of Omann be added as chief author on H. F. No. 1086. The motion prevailed.

McLaughlin moved that the names of Clark and Piper be added as authors on H. F. No. 1675. The motion prevailed.

Clark moved that the name of Piper be added as an author on H. F. No. 1678. The motion prevailed.

ADJOURNMENT

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

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

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-FOURTH SESSION - 1985

SIXTY-THIRD DAY

SAINT PAUL, MINNESOTA, FRIDAY, MAY 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.	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	Zafke
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. 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.

Anderson, R., was excused while in conference.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 658, 769, 1083, 1175, 810, 828, 961 and 1258 and S. F. Nos. 708, 977, 339, 719, 304, 1130, 928 and 930 have been placed in the members' files.

S. F. No. 719 and H. F. No. 940, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Rose moved that the rules be so far suspended that S. F. No. 719 be substituted for H. F. No. 940 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1130 and H. F. No. 1436, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Onnen moved that the rules be so far suspended that S. F. No. 1130 be substituted for H. F. No. 1436 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Forsythe from the Committee on Appropriations 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, 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.

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 erodible 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, unless superseded by another classification system as determined by the commissioner. 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, river bottoms and other land supporting natural vegetation.

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 south and west of marked trunk highways 10, 23, and 95;*
- (3) at least two acres in size;*
- (4) land that is not currently set aside or diverted under another federal or state government program; and*
- (5) 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 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 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 wildlife. The grain must be planted in strips no more than 100 feet wide which are at least 100 feet apart;*

(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 land supporting natural vegetation 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 or in the case of landowners who choose to plant grain for consumption by wildlife, in an amount, method, and location determined by the commissioner, but not more than \$100 per acre for three acres, to plant the grain as required by the agreement; (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 redetermination 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 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 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 hunting 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. Notwithstanding any other law to the contrary, funds in the water recreation account must be spent for boat and water safety grants to counties under chapter 361 in an amount at least equal to the amount expended in fiscal year 1985 and shall be adjusted after that date according to the commissioner's formula.*

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 Janu-

ary 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. [APPROPRIATION.]

Of the appropriation in Laws 1985, chapter 4, \$10,000,000 shall cancel and be reappropriated for the following purposes. Notwithstanding any other law to the contrary, this appropriation is available until June 30, 1987.

\$3,000,000 is appropriated 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 to the commissioner of agriculture for the period ending June 30, 1987, to carry out the pro-

visions of sections 6 to 10. No more than ten percent shall be expended for administrative expenses, including technical assistance.

\$2,000,000 is appropriated 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. 20. Laws 1985, chapter 4, section 10, is amended to read:

Sec. 10. [APPROPRIATION.]

(\$25,050,000) \$10,050,000 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) \$5,680,000

(b) For payment of interest on new farm operating loans under section 6, to be available until June 30, 1986 ... (15,800,000) 9,320,000

(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. 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."

Amend the title as follows:

Page 1, line 9, after "5;" insert "Laws 1985, chapter 4, section 10;"

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. 687, A bill for an act relating to agriculture; establishing a trade office promotional fund and statistical services account; clarifying membership of the soil and water conservation board; defining terms, extending a tax credit to distributors, and prescribing reports in connection with agricultural alcohol gasoline; establishing courses and appropriating money for alcohol fuel courses; amending Minnesota Statutes 1984, sections 17.101, by adding a subdivision; 40.03, subdivision 1; 296.01, subdivisions 6 and 24; and 296.02, subdivisions 7 and 8; proposing coding for new law in Minnesota Statutes, chapter 17.

Reported the same back with the following amendments:

Page 5, lines 18 to 21, delete section 9

Renumber the remaining section in sequence

Amend the title as follows:

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

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. 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; increasing the cigarette tax rates; appropriating money; amending Minnesota Statutes 1984, sections 116.16, subdivision 1, and by adding a subdivision; 116.18, subdivisions 1 and 3a; 297.02, by adding a subdivision; 297.13, by adding a subdivision; 297.22, subdivision 1; 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. [86.36] [RESOURCES WORK PROGRAMS; CONDITIONS.]

(a) *Expenditures of funds appropriated under section 297.13, subdivision 10, shall be made by the legislative commis-*

sion on Minnesota resources for various projects, as the commission determines, in the categories of:

- (1) fishing and water management related activities;
- (2) land conservation and wildlife habitat improvement;
- (3) outdoor recreation related activities; and
- (4) lake restoration and redevelopment.

(b) The agency or entity receiving the appropriation must submit work programs, showing the purpose for which the funds will be expended, and semiannual progress reports in the form determined by the commission. Notwithstanding any other law to the contrary, at least 15 percent of the funds appropriated must be used on projects employing members of the Minnesota conservation corps and youth employment program. None of the money appropriated under section 297.13, subdivision 10, may be spent unless the commission has approved the pertinent work program. Upon request from the commission, the head of an agency receiving an appropriation under section 11 and this section shall submit an evaluation to the commission by July 1, 1986, as to whether the program should be incorporated in the agency's next budget.

(c) Persons employed by a state agency and paid by an appropriation under section 297.13, subdivision 10, are in the unclassified civil service, and their continued employment is contingent upon the availability of money from the appropriation. When the appropriation has been spent, their positions shall be canceled and the approved complement of the agency reduced accordingly. Part-time employment of persons is authorized.

Sec. 2. Minnesota Statutes 1984, section 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 mu-

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. 3. 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 8 must be apportioned as provided in this subdivision.

(a) The amount required for loans for combined sewer overflow abatement under section 4, subdivision 6, must be credited annually to a separate account. These amounts are appropriated annually to the agency for expenditure under section 4.

(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. 4. [116.162] [FINANCIAL ASSISTANCE FOR COMBINED SEWER OVERFLOW.]

Subdivision 1. [PURPOSE.] The legislature finds and declares:

(a) that combined sewer overflow to the Mississippi River in the Twin Cities metropolitan area remains a significant source of unwanted pollution to the river despite substantial and long-standing local efforts to remedy the problem;

(b) that federal and state financial assistance for combined sewer reconstruction, together with increased local funding and better local management of storm water runoff, infiltration, and inflow, can so greatly accelerate efforts to abate combined sewer overflow that the problem can be substantially remedied in ten years and virtually eliminated in 15 years without disrupting commerce or impairing orderly and economical planning and construction programs; and

(c) that a commitment of state funds for combined sewer overflow projects in the metropolitan area is consistent with a state program to meet the acute need that exists throughout the state, especially in nonmetropolitan areas, for increased financial assistance to enable local jurisdictions to meet federally-mandated water quality standards, if the financial assistance for metropolitan sewer overflow projects is targeted specifically on acceleration programs required by a 15-year abatement deadline.

Accordingly, it is the purpose of this section:

(1) to provide state financial assistance to help remedy the combined sewer overflow problem in the metropolitan area in a manner consistent with the implementation of a balanced state-wide program of water pollution control;

(2) to dedicate annually an amount of state financial resources that will be sufficient, together with fair and responsible federal and local contributions, to remedy the overflow problem over a 15-year period; and

(3) to make the most effective use of limited state funds for combined sewer overflow projects by targeting assistance on any local jurisdiction that is compelled, in order to meet a 15-year abatement schedule, to so significantly accelerate its planned sewer reconstruction program as to disrupt local capital programming and threaten local fiscal integrity.

Subd. 2. [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. 3. [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 between the confluence of the Rum River and the confluence of the St. Croix River. The program must be administered under this section, and, to the extent consistent with this section, section 116.16.

Subd. 4. [ELIGIBLE RECIPIENTS.] Any statutory or home rule charter city 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. An eligible recipient of loans under this section is not eligible for other grants, reimbursements, or loans of state funds from the agency for combined sewer overflow projects.

Subd. 5. [ELIGIBLE COSTS.] The eligible cost of a loan applicant under this section includes the costs listed in section 116.16, subdivision 2, paragraph (6), and costs for projects for the abatement of combined sewer overflow 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. 6. [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.

Subd. 7. [LOAN CONDITIONS; ADMINISTRATION.] A recipient of loans under this section shall construct the com-

bined 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, 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. 8. [LOAN REPAYMENT.] A recipient of loans under this section shall repay the loans in annual installments over a period commencing 15 years after the date when the recipient received the first loan and ending no more than 15 years after the date when the recipient makes the first repayment. The minimum repayment required each year during the repayment period is:

(a) the principal amount of the loan received in the annual installment 15 years before, plus

(b) interest at six percent on that principal amount, less

(c) an amount equal to the interest on the portion of the principal due in that year that the agency determines was required to pay the costs attributable to the difference between the construction schedule contained in the permit, stipulation agreement, consent decree, or order issued by the agency and the construction schedule that the agency determines the recipient would otherwise have followed to complete combined sewer overflow abatement construction.

The deduction of interest under clause (c) may not be less than 62.5 percent of the interest due each year. The amounts repaid must be deposited in the general fund.

Subd. 9. [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. 5. 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. *The amount deposited in the fund under section 3, clause (b), or so much thereof as may be necessary, is appropriated from the fund to the agency for the period beginning July 1, 1985, and ending June 30, 1987. The amounts appropriated by this subdivision are 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. 6. 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 com-

missioner 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. 7. Minnesota Statutes 1984, section 116.18, is amended by adding a subdivision to read:

Subd. 3b. [COMBINED SEWER OVERFLOW.] No state grants may be awarded under subdivision 2a or 3a for projects for the control of combined sewer overflow as defined by federal regulation and section 4, subdivision 2.

Sec. 8. Minnesota Statutes 1984, section 297.02, is amended by adding a subdivision to read:

Subd. 1a. [POLLUTION CONTROL RATES.] In addition to the tax imposed by subdivision 1, a tax is imposed on the sale of cigarettes in this state or having cigarettes in possession in this state with intent to sell and upon any person engaged in business as a distributor, at the following rates, subject to the discount provided in section 297.03:

(1) on cigarettes weighing not more than three pounds per thousand, two mills on each cigarette; and

(2) on cigarettes weighing more than three pounds per thousand, four mills on each cigarette.

Sec. 9. Minnesota Statutes 1984, section 297.02, is amended by adding a subdivision to read:

Subd. 1b. [MINNESOTA RESOURCES RATES.] In addition to the taxes imposed by subdivisions 1 and 1a, a tax is imposed on the sale of cigarettes in this state or having cigarettes in possession in this state with intent to sell and upon any person engaged in business as a distributor, at the following rates, subject to the discount provided in section 297.03:

(1) on cigarettes weighing not more than three pounds per thousand, one mill on each cigarette; and

(2) on cigarettes weighing more than three pounds per thousand, two mills on each cigarette.

Sec. 10. Minnesota Statutes 1984, section 297.13, is amended by adding a subdivision to read:

Subd. 9. [POLLUTION CONTROL FUND.] Notwithstanding the provisions of subdivision 1, the commissioner of revenue shall deposit in the water pollution control fund the revenues received from the tax imposed by section 8 and no portion of the revenues are subject to the provisions of subdivision 1.

Sec. 11. Minnesota Statutes 1984, section 297.13, is amended by adding a subdivision to read:

Subd. 10. [TAX INCREASE.] Notwithstanding subdivision 1 or any other law, the increased revenue derived from the increase in cigarette taxes imposed by section 9 shall be deposited to the credit of the natural resources acceleration account in the general fund and is appropriated annually to the legislative commission on Minnesota resources for the purposes specified in section 1.

Sec. 12. Minnesota Statutes 1984, section 297.22, subdivision 1, is amended to read:

Subdivision 1. A tax is hereby imposed upon the use or storage by consumers of cigarettes in this state, and upon such consumers, at the (FOLLOWING) rates (:)

((1) ON CIGARETTES WEIGHING NOT MORE THAN THREE POUNDS PER THOUSAND, NINE MILLS ON EACH SUCH CIGARETTE;)

((2) ON CIGARETTES WEIGHING MORE THAN THREE POUNDS PER THOUSAND, 18 MILLS ON EACH SUCH CIGARETTE) specified in section 297.02.

Sec. 13. [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 4 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 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.

Sec. 14. [COMPLEMENT.]

The complement of the agency is increased by one position.

Sec. 15. [REPEALER.]

Minnesota Statutes 1984, section 116.18, subdivision 2, is repealed.

Sec. 16. [EFFECTIVE DATE.]

Sections 8 to 15 are effective July 1, 1985."

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; increasing the cigarette tax rates; appropriating money; amending Minnesota Statutes 1984, sections 116.16, subdivision 1, and by adding a subdivision; 116.18, subdivisions 1, 3a, and by adding a subdivision; 297.02, by adding subdivisions; 297.13, by adding subdivisions; 297.22, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 86 and 116; repealing Minnesota Statutes 1984, section 116.18, subdivision 2."

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. 1402, A bill for an act relating to economic development; agricultural resource loan guaranty program; modifying the terms of the state guaranty; repealing the authority to issue state general obligation bonds; authorizing the issuance of revenue bonds; restricting the use of tax increments; authorizing the designation of new enterprise zones; 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, 3, and 4; 41A.05, subdivisions 1, 2, 3, and by adding a subdivision; 41A.06, subdivisions 1 and 5; 273.1312, subdivisions 3, 4, and 5; 273.1313, subdivision 2, and by adding a subdivision; and 273.1314, subdivisions 1, 2, 4, 5, 7, 8, 9, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 41A; repealing Laws 1984, chapter 502, article 10, section 12.

Reported the same back with the following amendments:

Page 30, line 10, after the comma insert "*of the appropriations in Laws 1985, chapter 4, \$5,000,000 shall cancel and be reappropriated*"

Page 30, line 11, delete "*\$5,000,000 as appropriated*"

Page 30, line 12, delete "*from the general fund*"

Page 30, line 13, delete "*in fiscal year 1985*"

Page 30, line 15, delete everything after the period

Page 30, delete line 16

Page 30, line 17, delete "*guaranty fund for fiscal years 1986 and 1987.*"

Page 30, line 18, after "*appropriated*" insert "*from the agricultural resource loan guaranty fund*"

Page 30, line 19, delete the comma and insert "*for fiscal years 1986 and 1987.*"

Page 30, delete lines 20 to 23

Page 30, after line 29, insert:

"Sec. 36. Laws 1985, chapter 4, section 10, is amended to read:

Sec. 10. [APPROPRIATION.]

(\$25,050,000) *\$10,050,000* 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) *\$3,680,000*

(b) For payment of interest on new farm operating loans under section 6, to be available until June 30, 1986 (15,800,000) *6,320,000*

(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."

Page 30, line 33, delete "*36*" and insert "*37*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 15, delete "and"

Page 1, line 16, after the semicolon insert "and Laws 1985, chapter 4, section 10;"

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. 1645, A bill for an act relating to economic development; creating a special enterprise zone for a large manufacturing facility; providing for the taxation of the facility; authorizing the issuance of bonds; providing assistance to locate a large manufacturing facility in the state; appropriating money; amending Minnesota Statutes 1984, sections 273.1312, subdivisions 3 and 4; and 273.1314, subdivisions 3, 4, 6, 7, 8, 9, and by adding a subdivision.

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

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

S. F. No. 916, 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.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 628, 687, 849, 1402 and 1645 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 719, 1130 and 916 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Carlson, J.; Valan; Frerichs and Neuenschwander introduced:

H. F. No. 1684, A bill for an act relating to traffic regulations; authorizing commissioner of transportation to issue special per-

mit for three-vehicle combination exceeding length and weight restrictions to travel on certain interstate highways; prescribing fees; 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.

Tjornhom, Pauly, Osthoff, Scheid and Dimler introduced :

H. F. No. 1685, A bill for an act relating to transportation; allowing car pools to use bus ramps onto controlled access highways; amending Minnesota Statutes 1984, section 160.08, subdivision 3.

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

McKasy introduced :

H. F. No. 1686, A bill for an act relating to taxation; income; changing computation of corporate net operating losses and carryovers; amending Minnesota Statutes 1984, section 290.095, subdivision 3.

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

HOUSE ADVISORIES

The following House Advisories were introduced :

Otis introduced :

H. A. No. 49, A proposal to study programs designed to serve teenaged parents.

The advisory was referred to the Committee on Education.

Bishop, Redalen and Quist introduced :

H. A. No. 50, A proposal to study the effect of long-term contracts to supply electricity to municipal utilities.

The advisory was referred to the Committee on Regulated Industries and Energy.

Redalen, Gruenes and Bishop introduced :

H. A. No. 51, A proposal to study the Division of Energy.

The advisory was referred to the Committee on Regulated Industries and Energy.

Osthoff, Redalen and Minne introduced :

H. A. No. 52, A proposal to study utility regulation in the State of Minnesota.

The advisory was referred to the Committee on Regulated Industries and Energy.

Miller, Redalen, Jacobs, Tjornhom and Ogren introduced :

H. A. No. 53, A proposal to study the Energy Assistance Program.

The advisory was referred to the Committee on Regulated Industries and Energy.

Frederick, Brinkman, Waltman, Schafer and Riveness introduced :

H. A. No. 54, A proposal to study agricultural commodities marketing through on-farm production of ethanol.

The advisory was referred to the Committee on Agriculture.

Richter, McDonald, Omann, Redalen and Wenzel introduced :

H. A. No. 55, A proposal to study fluid milk enhancement through the addition of non-fat milk solids.

The advisory was referred to the Committee on Agriculture.

Valan, Uphus, Kalis, Dyke and Frederickson introduced :

H. A. No. 56, A proposal to study the problem of capital flight from Minnesota Agriculture.

The advisory was referred to the Committee on Agriculture.

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

H. A. No. 57, A proposal for an interim study on agriculture.

The advisory was referred to the Committee on Agriculture.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the 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. 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; 290.37, subdivision 1; 290.391; 290.42; and 290.931, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

McKasy moved that the House concur in the Senate amendments to H. F. No. 779 and that the bill be repassed as amended by the Senate. The motion prevailed.

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; 290.391; and 290.42.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Poppenhagen	Riveness	Sherman	Tomlinson	Voss
Price	Rodosovich	Skoglund	Tompkins	Waltman
Quinn	Sarna	Solberg	Tunheim	Welle
Quist	Schafer	Stanius	Uphus	Wenzel
Redalen	Scheid	Staten	Valan	Wynia
Rees	Schoenfeld	Sviggum	Valento	Spk. Jennings, D.
Rest	Seaberg	Thiede	Vanasek	
Richter	Segal	Tjornhom	Vellenga	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker :

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 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 Senate has appointed as such Committee Ms. Reichgott, Messrs. Freeman and Storm.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 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 Senate has appointed as such Committee Messrs. Spear, Ramstad and Merriam.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File :

H. F. No. 264, 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 dogs 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.

The Senate has appointed as such Committee Messrs. Ramstad, Merriam and Petty.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File :

H. F. No. 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 Senate has appointed as such Committee Messrs. Moe, D. M. ; Wegscheid and Frederickson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 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 Senate has appointed as such Committee Messrs. Waldorf, Nelson and Mrs. Kronebusch.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 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 Senate has appointed as such Committee Messrs. Schmitz, Renneke and Mrs. Adkins.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

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.

PATRICK E. FLAHAVER, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Rose moved that the House concur in the Senate amendments to H. F. No. 533 and that the bill be repassed as amended by the Senate. The motion prevailed.

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, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Kvam	Otis	Skoglund
Backlund	Erickson	Levi	Ozment	Solberg
Battaglia	Fjoslien	Lieder	Pappas	Sparby
Beard	Forsythe	Long	Pauly	Stanius
Becklin	Frederick	Marsh	Peterson	Staten
Begich	Frederickson	McDonald	Piepho	Sviggum
Bennett	Frerichs	McEachern	Piper	Thiede
Bishop	Greenfield	McKasy	Poppenhagen	Thorson
Blatz	Gruenes	McLaughlin	Price	Tjornhom
Boerboom	Gutknecht	McPherson	Quinn	Tomlinson
Boo	Halberg	Metzen	Quist	Tompkins
Brandl	Hartinger	Miller	Redalen	Tunheim
Brinkman	Hartle	Minne	Rees	Uphus
Brown	Haukoos	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	Kalis	O'Connor	Schafer	Welle
Cohen	Kelly	Ogren	Scheid	Wenzel
Dempsey	Kiffmeyer	Olsen, S.	Schoenfeld	Wynia
DenOuden	Knickerbocker	Olson, E.	Seaberg	Spk. Jennings, D.
Dimler	Knuth	Omann	Segal	
Dyke	Kostohryz	Onnen	Sherman	
Elioff	Krueger	Osthoff	Simoneau	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker :

I hereby announce that the Senate refuses to concur in the House amendment to :

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.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Langseth, Purfeerst, DeCramer, Schmitz and Mehrkens.

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

Johnson 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. 43. The motion prevailed.

Mr. Speaker :

I hereby announce that the Senate refuses to concur in the House amendment to :

S. F. No. 35, 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.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Diessner; Peterson, R. W.; and Merriam.

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

Bennett 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. 35. The motion prevailed.

Mr. Speaker :

I hereby announce that the Senate refuses to concur in the House amendment to :

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.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Ms. Reichgott, Messrs. Pogemiller 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

Levi 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. 196. The motion prevailed.

Mr. Speaker :

I hereby announce that the Senate refuses to concur in the House amendment to :

S. F. No. 251, A bill for an act relating to nursing homes ; establishing an educational program for resident and family advisory councils ; authorizing a surcharge on license fees ; requiring eval-

uation and a report to the legislature by the Minnesota board on aging; appropriating money; amending Minnesota Statutes 1984, sections 256B.421, subdivision 8; and 256B.431, subdivision 2b; proposing coding for new law in Minnesota Statutes, chapter 144A.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Ms. Berglin, Mrs. Lantry and Mr. 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

Boo 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. 251. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 647, A bill for an act relating to education; Minnesota Educational Computing Corporation; removing some limits on its powers; providing for compliance with certain bidding laws for management computing services; amending Minnesota Statutes 1984, sections 119.04, subdivision 2; 119.05, subdivision 2; and 119.07.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Mr. Pehler, Ms. Olson and Mr. Moe, D. M.

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

Erickson 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. 647. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 818, A bill for an act relating to employment and economic opportunity; providing for the streamlining and coordination of job, economic development, and income-maintenance programs; setting as dual goals the lowering of unemployment rates and welfare caseloads; creating the councils for the hearing impaired and for the blind; abolishing the department of economic security; creating a new department of employment and training; transferring responsibilities of the department of economic security to the department of employment 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 employment and training; providing for biennial statewide plans for employment 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 15A.081, subdivision 1; 86.33, by adding subdivisions; 116J.035, by adding a subdivision; 116L.03, subdivision 7; 116L.04, by adding a subdivision; 129A.02, subdivision 2; 136.63, by adding a subdivision; 136C.06; 178.03, by adding a subdivision; 245.87; 248.07; 248.08; 256.736; 256.737; 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; 268.04, by adding subdivisions; 268.08, by adding a subdivision; 268.31; 268.32; 268.33; 268.34; 268.36; 268.672, subdivision 6; 268.676, subdivision 1; and 268.686; proposing coding for new law in Minnesota Statutes, chapters 256C and 268; proposing coding for new law as Minnesota Statutes, chapters 267 and 268A; repealing Minnesota Statutes 1984, sections 129A.02, subdivision 4; 245.84, subdivision 2; 256.736, subdivisions 1 and 2; 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; 268.80; and 268.81.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Pogemiller, Freeman and Dicklich.

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

Quist 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. 818. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 623, 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.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Ms. Reichgott, Mrs. Brataas and Ms. Berglin.

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

Bishop 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. 623. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 1183, A bill for an act relating to intoxicating liquor; providing for issuance of licenses within Indian country; allowing the sales between collectors of discontinued brands of beer in cans; authorizing the issuance of on-sale licenses in certain theaters in Minneapolis; amending Minnesota Statutes 1984, section 340.11, subdivision 15, and by adding a subdivision.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Dieterich, Novak and Gustafson.

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

Bennett 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. 1183. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 767.

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. 908.

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. 903 and 1513.

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. 1014 and 1512.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 767, 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 county

board of Otter Tail county to adopt an ordinance for the control of dogs and cats; 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.

S. F. No. 908, A bill for an act relating to human services; revising procedures and requirements under the aid to families with dependent children, medical assistance, and general assistance programs; appropriating money; amending Minnesota Statutes 1984, sections 245.791; 245.804, subdivision 1; 256.12, subdivision 20; 256.73, subdivisions 2, 3a, and 6; 256.736, subdivisions 3 and 4; 256.74, subdivisions 1, 1a, and 2; 256.76, subdivision 1; 256.78; 256.79; 256.871, subdivision 3; 256.99; 256B.02, subdivisions 2 and 3; 256B.06, subdivision 1; 256B.07; 256B.17, subdivision 6; 256D.01, subdivision 1a; 256D.03, subdivision 4; and 256D.06, by adding a subdivision.

The bill was read for the first time.

Gruenes moved that S. F. No. 908 and H. F. No. 911, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 903, A bill for an act relating to human services; creating a procedure for reconsideration of a resident's case mix classification; establishing approval procedures and requirements for hospital swing beds; restricting licensure of new nursing home beds; expanding the preadmission screening program; revising statutes relating to nursing home reimbursement; requiring nursing homes participating in the medical assistance program to be medicare certified; creating an appeal process for nursing home appraisals; authorizing the legislative commission on long-term health care to study cost containment strategies and collect data; requiring recovery of the federal share of medical assistance overpayments; authorizing bingo in nursing homes and senior citizen housing projects; requiring review by the commissioners of human services and health of proposals for revenue bond financing of health facility projects; requiring a study of the feasibility of home equity conversion to finance long-term health care; appropriating money; amending Minnesota Statutes 1984, sections 144.50, subdivision 2; 144A.01, subdivision 5; 144A.071, subdivisions 1, 2, and 3; 256B.02, subdivision 8; 256B.091, subdivisions 1, 2, 4, 5, and 8; 256B.421, subdivision 1; 256B.431, subdivisions 2b, 3, and 4, and by adding a subdivision; 256B.50; 256B.504, subdivision 1; 349.214, by adding a subdivision; and 474.01, subdivisions 7a and 9; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time.

Onnen moved that S. F. No. 903 and H. F. No. 769, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1513, A bill for an act relating to local government; permitting the establishment of special service districts in the cities of Sartell, Sauk Rapids, St. Cloud, Isle, Mora, Becker, and Waite Park; providing taxing and other financial authority for the cities.

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

S. F. No. 1014, 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; providing for the application of certain traffic regulations; eliminating redundant and surplus language; 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; clarifying the prosecution for failure to appear in court; providing for notice to grandparents in certain matters concerning juveniles; providing for rights of grandparents at hearings concerning juveniles; requiring revocation of the drivers license of a person who flees in a motor vehicle from a peace officer; authorizing criminal trials with petit juries composed of six persons for gross misdemeanor prosecutions; clarifying the receipt of a copy of a confession or admission; admitting into evidence for impeachment purposes certain convictions of prior driving offenses; amending Minnesota Statutes 1984, sections 14.02, subdivision 4; 169.02, subdivision 1; 169.121, subdivisions 1, 2, and 3; 169.123, subdivision 2; 169.128; 169.129; 169.92, subdivision 1; 171.17; 171.30, subdivision 1; 260.141, subdivision 1; 260.155, subdivision 6; 593.01, subdivision 2; and 611.033; proposing coding for new law in Minnesota Statutes, chapter 634.

The bill was read for the first time.

Marsh moved that S. F. No. 1014 and H. F. No. 851, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1512, A bill for an act relating to public finance; imposing financial reporting and accounting requirements; allowing municipalities to issue bonds for pension liabilities; allowing municipalities to issue bonds on various conditions; limiting use of tax increments in interest reduction programs; removing limitation on duration of interest reduction programs; modifying limitations for Duluth home energy improvement loans; amending Minnesota Statutes 1984, sections 273.74, subdivision 2, and by adding a subdivision; 273.75, subdivision 4;

475.52, subdivision 6; 475.54, by adding a subdivision; 475.56; 475.58, subdivision 1; 475.60, subdivision 2; and 475.67, subdivision 8, and by adding a subdivision; and Laws 1981, chapter 223, section 4, subdivisions 2 and 3; repealing Minnesota Statutes 1984, section 462.445, subdivision 13.

The bill was read for the first time.

Schreiber moved that S. F. No. 1512 and H. F. No. 1116, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1109

A bill for an act relating to state government; concerning the state procurement of goods and services from small businesses; modifying geographical distribution requirements and preference program limitations; amending Minnesota Statutes 1984, section 16B.19, subdivisions 5, 6, 9, and by adding a subdivision; 16B.21, subdivision 1; 16B.22; and 645.445, subdivision 5.

May 16, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 1109, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 1109 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 16B.06, is amended by adding a subdivision to read:

Subd. 3a. [WARRANTIES.] A contract for the purchase of a product covered by a manufacturer's warranty must provide for servicing of the product under the warranty by the vendor or a designated agent of the vendor.

Sec. 2. Minnesota Statutes 1984, section 16B.19, subdivision 5, is amended to read:

Subd. 5. [CERTAIN SMALL BUSINESS PREFERENCES AND SET-ASIDES.] At least (SIX) *nine* percent of the value of all procurements shall be (SET ASIDE) *awarded*, if possible, for award to businesses owned and operated by socially or economically disadvantaged persons as defined in section 645.445 *with their principal place of business in Minnesota.* (IN ADDITION, THREE PERCENT OF THE VALUE OF ALL PROCUREMENTS SHALL BE DESIGNATED FOR AWARD UNDER THE PREFERENCE PROGRAM PROVIDED FOR BELOW.) The commissioner shall designate set-aside procurements in a manner that will encourage proportional distribution of set-aside awards among the geographical regions of the state. To promote the geographical distribution of set-aside awards, the commissioner may designate a portion of the set-aside for small businesses owned and operated by socially or economically disadvantaged persons for award to bidders from a specified congressional district or other geographical region specified by the commissioner. (THE COMMISSIONER MAY ALLOW SMALL BUSINESSES OWNED AND OPERATED BY SOCIALLY OR ECONOMICALLY DISADVANTAGED PERSONS A FIVE PERCENT PREFERENCE IN THE BID AMOUNT ON SELECTED STATE PROCUREMENTS. THE COMMISSIONER MAY PROMULGATE RULES RELATIVE TO THE SET-ASIDE AND PREFERENCE PROGRAMS PROVIDED FOR IN THIS SUBDIVISION) *To reach a goal of nine percent, the commissioner must set aside at least three percent of all procurements for bidding only by small businesses owned and operated by socially or economically disadvantaged persons, may award a five percent preference in the amount bid on selected state procurements to small businesses owned and operated by socially or economically disadvantaged persons, or may utilize any other bidding process authorized by this chapter.* In the event small businesses owned and operated by socially or economically disadvantaged persons are unable to perform at least (24) *nine* percent of the (SET-ASIDE AWARDS) *value of all procurements*, the commissioner shall award the (BALANCE OF THE SET-ASIDE CONTRACTS) *remainder* to other small businesses. At least 50 percent of the value of the procurements awarded to businesses owned and operated by socially or economically disadvantaged persons shall actually be performed by the business to which the award is made or another business owned and operated by a socially or economically disadvantaged person or persons. The commissioner may not designate more than 20 percent of any commodity class for set-aside or *preference awards* to businesses owned and operated by socially or economically disadvantaged persons. A business owned and operated by socially or economically disadvantaged persons that has been awarded more than three-tenths of one percent of the value of the total anticipated procurements for a fiscal year under this subdivision is disqualified from receiving further set-aside or preference advantages for that fiscal year.

Sec. 3. 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 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. 4. 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. 5. 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.

Sec. 6. Minnesota Statutes 1984, section 16B.21, subdivision 1, is amended to read:

Subdivision 1. [COMMISSIONER OF ADMINISTRATION.] The commissioner shall submit an annual report pursuant to section 3.195 to the governor and the legislature with a copy to the commissioner of energy and economic development indicating the progress being made toward the objectives and goals of sections 16B.19 to 16B.22 during the preceding fiscal year. The commissioner shall also submit a quarterly report to the small business procurement advisory council. These reports shall include the following information:

(1) the total dollar value and number of potential set-aside awards identified during this period and the percentage of total state procurement this figure reflects;

(2) the number of small businesses identified by and responding to the set-aside program, the total dollar value and number of set-aside contracts actually awarded to small businesses with appropriate designation as to the total number and value of set-aside contracts awarded to each small business, and the total number of small businesses that were awarded set-aside contracts;

(3) the total dollar value and number of (SET-ASIDE) contracts awarded to small businesses owned and operated by economically or socially disadvantaged persons (WITH APPROPRIATE DESIGNATION AS TO) *pursuant to each bidding process authorized by section 16B.19, subdivision 5*; the total number and value of (SET-ASIDE) *these* contracts awarded to each small business and to each category of economically or socially disadvantaged persons as defined by section 645.445 and agency rules, and the percentages of the total state procurements

the figures of total dollar value and the number of (SET-ASIDES REFLECT) *contracts awarded by each bidding process*; and

(4) the number of contracts which were designated and set aside pursuant to section 16B.19 but which were not awarded to a small business, the estimated total dollar value of these awards, the lowest offer or bid on each of these awards made by the small business, and the price at which these contracts were awarded pursuant to the normal procurement procedures.

The information required by paragraphs (1) and (2) must be presented on a statewide basis and also broken down by geographic regions within the state.

Sec. 7. Minnesota Statutes 1984, section 16B.22, is amended to read:

16B.22 [RULES.]

The commissioner shall adopt by rule standards and procedures for certifying that small businesses and small businesses owned and operated by socially or economically disadvantaged persons are eligible to participate under the requirements of sections 16B.19 to 16B.22. The rules shall provide that, *except for sheltered workshops and work activity programs*, certification as a small business owned and operated by socially or economically disadvantaged persons will be for a maximum of five years from the date of receipt of the first set-aside award, and that after the expiration of the certification period the business may not again be certified for a five-year period. The commissioner shall adopt by rule standards and procedures for hearing appeals and grievances and other rules necessary to carry out the duties set forth in sections 16B.19 to 16B.22.

The commissioner may make rules which exclude or limit the participation of nonmanufacturing business, including third-party lessors, jobbers, manufacturers' representatives, and others from eligibility under sections 16B.19 to 16B.22.

(THE COMMISSIONER MAY ADOPT RULES TO ESTABLISH A PREFERENCE PROGRAM WHEREBY BUSINESSES OWNED AND OPERATED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED PERSONS WOULD BE ALLOWED A FIVE PERCENT PREFERENCE IN THE BID AMOUNT ON SELECTED STATE PROCUREMENTS OR A PREFERENCE PROGRAM WHEREBY BUSINESSES OWNED AND OPERATED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED PERSONS WOULD BE AWARDED ANY STATE PROCUREMENT IF THE BUSINESS COULD MEET THE LOW BID AMOUNT FOR THAT PROCUREMENT. EACH OF THE PREFERENCE PRO-

GRAMS IS APPLICABLE TO NO MORE THAN 1.5 PERCENT OF THE VALUE OF ANTICIPATED TOTAL STATE PROCUREMENTS OF GOODS AND SERVICES, INCLUDING CONSTRUCTION. EACH PREFERENCE PROGRAM ESTABLISHED BY THE COMMISSIONER EXPIRES ON JUNE 30, 1986, AND THE COMMISSIONER SHALL REPORT TO THE LEGISLATURE ON THE PROGRESS OF THE PROGRAM BY JANUARY 1, 1986.)

Sec. 8. 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.*

Sec. 9. [PREFERENCE PROGRAM STUDY.]

The commissioner shall prepare a report that examines the short-term and long-term effects of the preference bidding process on each category of businesses owned and operated by economically or socially disadvantaged persons. This report shall be submitted to the governor and the legislature by February 15, 1986."

Delete the title and insert:

"A bill for an act relating to state government; concerning the state procurement of goods and services from small businesses; modifying geographical distribution requirements and preference program limitations; providing for a warranty for certain purchases; amending Minnesota Statutes 1984, sections 16B.06, by adding a subdivision; 16B.19, subdivisions 5, 6, 9, and by adding a subdivision; 16B.21, subdivision 1; 16B.22; and 645.445, subdivision 5."

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

House Conferees: DON FRERICHS and TONY BENNETT.

Senate Conferees: BETTY A. ADKINS, JOHN BERNHAGEN and DONNA C. PETERSON.

Frerichs moved that the report of the Conference Committee on H. F. No. 1109 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1109, A bill for an act relating to state government; concerning the state procurement of goods and services from small businesses; modifying geographical distribution requirements and preference program limitations; amending Minnesota Statutes 1984, section 16B.19, subdivisions 5, 6, 9, and by adding a subdivision; 16B.21, subdivision 1; 16B.22; and 645.445, subdivision 5.

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 110 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Norton	Osthoff	Scheid	Voss
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The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON 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.

May 16, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 282, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 282 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [120.011] [PURPOSE STATEMENT.]

In accordance with the responsibility vested in the legislature in the Minnesota Constitution, article XIII, section 1, the legislature declares that the purpose of public education in Minnesota is to help all individuals acquire knowledge, skills, and positive attitudes toward self and others that will enable them to solve problems, think creatively, continue learning, and develop maximum potential for leading productive, fulfilling lives in a complex and changing society.

Sec. 2. Minnesota Statutes 1984, section 128A.01, is amended to read:

128A.01 [LOCATION.]

The Minnesota (SCHOOL) *state academy* for the deaf and the Minnesota (BRAILLE AND SIGHT-SAVING SCHOOL) *state academy for the blind* shall be continued at Faribault, and shall be grouped and classed with the educational institutions of the state.

Sec. 3. Minnesota Statutes 1984, section 128A.02, is amended to read:

128A.02 [(TRANSFER OF AUTHORITY) STATE BOARD DUTIES AND POWERS.]

Subdivision 1. The state board of education (SHALL BE) is responsible for the control, management and administration of the Minnesota (SCHOOL) *state academy* for the deaf and the Minnesota (BRAILLE AND SIGHT-SAVING SCHOOL) *state academy for the blind* (, AND ALL THE PROPERTY REAL OR PERSONAL APPERTAINING THERETO). *At the request of the state board, the department of education shall be responsible*

for program leadership, program monitoring, and technical assistance at the academies. The department shall assist the state board in the preparation of reports.

Subd. 1a. By July 1, 1986, the academies shall comply with the uniform financial accounting and reporting system under sections 121.90 to 121.917, subject to variances developed by the advisory council and adopted by the state board.

Subd. 2. The state board (MAY) shall promulgate rules regarding the operation of both (SCHOOLS) academies and the individuals in attendance, and shall perform all duties necessary to provide the most beneficial and least restrictive program of education for each child handicapped by visual disability or hearing impairment.

Subd. 2a. The state board shall develop a two-year plan for the academies and update it annually. The plan shall include at least the following:

- (1) interagency cooperation;*
- (2) financial accounting;*
- (3) cost efficiencies;*
- (4) staff development;*
- (5) program and curriculum development;*
- (6) use of technical assistance from the department;*
- (7) criteria for program and staff evaluation;*
- (8) pupil performance evaluation;*
- (9) follow-up study of graduates;*
- (10) implementation of the requirements of chapter 128A;*
- (11) communication procedures with districts of pupils attending the academies; and*
- (12) coordination between the instructional and residential programs.*

The state board shall submit the plan and recommendations for improvement to the education committees of the legislature by January 15 of each odd-numbered year.

Subd. 3. The state board may employ central administrative staffs and other personnel as necessary to provide and support programs and services in each (SCHOOL) *academy*. The board (MAY) *shall* place the position of the residential (SCHOOL) *academy* administrator in the unclassified service if (THE POSITION) *it* meets the criteria established in section 43A.08, subdivision 1a. These (SCHOOLS SHALL BE) *academies* are deemed to be public schools for the purposes of sections 125.03 and 125.04, and all teachers as defined in those sections who are employed at these (SCHOOLS SHALL BE) *academies* are subject to the standards of the board of teaching and the state board of education (; PROVIDED THAT ANY TEACHER WHO DOES NOT MEET THESE STANDARDS AS OF JULY 1, 1977 SHALL BE REQUIRED TO MEET THESE STANDARDS BY SEPTEMBER 15, 1980 IN ORDER TO CONTINUE IN EMPLOYMENT). *Instructional supervisory staff shall have appropriate post-secondary credits from a teacher education program for teachers of the deaf or blind and have experience in working with handicapped pupils.*

Subd. 3a. *All staff employed by the academy for the deaf are required to have sign language communication skills, as applicable. Staff employed by the academy for the blind must be knowledgeable in Braille communication, as applicable. The department of employee relations, in cooperation with the state board, shall develop a statement of necessary qualifications and skills for all staff. An employee hired after August 1, 1985 shall not attain permanent status until the employee is proficient in sign language communication skills or is knowledgeable in Braille communication, as applicable.*

Subd. 4. The state board may enter into contracts with other public and private agencies and institutions to provide residential and building maintenance services if it determines that these services could thus be provided in a more efficient and less expensive manner. The state board may also enter into contracts with public and private agencies and institutions, school districts or combinations thereof, and educational cooperative service units to provide supplementary educational instruction and services, *including assessments and counseling.*

Subd. 5. The state board of education may by agreement with teacher preparing institutions or accredited institutions of higher education arrange for practical experience in the Minnesota (SCHOOL) *academy* for the deaf and the Minnesota (BRAILLE AND SIGHT-SAVING SCHOOL) *academy* for the blind for practice or student teachers, or for other students engaged in fields of study which prepare professionals to provide special services to handicapped children in school programs, who have completed not less than two years of an approved program in their respective fields. These student trainees shall be provided

with appropriate supervision by a teacher licensed by the board of teaching or by a professional licensed or registered in the appropriate field of special services and shall be deemed employees of (THE SCHOOL FOR THE DEAF OR THE BRAILLE AND SIGHT-SAVING SCHOOL) *either academy*, as applicable, for purposes of workers' compensation.

Subd. 6. The rules of the state board pursuant to this section shall establish procedures for admission to, *including short-term admission*, and discharge from the (SCHOOLS) *academies*, for decisions on a child's program at the (SCHOOLS) *academies* and for evaluation of the progress of children enrolled in the (SCHOOLS) *academies*. *Discharge procedures must include reasonable notice to the district of residence*. These procedures shall guarantee children and their parents appropriate procedural safeguards, including a review of the placement determination made pursuant to sections 120.17 and 128A.05, and the right to participate in educational program decisions. Notwithstanding the provisions of section 14.02, proceedings concerning admission to and discharge from the (SCHOOLS) *academies*, a child's program at the (SCHOOLS) *academies* and a child's progress at the (SCHOOLS) *academies* shall not be deemed to be contested cases subject to sections 14.01 to 14.70 but shall be governed instead by the rules of the state board pursuant to this section.

Sec. 4. Minnesota Statutes 1984, section 128A.03, is amended to read:

.128A.03 [ADVISORY COUNCIL.]

Subdivision 1. The state board of education (MAY) shall appoint an advisory (TASK FORCE) *council on the Minnesota (SCHOOL) state academy for the Deaf and (AN ADVISORY TASK FORCE ON THE) Minnesota (BRAILLE AND SIGHT-SAVING SCHOOL) state academy for the blind* to advise the board on policies pertaining to the control, management, and administration of these (SCHOOLS) *academies*.

Subd. 2. (IF CREATED) The members shall be representative of the various geographic regions of the state, shall include parents or guardians of visually disabled or hearing impaired children, shall include a staff representative of the applicable (SCHOOL) *academy*, and shall include two representatives from groups representing the interests of visually disabled or hearing impaired individuals, as applicable. All members shall have knowledge, experience and interest in the problems of visually disabled or hearing impaired children.

Subd. 3. The (TASK FORCES SHALL EXPIRE AND THE) terms, compensation and removal of *council* members shall be as provided in section 15.059, *subdivisions 2, 3, and 4*. *The council shall not expire*.

Sec. 5. Minnesota Statutes 1984, section 128A.05, is amended to read:

128A.05 [ATTENDANCE.]

Subdivision 1. Any individual who (IS BETWEEN FOUR AND 21 YEARS OF AGE AND WHO) is deaf or (HARD OF) hearing *impaired* (SHALL BE) *is* entitled to attend the (SCHOOL) *academy* for the deaf if it is determined, pursuant to the provisions of section 120.17, that the nature or severity of the hearing impairment is such that education in regular or special education classes provided for by the school district of residence cannot be achieved satisfactorily and that attendance at the (SCHOOL) *academy* would be the least restrictive alternative for that individual. *A deaf or hearing impaired child also may be admitted to acquire socialization skills. Short-term admission for skills development is also permitted.* Nothing in this subdivision shall be construed as a limitation on the attendance at this (SCHOOL) *academy* of children who have other handicaps in addition to being deaf or (HARD OF) hearing *impaired*.

Subd. 2. Any individual who is (BETWEEN FOUR AND 12 YEARS OF AGE AND WHO IS BLIND) *visually impaired, blind-deaf, or (PARTIALLY SEEING) multiple handicapped* (SHALL BE) *is* entitled to attend the (BRAILLE AND SIGHT-SAVING SCHOOL) *academy for the blind* if it is determined, pursuant to the provisions of section 120.17, that the nature or severity of the visual impairment is such that education in regular or special education classes provided for by the school district of residence cannot be achieved satisfactorily and that attendance at the (SCHOOL) *academy* would be the least restrictive alternative for that individual. *A visually impaired child may be admitted to acquire socialization skills. Short-term admission for skills development is also permitted.* Nothing in this subdivision shall be construed as a limitation on the attendance at this (SCHOOL) *academy* of children who have other handicaps in addition to being blind or (PARTIALLY SEEING) *visually impaired*.

Subd. 3. Attendance at the (SCHOOL) *academy* for the deaf and the (BRAILLE AND SIGHT-SAVING SCHOOLS) *academy for the blind* (SHALL BE) *is* subject to the compulsory attendance provisions of section 120.10 except that attendance may be excused pursuant to that section by the commissioner of education or his designee. Any person failing to comply with the provisions of section 120.10 (SHALL BE) *is* subject to the provisions of section 120.12. The superintendent of the applicable (SCHOOL) *academy* shall exercise the duties imposed by section 120.12. Attendance at the (SCHOOL) *academy* for the deaf or the (BRAILLE AND SIGHT-SAVING SCHOOL) *academy for the blind* shall fulfill the mandatory requirements of section 120.17. *The academies are subject to sections 127.26 to 127.39.*

Sec. 6. [UFARS VARIANCES.]

The advisory council on uniform financial accounting and reporting standards shall develop variances to the standards to account for the unique financial status of the academies. The variances shall be reported to the state board by December 31, 1985.

Sec. 7. [EMPLOYEE TRAINING FOR COMMUNICATION AND BRAILLE SKILLS.]

The state board of education shall provide to people employed by the academies on August 1, 1985, training in sign language communications skills or Braille communication, according to the academy in which the person is employed. If an employee fails to become proficient in the appropriate communication method within 12 months after training is provided, that failure shall be grounds for dismissal, disciplinary action, or corrective action.

Sec. 8. [MANAGEMENT AND GOVERNANCE REPORT.]

The state planning agency shall coordinate a study with the management analysis unit of the department of administration, the department of finance, the department of employee relations and the department of education of issues related to the academies. The study shall include but not be limited to the following:

- (1) the management organization structure;*
- (2) the governance;*
- (3) financing methods;*
- (4) ratios;*
- (5) student assessments;*
- (6) admission and discharge criteria.*

The state planning agency shall report to the senate and house education committees, the senate finance committee, and the house appropriations committee by January 1, 1986. The agency shall report to those committees by October 1, 1985, with a progress report. The actual cost of the study must be paid by the academies."

Delete the title and insert:

"A bill for an act relating to education; declaring the purpose of public education in Minnesota; changing the name of and

provisions about the Minnesota school for the deaf and the Minnesota braille and sight saving school; requiring annual development of two-year plans for the academies; allowing for certain positions at the academies to be in the unclassified service; amending Minnesota Statutes 1984, sections 128A.01; 128A.02; 128A.03; and 128A.05; proposing coding for new law in Minnesota Statutes, chapter 120.”

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

House Conferees: KEN NELSON, BEN BOO and PETER RODOSOVICH.

Senate Conferees: JAMES C. PEHLER, CLARENCE M. PURFEERST and GEN OLSON.

Nelson, K., moved that the report of the Conference Committee on H. F. No. 282 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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, 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 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dimler	Kalis	Nelson, K.	Rees
Backlund	Dyke	Kelly	Neuenschwander	Rest
Battaglia	Elioff	Kiffmeyer	Norton	Riveness
Beard	Ellingson	Knickerbocker	O'Connor	Rodosovich
Becklin	Erickson	Knuth	Ogren	Rose
Begich	Fjoslien	Kostohryz	Olson, E.	Sarna
Bennett	Forsythe	Krueger	Omann	Schafer
Bishop	Frederick	Kvam	Onnen	Scheid
Blatz	Frederickson	Lieder	Osthoff	Schoenfeld
Boerboom	Frerichs	Long	Otis	Schreiber
Brandl	Greenfield	Marsh	Ozment	Seaberg
Brinkman	Gruenes	McDonald	Pappas	Segal
Brown	Gutknecht	McEachern	Pauly	Shaver
Burger	Hartinger	McLaughlin	Peterson	Simoneau
Carlson, D.	Hartle	McPherson	Piepho	Skoglund
Carlson, L.	Haukoos	Metzen	Piper	Solberg
Clark	Heap	Miller	Poppenhagen	Sparby
Clausnitzer	Himle	Minne	Price	Stanius
Cohen	Jacobs	Munger	Quinn	Staten
Dempsey	Jaros	Murphy	Quist	Swiggum
DenOuden	Johnson	Nelson, D.	Redalen	Thorson

Tjornhom	Tunheim	Valento	Voss	Wenzel
Tomlinson	Uphus	Vanasek	Waltman	Zaifke
Tompkins	Valan	Vellenga	Welle	Spk. Jennings, D.

The bill was repassed, as amended by Conference, and its title agreed to.

The Speaker called Halberg to the Chair.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 58

A bill for an act relating to the town of Moorhead; allowing the town certain powers.

May 16, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 58, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 58 be further amended as follows:

Page 1, line 11, delete "*after compliance with*" and insert "*following final enactment.*"

Page 1, delete lines 12 and 13

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

House Conferees: MERLYN O. VALAN, DENNIS POPPENHAGEN and HENRY J. KALIS.

Senate Conferees: KEITH LANGSETH, LEROY A. STUMPF and GARY M. DECRAMER.

Valan moved that the report of the Conference Committee on H. F. No. 58 be adopted and that the bill be repassed as amended by the Conference Committee. 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, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON 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.

May 16, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 245, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments.

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

House Conferees: GLORIA SEGAL, KATHLEEN BLATZ and DAVID T. BISHOP.

Senate Conferees: LAWRENCE J. POGEMILLER, LINDA BERGLIN and DEAN E. JOHNSON.

Segal moved that the report of the Conference Committee on H. F. No. 245 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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, 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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON 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.

May 15, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 786, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 786 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 4.31, subdivision 5, is amended to read:

Subd. 5. The (GOVERNOR) *commissioner of administration* shall appoint an advisory committee of not more than 21 members, at least one member from each economic development region, to advise and make recommendations to him and the director of volunteer services. Notwithstanding this numerical limitation, members currently serving on an advisory group to the (GOVERNOR'S) office of volunteer services shall complete their prescribed terms of office; thereafter, appointments of successors shall be made so as to be consistent with the numerical limitation contained in this section. Membership terms, compensation, removal and filling of vacancies of members and expiration of the advisory committee shall be as provided in section 15.059; provided, that members shall not be eligible for a per diem.

Sec. 2. Minnesota Statutes 1984, section 14.02, subdivision 4, is amended to read :

Subd. 4. [RULE.] "Rule" means every agency statement of general applicability and future effect, including amendments, suspensions, and repeals of rules, adopted to implement or make specific the law enforced or administered by it or to govern its organization or procedure. It does not include (a) rules concerning only the internal management of the agency or other agencies, and which do not directly affect the rights of or procedure available to the public; (b) rules of the commissioner of corrections relating to the internal management of institutions under the commissioner's control and those rules governing the inmates thereof prescribed pursuant to section 609.105; (c) rules of the division of game and fish published in accordance with section 97.53; (d) rules relating to weight limitations on the use of highways when the substance of the rules is indicated to the public by means of signs; (e) opinions of the attorney general; (f) the systems architecture plan and long range plan of the state education management information system provided by section 121.931; (g) the data element dictionary and the annual data acquisition calendar of the department of education to the extent provided by section 121.932; (h) the comprehensive statewide plan of the crime control planning board provided in section 299A.03; (i) (SPECIAL TERMS AND CONDITIONS FOR AN INTERIM CERTIFICATE OF CONFIRMATION OF THE MINNESOTA CABLE COMMUNICATIONS BOARD PROVIDED IN SECTION 238.09; (J)) occupational safety and health standards provided in section 182.655; or ((K)) (*j*) rules of the commissioner of public safety adopted pursuant to section 169.128.

Sec. 3. Minnesota Statutes 1984, section 15.0591, subdivision 2, is amended to read :

Subd. 2. [BODIES AFFECTED.] A member meeting the qualifications in subdivision 1 shall be appointed to the following boards, commissions, advisory councils, task forces, or committees:

- (1) advisory council on battered women;
- (2) advisory task force on the use of state facilities;
- (3) alcohol and other drug abuse advisory council;
- (4) board for community colleges;
- (5) board of examiners for nursing home administrators;
- (6) board on aging;

- (7) (CABLE COMMUNICATIONS BOARD;)
- ((8)) chiropractic examiners board;
- ((9)) (8) consumer advisory council on vocational rehabilitation;
- ((10)) (9) council for the handicapped;
- ((11)) (10) council on affairs of Spanish-speaking people;
- ((12)) (11) council on black Minnesotans;
- ((13)) (12) dentistry board;
- ((14)) (13) department of economic security advisory council;
- ((15)) (14) higher education coordinating board;
- ((16)) (15) housing finance agency;
- ((17)) (16) Indian advisory council on chemical dependency;
- ((18)) (17) medical examiners board;
- ((19)) (18) medical policy directional task force on mental health;
- ((20)) (19) metropolitan transit commission or its successor;
- ((21)) (20) Minnesota emergency employment development task force;
- ((22)) (21) Minnesota office of volunteer services advisory committee;
- ((23)) (22) Minnesota state arts board;
- ((24)) (23) mortuary sciences advisory council;
- ((25)) (24) nursing board;
- ((26)) (25) optometry board;
- ((27)) (26) pharmacy board;
- ((28)) (27) physical therapists council;

- ((29)) (28) podiatry board;
- ((30)) (29) psychology board;
- ((31)) (30) veterans advisory committee.

Sec. 4. Minnesota Statutes 1984, section 16B.20, subdivision 2, is amended to read:

Subd. 2. [ADVISORY COUNCIL.] A small business procurement advisory council is created. The council consists of 13 members appointed by the (GOVERNOR) *commissioner of administration*. A chairperson of the advisory council shall be elected from among the members. The appointments are subject to the appointments program provided by section 15.0597. The terms and removal of members are as provided in section 15.059, but members do not receive per diem or expenses.

Sec. 5. Minnesota Statutes 1984, section 16B.33, subdivision 2, is amended to read:

Subd. 2. [ORGANIZATION OF BOARD.] (a) [MEMBERSHIP.] The state designer selection board consists of five individuals, the majority of whom must be Minnesota residents. Each of the following three organizations shall nominate one individual whose name and qualifications shall be submitted to the (GOVERNOR) *commissioner of administration* for consideration: the consulting engineers council of Minnesota after consultation with other professional engineering societies in the state; the Minnesota society of architects; and the Minnesota board of the arts. The (GOVERNOR) *commissioner* may appoint the three named individuals to the board (WITH THE ADVICE AND CONSENT OF THE SENATE,) but (THE GOVERNOR) may reject a nominated individual and request another nomination. The remaining two members shall also be appointed by the (GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE) *commissioner*.

(b) [NONVOTING MEMBERS.] In addition to the five members of the board, two nonvoting members shall participate in the interviewing and selection of designers pursuant to this section. One shall be a representative of the commissioner and shall participate in the interviewing and selection of designers for all projects. The other shall be a representative of the user agency, who shall participate in the interviewing and selection of the designers for the project being undertaken by the user agency. The commissioner shall appoint the representative of the user agency in consultation with the user agency.

(c) [TERMS; COMPENSATION; REMOVAL; VACANCIES.] The membership terms, compensation, removal

of members, and filling of vacancies on the board are as provided in section 15.0575. No individual may serve for more than two consecutive terms.

(d) [OFFICERS, RULES.] At its first meeting, the board shall elect a voting member of the board as chairman. The board shall also elect other officers necessary for the conduct of its affairs. The board shall adopt rules governing its operations and the conduct of its meetings. The rules shall provide for the terms of the chairman and other officers.

(e) [MEETINGS.] The board shall meet as often as is necessary, not less than twice annually, in order to act expeditiously on requests submitted to it for selection of primary designers.

(f) [OFFICE, STAFF, RECORDS.] The department of administration shall provide the board with suitable quarters to maintain an office, hold meetings, and keep records. The commissioner shall designate an employee of the department of administration to serve as executive secretary to the board and shall furnish a secretarial staff to the board as necessary for the expeditious conduct of the board's duties and responsibilities.

Sec. 6. Minnesota Statutes 1984, section 115.74, subdivision 1, is amended to read:

Subdivision 1. The water and wastewater treatment operators certification council shall be composed of six members. The (GOVERNOR) *commissioner of health* shall appoint (FOUR) *two* members as follows: A currently employed water supply system operator holding a valid certificate issued by the commissioner; *and a representative of the league of Minnesota cities. The director of the pollution control agency shall appoint two members as follows:* a currently employed wastewater treatment facility operator holding a valid certificate issued by the director; *and a university or college faculty member whose major field is related to water supply or wastewater collection and treatment* (; AND A REPRESENTATIVE OF THE LEAGUE OF MINNESOTA MUNICIPALITIES). The remainder of the council shall be composed of the following persons: A representative of the state department of health who is either the director of the division of environmental health or a qualified member of his staff; the director of the Minnesota pollution control agency or a qualified member of his staff. In the case of the first council, the appointments of a water supply system operator and a wastewater treatment facility operator shall be made from currently employed operators holding valid certificates under the voluntary certification program administered by the state department of health and the Minnesota pollution control agency.

Sec. 7. Minnesota Statutes 1984, section 116C.41, subdivision 2, is amended to read:

Subd. 2. [SOUTHERN MINNESOTA RIVERS BASIN.] The board shall guide the creation and implementation of a comprehensive environmental conservation and development plan for the southern Minnesota rivers basin. The board shall coordinate state and local interests with respect to the study in southwestern Minnesota under Public Law Number 87-639. The board shall appoint an advisory council to advise the board concerning its responsibilities under this subdivision. The council shall consist of 11 members who are residents of the basin and appointed by the (GOVERNOR) *chair of the environmental quality board with the board's concurrence.* The council is subject to the provisions of section 15.059, except that the council shall expire June 30, 1987. The council shall make recommendations to the board by June 30, 1985, concerning the establishment of a statewide advisory council to advise the board on water resources planning, regulation, and management.

Sec. 8. Minnesota Statutes 1984, section 121.83, is amended to read:

121.83 [MINNESOTA EDUCATION COUNCIL.]

There is hereby established the Minnesota education council composed of the members of the education commission of the states representing this state, and (16) *two* other persons (, TWO) from each congressional district of which one shall be a legislator (, APPOINTED BY THE GOVERNOR FOR). *Four representatives shall be appointed by the speaker of the house and four senators shall be appointed by the committee on committees. Legislative members shall serve terms coinciding with (THE TERM) their respective terms of (THE APPOINTING GOVERNOR) office. (PERSONS OTHER THAN LEGISLATORS SHALL BE SELECTED SO AS TO BE BROADLY REPRESENTATIVE OF) The commissioner of education shall appoint one member from each congressional district, for terms coinciding with the term of the commissioner, who broadly represent professional and lay interests within this state having the responsibilities for, knowledge with respect to, and interest in educational matters. The (CHAIRMAN SHALL BE DESIGNATED BY THE GOVERNOR) commissioner shall designate a chairman from among (ITS) the council members. The council shall meet on the call of the (GOVERNOR) commissioner, but in any event the council shall meet not less than twice in each year. The council may consider any and all matters relating to recommendations of the education commission of the states and the activities of the members representing this state thereon, shall serve as a forum for major education policies, and shall*

serve to exchange information about important education activities of interest to all parties. Members of the council shall serve without salary, but shall be reimbursed for actual expenses incurred in attendance at meetings of the council.

Sec. 9. Minnesota Statutes 1984, section 161.1419, subdivision 2, is amended to read:

Subd. 2. The commission shall be composed of ten members of which (THREE) *one* shall be appointed by the (GOVERNOR) *commissioner of transportation, one shall be appointed by the commissioner of natural resources, one shall be appointed by the commissioner of energy and economic development*, three shall be members of the senate to be appointed by the committee on committees, and three shall be members of the house of representatives to be appointed by the speaker. The tenth member shall be the secretary appointed pursuant to subdivision 3. The members of the commission shall be selected immediately after final enactment of this act and shall serve for a term expiring at the close of the next regular session of the legislature and until their successors are appointed. Successor members shall be appointed at the close of each regular session of the legislature by the same appointing authorities. Members may be reappointed. Any vacancy shall be filled by the appointing authority. The commissioner of transportation, the commissioner of natural resources, and the director of the Minnesota historical society shall be *ex officio* members, and shall be in addition to the ten members heretofore provided for. Immediately upon making the appointments to the commission the appointing authorities shall so notify the Mississippi River parkway commission, hereinafter called the national commission, giving the names and addresses of the members so appointed.

Sec. 10. Minnesota Statutes 1984, section 238.01, is amended to read:

238.01 [DECLARATION OF LEGISLATIVE FINDINGS AND INTENT.]

Upon investigation of the public interest associated with cable communications, the legislature of the state of Minnesota has determined that while cable communications serve in part as an extension of interstate broadcasting, that their operations also involve public rights-of-way, municipal franchising, and vital business and community service, which are of state concern; that while said operations must be subject to state oversight, they also must be protected from undue restraint and regulation so as to assure development of cable systems with optimum technology and maximum penetration in this state as rapidly as economically and technically feasible; that the municipalities and the state would benefit from valuable educational and public services through cable communications systems;

that the cable communications industry must provide the opportunity for minority participation and benefit which its diversity promises; that the public and the business community would benefit if served by cable channels sufficient to meet the needs of producers and distributors of program and other communication content services; that the cable communications industry is in a period of rapid growth and corporate consolidation and should proceed in accord with regional and statewide service objectives; that these objectives should encourage area-wide service where consistent with the public interest and discourage concentration of control and ownership when not in the public interest; and that many municipalities lack the necessary resources and expertise to plan for and secure these benefits and to protect subscribers and other parties to the public interest in franchise negotiations.

There is, therefore, a need (FOR A STATE AGENCY) to develop a state cable communications policy; to promote the rapid development of the cable communications industry responsive to community and public interest and consonant with policies, regulations and statutes of the federal government; to assure that cable communications companies provide adequate, economical and efficient service to their subscribers, the municipalities within which they are franchised and other parties to the public interest; to encourage the endeavors of public and private institutions, municipalities, associations and organizations in developing programming for public interest; and to provide minorities with the fullest opportunity to make effective use of the medium.

It is the intent of the legislature in (SECTIONS 238.01 TO 238.17) *this chapter* to (VEST AUTHORITY IN A BOARD TO) oversee development of the cable communications industry in Minnesota (IN ACCORDANCE WITH THE STATEWIDE SERVICE PLAN); to review the suitability to practices for franchising cable communications companies to protect the public interest; to set standards for cable communications systems and franchise practices; to assure channel availability for municipal services, educational television, program diversity, local expression and other program and communications content services; to assure that municipal franchising results in communication across metropolitan areas and in neighborhood communities in larger municipalities; to provide (CONSULTANT SERVICES) *guidance* to community organizations and municipalities in franchise negotiations; and, to stimulate the development of diverse instructional, educational, community interest and public affairs programming with full access thereto by cable communications companies, educational broadcasters and public and private institutions operating closed circuit television systems and instructional television fixed services.

Sec. 11. Minnesota Statutes 1984, section 238.02, subdivision 14, is amended to read:

Subd. 14. "Core service unit" shall mean the municipality, or, in the case of a joint powers agreement, municipalities, in which a cable communications system first provides service under a lawful franchise and from which the cable communications system extends service into additional areas which are included in the boundaries of a cable service territory (APPROVED BY THE BOARD).

Sec. 12. Minnesota Statutes 1984, section 238.02, is amended by adding a subdivision to read:

Subd. 17. [CLASS A CABLE SYSTEMS.] "Class A cable systems" means systems that are located outside of the metropolitan area, are located in a franchise area having a population of 4,000 or fewer persons, and are serving fewer than 1,000 subscribers.

Sec. 13. Minnesota Statutes 1984, section 238.02, is amended by adding a subdivision to read:

Subd. 18. [CLASS B CABLE SYSTEMS.] "Class B cable systems" means all systems, except those systems meeting the criteria of the class A system, that are located outside of the metropolitan area, are located in a franchise area having a population of fewer than 15,000 persons, and are serving fewer than 3,500 subscribers.

Sec. 14. Minnesota Statutes 1984, section 238.02, is amended by adding a subdivision to read:

Subd. 19. [CLASS C CABLE SYSTEMS.] "Class C cable systems" means systems that are located in the metropolitan area, or are located in a franchise area having a population of 15,000 or more persons or serving 3,500 or more subscribers.

Sec. 15. Minnesota Statutes 1984, section 238.02, is amended by adding a subdivision to read:

Subd. 20. [METROPOLITAN AREA.] "Metropolitan area" is that area defined under section 473.121, subdivision 2.

Sec. 16. Minnesota Statutes 1984, section 238.03, is amended to read:

238.03 [APPLICATION.]

(SECTIONS 238.01 TO 238.17 APPLY) *This chapter applies to every cable communications system and every cable communications company as defined in section 238.02, operating within the state, including a cable communications company which constructs, operates and maintains a cable communica-*

tions system in whole or in part through the facilities of a person franchised to offer common or contract carrier services. Persons possessing franchises for any of the purposes of (SECTIONS 238.01 TO 238.17) *this chapter* are subject to (SECTIONS 238.01 TO 238.17) *this chapter* although no property has been acquired, business transacted or franchises exercised.

Sec. 17. Minnesota Statutes 1984, section 238.08, subdivision 2, is amended to read:

Subd. 2. Nothing in this chapter shall be construed to prevent franchise requirements in excess of those prescribed (BY THE BOARD,) unless such requirement is inconsistent with this chapter (OR ANY REGULATION OF THE BOARD).

Sec. 18. Minnesota Statutes 1984, section 238.08, subdivision 3, is amended to read:

Subd. 3. Nothing in this chapter shall be construed to limit any municipality from the right to construct, purchase, and operate a cable communications system. Any municipal system shall be subject to (THE LAWS, RULES AND REGULATIONS OF THE BOARD) *this chapter* to the same extent as would any non-public cable communications system.

Sec. 19. Minnesota Statutes 1984, section 238.08, subdivision 4, is amended to read:

Subd. 4. Nothing in (SECTIONS 238.01 TO 238.17) *this chapter* shall be construed to limit the power of any municipality to impose upon any cable communications company a fee, tax or charge.

Sec. 20. [238.081] [FRANCHISE PROCEDURE.]

Subdivision 1. [PUBLICATION.] The franchising authority shall have published once each week for two successive weeks in a newspaper of general circulation in each municipality within the cable service territory, a notice of intent to franchise, requesting applications for the franchise.

Subd. 2. [REQUIRED INFORMATION.] The notice must include at least the following information:

- (1) the name of the municipality making the request;*
- (2) the closing date for submission of applications;*
- (3) a statement of the application fee, if any, and the method for its submission;*

(4) a statement by the franchising authority of the desired system design and services to be offered;

(5) a statement by the franchising authority of criteria and priorities against which the applicants for the franchise must be evaluated;

(6) a statement that applications for the franchise must contain at least the information required by subdivision 4;

(7) the date, time, and place for the public hearing, to hear proposals from franchise applicants;

(8) the name, address, and telephone number of the individuals who may be contacted for further information.

Subd. 3. [OTHER RECIPIENTS OF NOTICE.] In addition to the published notice, the franchising authority shall mail copies of the notice of intent to franchise to any person it has identified as being a potential candidate for the franchise.

Subd. 4. [CONTENTS OF FRANCHISING PROPOSAL.] The franchising authority shall require that proposals for a cable communications franchise be notarized and contain, but not necessarily be limited to, the following information:

(1) plans for channel capacity, including both the total number of channels capable of being energized in the system and the number of channels to be energized immediately;

(2) a statement of the television and radio broadcast signals for which permission to carry will be requested from the Federal Communications Commission;

(3) a description of the proposed system design and planned operation, including at least the following items:

(i) the general area for location of antennae and the head end, if known;

(ii) the schedule for activating two-way capacity;

(iii) the type of automated services to be provided;

(iv) the number of channels and services to be made available for access cable broadcasting; and

(v) a schedule of charges for facilities and staff assistance for access cable broadcasting;

(4) the terms and conditions under which particular service is to be provided to governmental and educational entities;

(5) a schedule of proposed rates in relation to the services to be provided, and a proposed policy regarding unusual or difficult connection of services;

(6) a time schedule for construction of the entire system with the time sequence for wiring the various parts of the area requested to be served in the request for proposals;

(7) a statement indicating the applicant's qualifications and experience in the cable communications field, if any;

(8) an identification of the municipalities in which the applicant either owns or operates a cable communications system, directly or indirectly, or has outstanding franchises for which no system has been built;

(9) plans for financing the proposed system, which must indicate every significant anticipated source of capital and significant limitations or conditions with respect to the availability of the indicated sources of capital;

(10) a statement of ownership detailing the corporate organization of the applicant, if any, including the names and addresses of officers and directors and the number of shares held by each officer or director, and intracompany relationship including a parent, subsidiary or affiliated company; and

(11) a notation and explanation of omissions or other variations with respect to the requirements of the proposal.

Substantive amendments may not be made in a proposal after a proposal has been submitted to the franchising authority and before award of a franchise.

Subd. 5. [TIME LIMITS TO SUBMIT APPLICATIONS.] The franchising authority shall allow at least 20 days from the first date of published notice to the closing date for submitting applications.

Subd. 6. [PUBLIC HEARING ON FRANCHISE.] A public hearing before the franchising authority affording reasonable notice and a reasonable opportunity to be heard with respect to all applications for the franchise must be completed at least seven days before the introduction of the franchise ordinance in the proceedings of the franchising authority.

Subd. 7. [AWARD OF FRANCHISE.] Franchises may be awarded only by ordinance.

Subd. 8. [COSTS OF AWARDING FRANCHISE.] Nothing in this section prohibits a franchising authority from recovering from a successful applicant the reasonable and necessary costs of the entire process of awarding the cable communications franchise.

Subd. 9. [FRANCHISING NONPROFIT OR MUNICIPAL-OWNED SYSTEM.] Nothing contained in this section prohibits a franchising authority from franchising a nonprofit or municipally-owned system. The municipality or nonprofit entity is considered an applicant for purposes of this section.

Subd. 10. [FRANCHISE; JOINT POWERS.] In the cases of municipalities acting in concert, the municipalities may delegate to another entity such duties, responsibilities, privileges, or activities described in this section, if such delegation is proper according to state and local law.

Sec. 21. [238.082] [FRANCHISE AMENDMENTS.]

The franchising authority shall act pursuant to local law pertaining to ordinance amendment procedures.

Sec. 22. [238.083] [SALE OR TRANSFER OF FRANCHISE.]

Subdivision 1. [FUNDAMENTAL CORPORATE CHANGE DEFINED.] For purposes of this section, "fundamental corporate change" means the sale or transfer of a majority of a corporation's assets; merger, including a parent and its subsidiary corporation; consolidation; or creation of a subsidiary corporation.

Subd. 2. [WRITTEN APPROVAL OF FRANCHISING AUTHORITY.] A sale or transfer of a franchise, including a sale or transfer by means of a fundamental corporate change, requires the written approval of the franchising authority. The parties to the sale or transfer of a franchise shall make a written request to the franchising authority for its approval of the sale or transfer. The franchising authority shall reply in writing within 30 days of the request and shall indicate its approval of the request or its determination that a public hearing is necessary if it determines that a sale or transfer of a franchise may adversely affect the company's subscribers. The franchising authority shall conduct a public hearing on the request within 30 days of that determination.

Subd. 3. [NOTICE OF HEARING.] Unless otherwise already provided for by local law, notice of the hearing must be

given 14 days before the hearing by publishing notice of it once in a newspaper of general circulation in the area being served by the franchise. The notice must contain the date, time, and place of the hearing and must briefly state the substance of the action to be considered by the franchising authority.

Subd. 4. [APPROVAL OR DENIAL OF SALE OR TRANSFER REQUEST.] Within 30 days after the public hearing, the franchising authority shall approve or deny in writing the sale or transfer request. The approval must not be unreasonably withheld.

Subd. 5. [SALE OR TRANSFER OF FRANCHISE WITHOUT SYSTEM.] The parties to the sale or transfer of a franchise only, without the inclusion of a cable communications system in which at least substantial construction has commenced, shall establish that the sale or transfer of only the franchise will be in the public interest.

Subd. 6. [SALE OR TRANSFER OF STOCK.] Sale or transfer of stock in a corporation so as to create a new controlling interest in a cable communication system is subject to the requirements of this section.

The term "controlling interest" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

Sec. 23. [238.084] [REQUIRED CONTENTS OF FRANCHISE ORDINANCE.]

Subdivision 1. [ALL SYSTEMS.] The following requirements apply to all classes A, B, and C systems unless provided otherwise:

(a) a provision that the franchise complies with the Minnesota franchise standards contained in this section;

(b) a provision requiring the franchisee and the franchising authority to conform to state laws and rules regarding cable communications not later than one year after they become effective, unless otherwise stated, and to conform to federal laws and regulations regarding cable as they become effective;

(c) a provision limiting the initial and renewal franchise term to not more than 15 years each;

(d) a provision specifying that the franchise is nonexclusive;

(e) a provision prohibiting sale or transfer of the franchise or sale or transfer of stock so as to create a new controlling interest under section 22, except at the approval of the franchis-

ing authority, which approval must not be unreasonably withheld, and that the sale or transfer is completed pursuant to section 22;

(f) a provision granting the franchising authority collecting a franchise fee the authority to audit the franchisee's accounting and financial records upon reasonable notice, and requiring that the franchisee file with the franchising authority annually reports of gross subscriber revenues and other information as the franchising authority deems appropriate;

(g) provisions specifying:

(1) current subscriber charges or that the current charges are available for public inspection in the municipality;

(2) the length and terms of residential subscriber contracts, if they exist, or that the current length and terms of residential subscriber contracts are available for public inspection in the municipality; and

(3) the procedure by which subscriber charges are established, unless such a provision is contrary to state or federal law;

(h) a provision indicating by title the office or officer of the franchising authority that is responsible for the continuing administration of the franchise;

(i) a provision requiring the franchisee to indemnify and hold harmless the franchising authority during the term of the franchise, and to maintain throughout the term of the franchise, liability insurance in an amount as the franchising authority may require insuring both the franchising authority and the franchisee with regard to damages and penalties which they may legally be required to pay as a result of the exercise of the franchise;

(j) a provision that at the time the franchise becomes effective and thereafter until the franchisee has liquidated all of its obligation with the franchising authority, the franchisee shall furnish a performance bond, certificate of deposit, or other type of instrument approved by the franchising authority in an amount as the franchising authority deems to be adequate compensation for damages resulting from the franchisee's nonperformance. The franchising authority may, from year to year and in its sole discretion, reduce the amount of the performance bond or instrument;

(k) a provision that nothing contained in the franchise relieves a person from liability arising out of the failure to exercise reasonable care to avoid injuring the franchisee's facilities

while performing work connected with grading, regrading, or changing the line of a street or public place or with the construction or reconstruction of a sewer or water system;

(l) a provision that the franchisee's technical ability, financial condition, and legal qualification were considered and approved by the franchising authority in a full public proceeding that afforded reasonable notice and a reasonable opportunity to be heard;

(m) a provision requiring the construction of a cable system with a channel capacity available for immediate or potential use, equal to a minimum of 72MHz of bandwidth, the equivalent of 12 television broadcast channels. For purposes of this section, a cable system with a channel capacity, available for immediate or potential use, equal to a minimum of 72 MHz of bandwidth means: the provision of a distribution system designed and constructed so that a minimum of 72 MHz of bandwidth, the equivalent of 12 television broadcast channels, can be put into use with only the addition of the appropriate headend equipment;

(n) a provision in initial franchises that there be a full description of the system proposed for construction and a schedule showing:

(1) that for franchise areas which will be served by a system proposed to have fewer than 100 plant miles of cable:

(i) that within 90 days of the granting of the franchise, the franchisee shall apply for the necessary governmental permits, licenses, certificates, and authorizations;

(ii) that energized trunk cable must be extended substantially throughout the authorized area within one year after receipt of the necessary governmental permits, licenses, certificates, and authorizations and that persons along the route of the energized cable will have individual "drops" as desired during the same period of time; and

(iii) that the requirement of this section may be waived by the franchising authority only upon occurrence of unforeseen events or acts of God; or

(2) that for franchise areas which will be served by a system proposed to have 100 plant miles of cable or more, a provision:

(i) that within 90 days of the granting of the franchise, the franchisee shall apply for the necessary governmental permits, licenses, certificates, and authorizations;

(ii) that engineering and design must be completed within one year after the granting of the franchise and that a signifi-

cant amount of construction must be completed within one year after the franchisee's receipt of the necessary governmental permits, licenses, certificates, and authorizations;

(iii) that energized trunk cable must be extended substantially throughout the authorized area within five years after commencement of construction and that persons along the route of the energized cable will have individual "drops" within the same period of time, if desired; and

(iv) that the requirement of this section be waived by the franchising authority only upon occurrence of unforeseen events or acts of God;

(o) unless otherwise already provided for by local law, a provision that the franchisee shall obtain a permit from the proper municipal authority before commencing construction of a cable communications system, including the opening or disturbance of a street, sidewalk, driveway, or public place. The provision must specify remedies available to the franchising authority in cases where the franchisee fails to meet the conditions of the permit;

(p) unless otherwise already provided for by local law, a provision that wires, conduits, cable, and other property and facilities of the franchisee be located, constructed, installed, and maintained in compliance with applicable codes. The provision must also specify that the franchisee keep and maintain its property so as not to unnecessarily interfere with the usual and customary trade, traffic, or travel upon the streets and public places of the franchise area or endanger the life or property of any person;

(q) unless otherwise already provided for by local law, a provision that the franchising authority and the franchisee shall establish a procedure in the franchise for the relocation or removal of the franchisee's wires, conduits, cables, and other property located in the street, right-of-way, or public place whenever the franchising authority undertakes public improvements which affect the cable equipment;

(r) a provision incorporating by reference as a minimum the technical standards promulgated by the Federal Communications Commission relating to cable communications systems contained in subpart K of part 76 of the Federal Communications Commission's rules and regulations relating to cable communications systems and found in Code of Federal Regulations, title 47, sections 76.601 to 76.617. The results of tests required by the Federal Communications Commission must be filed within ten days of the conduct of the tests with the franchising authority;

(s) a provision establishing how the franchising authority and the cable communications company shall determine who is to bear the costs of required special testing;

(t) a provision pertaining to the franchisee's construction and maintenance of a cable communications system having the technical capacity for nonvoice return communications which, for purposes of this section, means the provision of appropriate system design techniques with the installation of cable and amplifiers suitable for the subsequent insertion of necessary nonvoice communications electronic modules.

In cases where an initial franchise is granted, the franchisee shall provide a cable communications system having the technical capacity for nonvoice return communications.

When a franchise is renewed, sold, or transferred and is served by a system that does not have the technical capacity for nonvoice return communications, the franchising authority shall determine when and if the technical capacity for nonvoice return communications is needed after appropriate public proceedings at the municipal level giving reasonable notice and a reasonable opportunity to be heard;

(u) a provision stating that no signals of a class IV cable communications channel may be transmitted from a subscriber terminal for purposes of monitoring individual viewing patterns or practices without the express written permission of the subscriber. The request for permission must be contained in a separate document with a prominent statement that the subscriber is authorizing the permission in full knowledge of its provisions. The written permission must be for a limited period of time not to exceed one year which is renewable at the option of the subscriber. No penalty may be invoked for a subscriber's failure to provide or renew the authorization. The authorization is revocable at any time by the subscriber without penalty of any kind. The permission must be required for each type or classification of class IV cable communications activity planned for the purpose;

(1) No information or data obtained by monitoring transmission of a signal from a subscriber terminal, including but not limited to lists of the names and addresses of the subscribers or lists that identify the viewing habits of subscribers, may be sold or otherwise made available to any party other than to the company and its employees for internal business use, or to the subscriber who is the subject of that information, unless the company has received specific written authorization from the subscriber to make the data available;

(2) Written permission from the subscriber must not be required for the systems conducting systemwide or individually addressed electronic sweeps for the purpose of verifying system integrity or monitoring for the purpose of billing. Confidentiality of this information is subject to clause (1);

(3) For purposes of this provision, a "class IV cable communications channel" means a signaling path provided by a cable

communications system to transmit signals of any type from a subscriber terminal to another point in the communications system;

(v) a provision specifying the procedure for the investigation and resolution by the franchisee of complaints regarding quality of service, equipment malfunction, billing disputes, and other matters;

(w) a provision requiring that at least a toll-free or collect telephone number for the reception of complaints be provided to the subscriber and that the franchisee maintain a repair service capable of responding to subscriber complaints or requests for service within 24 hours after receipt of the complaint or request. The provision must also state who will bear the costs included in making these repairs, adjustments, or installations;

(x) a provision granting the franchising authority the right to terminate and cancel the franchise and the rights and privileges of the franchise if the franchisee substantially violates a provision of the franchise ordinance, attempts to evade the provisions of the franchise ordinance, or practices fraud or deceit upon the franchising authority.

The municipality shall provide the franchisee with a written notice of the cause for termination and its intention to terminate the franchise and shall allow the franchisee a minimum of 30 days after service of the notice in which to correct the violation.

The franchisee must be provided with an opportunity to be heard at a public hearing before the governing body of the municipality before the termination of the franchise;

(y) a provision that no cable communications company, notwithstanding any provision in a franchise, may abandon a cable communications service or a portion of it without having given three months prior written notice to the franchising authority. No cable communications company may abandon a cable communications service or a portion of it without compensating the franchising authority for damages resulting to it from the abandonment;

(z) a provision requiring that upon termination or forfeiture of a franchise, the franchisee remove its cable, wires, and appliances from the streets, alleys, and other public places within the franchise area if the franchising authority so requests, and a procedure to be followed in the event the franchisee fails to remove its cable, wires, and appliances from the streets, alleys, and other public places within the franchise area;

(aa) a provision that when a franchise or cable system is offered for sale, the franchising authority shall have the right to purchase the system;

(bb) a provision establishing the minimum number of access channels that the franchisee shall make available. This provision must require that the franchisee shall provide to each of its subscribers who receive some or all of the services offered on the system, reception on at least one specially designated access channel. The specially designated access channel may be used by local educational authorities and local government on a first-come, first-served, nondiscriminatory basis. During those hours that the specially designated access channel is not being used by the local educational authorities or local government, the franchisee shall lease time to commercial or noncommercial users on a first-come, first-served, nondiscriminatory basis if the demand for that time arises. The franchisee may also use this specially designated access channel for local origination during those hours when the channel is not in use by local educational authorities, local government, or commercial or noncommercial users who have leased time. The VHF spectrum must be used for the specially designated access channel required in this paragraph.

The provision must also require that the franchisee shall establish rules for the administration of the specially designated access channel.

Franchisees providing only alarm services or only data transmission services for computer-operated functions do not need to provide access channel reception to alarm and data service subscribers.

Subd. 2. [REQUIRED PROVISIONS FOR CLASS B SYSTEM.] Franchises for class B cable systems must contain statements and provisions consistent with subdivision 1, unless hereafter provided otherwise, and statements and provisions consistent with the following requirements:

(a) a provision establishing the minimum number of access channels that the franchisee shall make available. Franchisees subject to this provision are not subject to subdivision 1, paragraph (bb).

(1) The provision must require that the franchisee provide to each of its subscribers who receive all or a part of the total services offered on the system, reception on at least one specially designated access channel available for use by the general public on a first-come, first-served, nondiscriminatory basis. Channel time and playback of prerecorded programming on this specially designated access channel must be provided without charge to the general public, except that personnel, equipment, and production costs may be assessed for live studio presentations exceeding five minutes in length. Charges for production costs must be consistent with the goal of affording the public a low-

cost means of television access. The specially designated access channel may be used by local education authorities and local government on a first-come, first-served, nondiscriminatory basis during those hours when the channel is not in use by the general public. During those hours that the specially designated access channel is not being used by the general public, local educational authorities, or local government, the franchisee shall lease time to commercial or noncommercial users on a first-come, first-served, nondiscriminatory basis if the demand for that time arises. The franchisee may also use this specially designated access channel for local origination during those hours when the channel is not in use by the general public, local educational authorities, local government, or commercial or noncommercial users who have leased time. The VHF spectrum must be used for the specially designated access channel required in this paragraph.

(2) The provision must also require that the franchisee establish rules for the administration of the specially designated access channel.

(3) The provision must require that whenever the specially designated access channel required in clause (1) is in use during 80 percent of the weekdays, Monday to Friday, for 80 percent of the time during a consecutive three-hour period for six weeks running, and there is a demand for use of an additional channel for the same purpose, the franchisee has six months in which to provide a new specially designated access channel for the same purpose, provided that provision of the additional channel or channels does not require the cable system to install converters. Nothing in this section precludes the installation of converters by the system on a voluntary basis, as a result of an agreement arrived at through negotiation between the parties to a franchise, or by a potential access user who wishes to install converters in order to make use of an additional channel or channels.

(4) Franchisee providing only alarm services or only data transmission services for computer-operated functions do not need to provide access channel reception to alarm and data service subscribers.

(b) A provision establishing the minimum equipment that the franchisee shall make available for public use. The provision shall require that the franchisee make readily available for public use upon need being shown, at least the minimal equipment necessary to perform good quality playback of prerecorded programming, and to make it possible to record programs at remote locations with battery-operated portable equipment. Need within the meaning of this section must be determined by subscriber petition. The petition must con-

tain the signatures of at least ten percent of the subscribers of the system, but in no case more than 350 nor fewer than 100 signatures.

Subd. 3. [REQUIRED PROVISIONS FOR CLASS C SYSTEM.] *Franchises for class C cable systems must contain statements and provisions consistent with subdivision 1, unless this section provides otherwise, and statements and provisions consistent with the following requirements:*

(a) *a provision establishing the minimum number of public, educational, governmental, and leased access channels that the franchisee shall make available. Franchisees subject to this provision are not subject to subdivision 1, paragraph (bb).*

(1) *The provision must require that the franchisee shall, to the extent of the system's available channel capacity, provide to each of its subscribers who receives some or all of the services offered on the system, reception on at least one specially designated noncommercial public access channel available for use by the general public on a first-come, first-served, nondiscriminatory basis; at least one specially designated access channel for use by local educational authorities; at least one specially designated access channel available for local government use; and at least one specially designated access channel available for lease on a first-come, first-served, nondiscriminatory basis by commercial and noncommercial users. The VHF spectrum must be used for at least one of the specially designated noncommercial public access channels required in this paragraph. The provision must require that no charges may be made for channel time or playback of prerecorded programming on at least one of the specially designated noncommercial public access channels required by this paragraph. Personnel, equipment, and production costs may be assessed, however, for live studio presentations exceeding five minutes in length. Charges for those production costs and fees for use of other public access channels must be consistent with the goal of affording the public a low-cost means of television access.*

(2) *The provision must require that whenever the specially designated noncommercial public access channel, the specially designated education access channel, the specially designated local government access channel, or the specially designated leased access channel required in clause (1) is in use during 80 percent of the weekdays, Monday to Friday, for 80 percent of the time during any consecutive three-hour period for six weeks running, and there is demand for use of an additional channel for the same purpose, the franchisee shall then have six months in which to provide a new specially designated access channel for the same purpose, provided that provision of the additional channel or channels must not require the cable system to install converters. However, nothing in this section precludes the installation of converters by the system on a voluntary basis, or as a result of an*

agreement arrived at through negotiation between the parties to a franchise, or by a potential access user who wishes to install converters in order to make use of an additional channel or channels.

(3) The provision must also require that the franchisee establish rules pertaining to the administration of the specially designated noncommercial public access channel, the specially designated educational access channel, and the specially designated leased access channel required in this section.

(4) Those systems which offer subscribers the option of receiving programs on one or more special service channels without also receiving the regular subscriber services may comply with this section by providing the subscribers who receive the special service only, at least one specially designated composite access channel composed of the programming on the specially designated noncommercial public access channel, the specially designated education access channel, and the specially designated local government access channel required in this section.

(5) On those systems without sufficient available channel capacity to allow for activation of all specially designated access channels required in this section, or when demand for use of the channels does not warrant activation of all specially designated access channels required in this section, public, educational, governmental, and leased access channel programming may be combined on one or more cable channels. To the extent time is available, access channels may also be used for other broadcast and nonbroadcast services, provided that these services are subject to immediate displacement if there is demand to use the channel for its specially designated purpose. The system shall, in any case, provide at least one full channel on the VHF spectrum for shared access programming.

(6) Franchisees providing only alarm services or only data transmission services for computer-operated functions do not need to provide access channel reception to alarm and data service subscribers.

(b) a provision establishing the minimum equipment that the franchisee shall make available for public use. The provision shall require that the franchisee shall make readily available for public use at least the minimal equipment necessary for the production of programming and playback of prerecorded programs for the specially designated noncommercial public access channel required by paragraph (a), clause (1). The franchisee shall also make readily available, upon need being shown, the minimum equipment necessary to make it possible to record programs at remote locations with battery-operated portable equipment. Need within the meaning of this section must be de-

terminated by subscriber petition. The petition must contain the signatures of at least ten percent of the subscribers of the system, but in no case more than 500 nor fewer than 100 signatures.

(c) a provision establishing the minimum systemwide channel capacity that the franchisee shall make available. Franchisees subject to the requirement of this provision are not subject to the requirements of subdivision 1, paragraph (bb).

(1) The provision must require the construction of a cable system with a channel capacity, available for immediate or potential use, equal to a minimum of 120 MHz of bandwidth, the equivalent of 20 television broadcast channels.

(2) Systems that are already constructed pursuant to a preexisting franchise requiring fewer than 120 MHz of bandwidth, the equivalent of fewer than 20 television broadcast channels, shall have until June 21, 1986, to increase the system's channel capacity to a minimum of 120 MHz of bandwidth. However, nothing in this section precludes the parties to a franchise from negotiating an agreement calling for an increase to a minimum of 120 MHz of bandwidth before June 21, 1986.

(3) For purposes of this section, a cable system with a channel capacity, available for immediate or potential use, equal to a minimum of 120 MHz of bandwidth means: the provision of a distribution system designed and constructed so that a minimum of 120 MHz of bandwidth, the equivalent of 20 television broadcast channels, can be put into use with only the addition of the appropriate headend and subscriber terminal equipment.

(d) In Twin Cities metropolitan area franchises, a provision designating the standard VHF channel 6 for uniform regional channel usage as required in section 43.

Subd. 4. [ADDITIONAL TERMS AND CONDITIONS PERMITTED.] A franchise may contain additional terms and conditions as the municipality and the franchisee deem appropriate, provided the additional terms and conditions are consistent with federal and state law.

Subd. 5. [RECLASSIFICATION OF SYSTEMS.] A franchise must be amended by the franchising authority when the number of subscribers served by the cable communications system in the franchise area changes so as to result in reclassification of the system under this section. Amendments must include provisions consistent with the requirements of that class of cable communications systems.

Sec. 24. [238.085] [COMMISSIONER OF COMMERCE.]

Subdivision 1. [DOCUMENTATION TO THE COMMISSIONER OF COMMERCE.] Upon the granting of a franchise, the extension of a franchise for a term, the renewal of a franchise, or the sale or transfer of a franchise, the franchising authority and the franchisee shall submit documentation to the commissioner of commerce certifying that the franchise and the process followed conform to this chapter, to the extent that these sections are not inconsistent with federal law.

Subd. 2. [ACTIONS BY COMMISSIONER.] (a) Within 30 days of receipt of the certificate, the commissioner of commerce shall:

(1) approve the certificate;

(2) disapprove the certificate, indicating in writing to the applicants why the franchise or the process does not conform to this chapter; or

(3) request that the applicants provide additional information within 30 days of the receipt of the request.

(b) If the commissioner of commerce fails to act within 30 days of receiving a certificate or the requested additional documentation, the certificate is approved. If the commissioner of commerce fails to issue a final approval or disapproval within 180 days of the initial receipt of a certificate, the certificate is approved.

Subd. 3. [WHEN CERTIFICATE DISAPPROVED.] If the certificate is disapproved, the applicants may either (1) take the steps as may be necessary to bring the franchise or the process into conformance and reapply to the commissioner of commerce, or (2) within 30 days of receiving the disapproval appeal the decision to the Minnesota court of appeals.

Subd. 4. [OPERATION CONTINUES DURING REVIEW OR APPEAL.] While the commissioner of commerce is reviewing a certificate concerning a franchise extension or renewal and during an appeal of the commissioner of commerce's decision, the franchisee must be allowed to continue the operation of the affected cable system.

Subd. 5. [RIGHTS UNDER OTHER LAW.] Nothing in this section prohibits a franchisee from exercising its legal rights under federal or state law upon the denial by a franchising authority of an extension, renewal, transfer, or sale of a franchise.

Sec. 25. Minnesota Statutes 1984, section 238.11, subdivision 2, is amended to read:

Subd. 2. No cable communications company may prohibit or limit a program or class or type of program presented over a leased channel or a channel made available for public access, governmental or educational purposes. *Neither the cable communications company nor the officers, directors, or employees of the cable communications system is (NOT) liable for any penalties or damages arising from programming content not originating from or produced by the cable communications company and shown on any public access channel, education access channel, government access channel, leased access channel, or regional channel.*

Sec. 26. Minnesota Statutes 1984, section 238.15, is amended to read:

238.15 [FINANCIAL INTEREST OF MEMBERS.]

(NO MEMBER OF THE BOARD OR PERSON APPOINTED PURSUANT TO SECTION 238.04, SUBDIVISION 7 SHALL BE EMPLOYED BY, OR SHALL KNOWINGLY HAVE ANY FINANCIAL INTEREST IN ANY CABLE COMMUNICATIONS COMPANY OR ITS SUBSIDIARIES, MAJOR EQUIPMENT OR PROGRAMMING SUPPLIERS, OR IN ANY BROADCASTING COMPANY HOLDING AN OPERATING LICENSE ISSUED BY THE FEDERAL COMMUNICATIONS COMMISSION OR ITS SUBSIDIARIES.) Members of any elected body granting franchises and employees of any franchising body who would be directly involved in the granting or administration of franchises for cable communications and who are employed by or who knowingly have any financial interest in any cable communications company, bidding on such franchise, or the cable communications company granted the franchise, or their subsidiaries, major equipment or program suppliers shall abstain from participation in the franchising of a cable communications company or the administration of such franchise.

Sec. 27. Minnesota Statutes 1984, section 238.16, subdivision 2, is amended to read:

Subd. 2. Any person violating the provisions of **(SECTIONS 238.01 TO 238.17 OR ANY RULES OR REGULATIONS MADE PURSUANT THERETO,)** *this chapter* is guilty of a gross misdemeanor. Any term of imprisonment imposed for any violation by a corporation shall be served by the senior resident officer of the corporation.

Sec. 28. Minnesota Statutes 1984, section 238.17, subdivision 1, is amended to read:

Subdivision 1. **[CONDITIONS FOR EXTENSIONS.]** Notwithstanding the provisions of **(SECTION 238.09 OR)** any other law to the contrary, a cable communications system may extend

or provide service outside the boundaries of a core service unit if (: (1) THE EXTENSION AREA IS NOT WITHIN THE SEVEN COUNTY METROPOLITAN AREA, AS DEFINED IN SECTION 473.121, SUBDIVISION 4; (2) THE BOARD FIRST APPROVES, IN ACCORDANCE WITH PROCEDURES SET FORTH IN THE BOARD'S RULES, THE INCLUSION OF THE EXTENSION AREA IN THE SAME CABLE SERVICE TERRITORY WHICH CONTAINS THE CORE SERVICE UNIT; AND (3)) the cable communications system obtains (AND FILES WITH THE BOARD) an extension permit issued by the municipality or municipalities which have jurisdiction over the extension area.

Sec. 29. Minnesota Statutes 1984, section 238.17, subdivision 5, is amended to read:

Subd. 5. [EXCESS EXTENSION PERMITS.] Nothing in this section shall be construed to prevent a municipality having jurisdiction over an extension area from prescribing extension permit requirements which are in excess of those required by this section, unless such requirements are inconsistent with this chapter (OR WITH ANY RULE OF THE BOARD).

Sec. 30. Minnesota Statutes 1984, section 238.22, is amended by adding a subdivision to read:

Subd. 7. [ALTERNATIVE PROVIDERS.] "*Alternative providers*" means other providers of television programming or cable communications services.

Sec. 31. Minnesota Statutes 1984, section 238.22, is amended by adding a subdivision to read:

Subd. 8. [ASSOCIATION MEMBER.] "*Association member*" means an individual owner of a cooperatively owned multiple dwelling complex.

Sec. 32. Minnesota Statutes 1984, section 238.22, is amended by adding a subdivision to read:

Subd. 9. [OTHER PROVIDERS OF TELEVISION PROGRAMMING OR CABLE COMMUNICATIONS SERVICES.] "*Other providers of television programming or cable communications services*" means operators of master antenna television systems (MATV), satellite master antenna television systems (SMATV), multipoint distributions systems (MDS), and direct broadcast satellite systems (DBS).

Sec. 33. Minnesota Statutes 1984, section 238.24, subdivision 10, is amended to read:

Subd. 10. [CHANNEL CAPACITY.] (a) A property owner must provide access by a franchised cable communications company, as required under section 238.23, only if that cable company installs equipment with channel capacity sufficient to provide access to other providers of television programming or cable communications services so that residents or association members have a choice of alternative providers of those services. If the equipment is installed, the cable communications company shall allow alternative providers to use the equipment. If some of the residents or association members choose to subscribe to the services of an alternative provider, the cable company that installed the equipment shall be reimbursed by the other providers for the cost of equipment and installation on the property on a pro rata basis which reflects the number of subscribers of each provider on that property to the total number of subscribers on that property. In determining the pro rata amount of reimbursement by any alternative provider, the cost of equipment and installation shall be reduced to the extent of cumulative depreciation of that equipment at the time the alternative provider begins providing service.

(b) If equipment is already installed as of June 15, 1983 with channel capacity sufficient to allow access to alternative providers, the access and pro rata reimbursement provisions of paragraph (a) apply.

((C) THE BOARD SHALL PROMULGATE RULES BY JANUARY 1, 1984 TO IMPLEMENT THE PROVISIONS OF THIS SUBDIVISION.)

((D) PARAGRAPHS (A) AND (B) COME INTO EFFECT AFTER RULES HAVE BEEN PROMULGATED AND ADOPTED IN ACCORDANCE WITH PARAGRAPH (C).)

Sec. 34. [238.241] [CONDITIONS FOR ACCESS BY ALTERNATIVE PROVIDERS.]

Subdivision 1. [CHANNEL CAPACITY.] Cable companies granted access to a multiple dwelling complex under section 238.25 shall provide equipment with sufficient channel capacity to be used by alternative providers of television programming or cable communications services.

Subd. 2. [TECHNICAL PLAN APPROVAL.] The cable communications company shall determine the technical plan best suited for providing the necessary channel capacity sufficient to allow access to other providers. The plan must be submitted to the property owner for approval. The owner's approval may not be unreasonably withheld. No additional compensation for evaluation of the plan may be paid or given to the property owner over and above that permitted under section 238.24, subdivision 8.

Subd. 3. [DUPLICATE CONNECTIONS.] The cable communications company is not required to provide equipment for connecting more than one television receiver in one dwelling unit within the multiple dwelling complex. However, the company may provide duplicate connections at its discretion.

Sec. 35. [238.242] [REIMBURSEMENT.]

Subdivision 1. [PROVIDING ALTERNATIVE SERVICE.] Other providers of television programming or cable communications services shall notify the cable communications company when a resident or association member occupying a dwelling unit in a multiple dwelling complex requests the services provided for by this section or section 34. After reaching agreement with the alternative service provider for reimbursement to be paid for use of the equipment, the cable communications company shall make available the equipment necessary to provide the alternative service without unreasonable delay.

Subd. 2. [REIMBURSEMENT DETERMINATION.] The amount to be reimbursed must be determined under section 238.24, subdivision 10. The reimbursed amount must be paid in one installment for each instance of requested use. The payment may not be refunded upon subscriber cancellation of the alternative service.

Subd. 3. [FINANCIAL RECORDS MADE AVAILABLE.] The cable communications company, upon written request, shall make available to the alternative provider financial records supporting the reimbursement cost requested.

Sec. 36. [238.36] [DEFINITIONS.]

Subdivision 1. [SCOPE.] As used in sections 36 to 42, the following terms have the meanings given them unless a different meaning clearly appears in the text.

Subd. 2. [CABLE COMMUNICATIONS COMPANY'S EQUIPMENT.] "Cable communications company's equipment" means aerial wires, cables, amplifiers, associated power supply equipment, and other transmission apparatus necessary for the proper operation of the cable communications system in a franchised area.

Subd. 3. [CONDUIT SYSTEM.] "Conduit system" means a reinforced passage or opening in, on, under, or through the ground capable of containing communications facilities and includes the following: main conduit; underground dips and short sections of conduit under roadways, driveways, parking lots, and similar conduit installations; laterals to poles and into buildings; ducts; and manholes.

Subd. 4. [PUBLIC UTILITY COMPANY POLES.] "Public utility company poles" means poles owned by the public utility and poles owned by others on which the public utility has the right to permit others to attach in the communications space on the pole.

Sec. 37. [238.37] [SCOPE.]

Sections 36 to 42 only apply to pole, duct, and conduit agreements entered into or renewed between public utilities and cable communications companies on or after January 1, 1976, and have no application to those agreements executed before January 1, 1976, until those agreements are either renewed or substantially renegotiated. If a public utility company and a cable communications company enter into an agreement regarding only pole attachments, sections 36 to 42 relating to conduit systems are applicable to that agreement and if a public utility company and a cable communications company enter into an agreement regarding only use of a conduit system, sections 36 to 42 relating to pole attachments are not applicable to that agreement.

Sec. 38. [238.38] [PERMITS.]

Every pole, duct, and conduit agreement must contain a provision that before attaching to the public utility company's poles or occupying any part of the public utility's conduit system, the cable communications company shall apply and receive a permit for that purpose on a form provided by the public utility company. If the cable communications company accepts the permit, it may attach its equipment to the poles covered by the permit or occupy the conduit system of the public utility to the extent authorized by the permit, subject to sections 36 to 42 and the terms of the agreement between the contracting parties. In granting or denying a permit, the public utility has the right to determine whether a grant of a permit would adversely affect its public services, duties, and obligations or have an adverse effect on the economy, safety, and future needs of the public utility.

Sec. 39. [238.39] [LEGAL AUTHORITY.]

Every pole, duct, and conduit agreement must contain a provision that the cable communications company shall submit to the public utility company evidence of the cable communications company's lawful authority to place, maintain, and operate its facilities within public streets, highways, and other thoroughfares and shall secure the legally necessary permits and consents from federal, state, county, and municipal authorities to construct, maintain, and operate facilities at the locations of poles or conduit systems of the public utility company which it uses. The parties to the agreement shall at all times observe and comply with, and the provisions of a pole, duct, and conduit agreement are subject to, the laws, ordinances, and rules which in any manner affect

the rights and obligations of the parties to the agreement, so long as the laws, ordinances, or rules remain in effect.

Sec. 40. [238.40] [LIABILITY.]

Every pole, duct, and conduit agreement must contain a provision that the cable communications company shall defend, indemnify, protect, and save harmless the public utility from and against any and all claims and demands for damages to property and injury or death to persons, including payments made under any worker's compensation law or under any plan for employees' disability and death benefits, which may arise out of or be caused by the erection, maintenance, presence, use, or removal of the cable communications company's cable, equipment, and facilities or by the proximity of the cables, equipment, and facilities of the parties to the agreement, or by any act of the cable communications company on or in the vicinity of the public utility company's poles and conduit system, in the performance of the agreement. Nothing contained in this section relieves the public utility company from liability for the negligence of the public utility company or anyone acting under its direction and control. The cable communications company shall also indemnify, protect, and save harmless the public utility from any and all claims and demands which arise directly or indirectly from the operation of the cable communications company's facilities including taxes, special charges by others, claims, and demands for damages or loss for infringement of copyright, for libel and slander, for unauthorized use of television broadcast programs, and for unauthorized use of other program material, and from and against all claims and demands for infringement of patents with respect to the manufacture, use, and operation of the cable communications equipment in combination with the public utility company's poles, conduit system, or otherwise. Nothing contained in this section relieves the public utility company from liability for the negligence of the public utility company or anyone acting under its direction and control.

Sec. 41. [238.41] [INSURANCE.]

The cable communications company shall carry insurance to protect the parties to the agreement from and against any and all claims, demands, actions, judgments, costs, expenses, and liabilities which may arise or result, directly or indirectly, from or by reason of the loss, injury, claim, or damage. The amount of the insurance must be agreed to by the parties to this agreement. The cable communications company shall also carry insurance to protect it from all claims under worker's compensation laws in effect that may be applicable to it. Insurance required must remain in effect for the entire term of the agreement.

Sec. 42. [238.42] [ADDITIONAL TERMS.]

Nothing contained in sections 36 to 42 in any way prohibits a public utility company from including in its pole, duct, and conduit agreements with cable communications companies additional terms which do not conflict with sections 36 to 42.

Sec. 43. [238.43] [REGIONAL CHANNEL.]

Subdivision 1. [DEFINITION.] For the purposes of this section "regional channel entity" means an independent, non-profit corporation to govern the operation of the regional channel.

Subd. 2. [LEGISLATIVE PURPOSE.] The purpose of this section is to facilitate the activation of a metropolitan area interconnected regional channel, to be uniformly carried on VHF channel 6 on cable communications systems operating in the metropolitan area in order to provide a broad range of informational, educational, and public service programs and materials to metropolitan area cable subscribers.

Subd. 3. [VHF CHANNEL 6.] Franchises for cable communications systems franchised in whole or in part within the metropolitan area shall contain a provision designating the standard VHF channel 6 for uniform regional channel usage; provided, however, that until the regional channel becomes operational, the designated VHF channel 6 may be utilized by the cable communications company as it deems appropriate. The designated regional channel may be combined with the government access channel until such time as the video programming usage of the government access channel expands to such point as it is in use during 80 percent of the time between 8:00 a.m. and 10:00 p.m. during any consecutive six-week period. Use of time on the regional channel must be made available without charge.

Subd. 4. [USE.] The regional channel will provide a broad range of informational, educational, and public service programs and materials to metropolitan area cable subscribers.

Subd. 5. [REGIONAL CHANNEL ENTITY.] The cable communications board may designate a regional channel entity prior to July 1, 1985. If the cable communications board does not designate an entity by June 30, 1985, the metropolitan council shall appoint the governing body of the regional channel entity which must consist of 15 members appointed to three-year terms. In making the initial appointments the metropolitan council shall designate one-third of the appointees to serve one-year terms, one-third to serve two-year terms, and one-third to serve three-year terms. In the case of a vacancy the council shall appoint a person to fill the vacancy for the remainder of the unexpired term. The metropolitan council shall name three appointees from the recommendations received from the association of metropoli-

tan municipalities and three from the recommendations received from the cable communications companies operating in the metropolitan area.

Subd. 6. [REGIONAL CHANNEL OPERATOR.] The regional channel entity may operate the regional channel or designate the operator of the regional channel. In the event the regional channel entity designates the operator of the regional channel, the designation must be for an initial period not exceeding three years. Before the expiration of the three-year period, the regional channel entity shall review its designation and consider renewal for a term not exceeding three years. Nothing in this section creates any right to renewal for the operator designated by the regional channel entity.

Sec. 44. Minnesota Statutes 1984, section 250.05, is amended to read:

Subdivision 1. There is hereby established as a public corporation in the executive branch of state government the Gillette children's hospital board. The purpose of the board shall be to govern the operation of Gillette children's hospital (IN CONJUNCTION WITH THE RAMSEY COUNTY HOSPITAL) in such manner as to obtain a maximum of efficiency and economy in the performance of and training in medical and surgical care of (CRIPPLED) children *with handicaps or disabilities.*

Subd. 2. The Gillette children's hospital shall be governed by a board of directors consisting of (NINE) *up to 19* members. Not more than (FOUR) *nine* of those (APPOINTED BY THE GOVERNOR) shall be residents of Ramsey county. The commissioner of health and the commissioner of economic security shall each designate a senior employee of their respective departments to represent them as voting members of the board. The designee of the commissioner of economic security shall be the person having authority over the administration of federally recognized vocational rehabilitation programs. Notwithstanding the provisions of subdivision 2a, the term of office of a designee shall be coterminous with the term of office of the designating commissioner. Of the (SEVEN) remaining members, at least four shall be consumers as defined in section 145.833, and one member shall be a member of the medical staff, to be (RECOMMENDED) *elected* by the medical staff of the hospital. Members other than the designees shall be (APPOINTED) *elected* by the (GOVERNOR) *other members.* (NO MEMBER OF THE BOARD SHALL BE AN EMPLOYEE OF OR HAVE ANY DIRECT OR IMMEDIATE FAMILY FINANCIAL INTEREST IN A BUSINESS ENTITY THAT PROVIDES GOODS OR SERVICES TO THE HOSPITAL.) No member of the board may be an employee of (THE HOSPITAL) or (EMPLOYED BY) *have any direct or immediate family financial interest in a business entity that provides goods or services to the hospital* (WITHIN THE PAST FIVE YEARS).

Subd. 2a. The membership terms, compensation, and removal of members (, FILLING OF VACANCIES ON THE BOARD) shall be as provided in section 15.0575.

Subd. 3. The board shall organize by electing a (CHAIRMAN) *chairperson* and other officers as may be required. The Gillette *children's* hospital board shall employ an administrator and other professional, technical, and clerical personnel as may be required. The administrator shall serve at the pleasure of the board. The Gillette *children's* hospital board (MAY) shall employ a certified public accountant to annually audit and examine its financial records. The report of an examination or audit by a certified public accountant shall be submitted *on request* to the legislative auditor who shall review the audit report and accept it or make additional examinations as he deems to be in the public interest. The working papers of the certified public accountant relating to the Gillette *children's* hospital board shall be made available to the legislative auditor upon request.

The Gillette *children's* hospital board may contract for the services of individuals who perform medical, technical, or other services of a professional nature, and may contract for the purchase of necessary supplies, services, and equipment. Except as it determines, the Gillette *children's* hospital board shall not be subject to the provisions of chapter 16, concerning budgeting, payroll, and the purchase of goods or services. Any department of state government is authorized, within the limits of its functions and appropriations, to assist the Gillette *children's* hospital board upon request.

Subd. 3a. All employees of the Gillette children's hospital who are in the classified service of the state on March 28, 1974 shall be continued as employees of the Gillette *children's* hospital board without loss of status, seniority, or benefits. The departments of administration and personnel shall endeavor to assist in the transfer elsewhere within state service of any classified employee who desires such assistance. Classified personnel may, with their individual approval and the approval of the Gillette *children's* hospital board, enter the unclassified service. Employees who remain in the classified service of the state under the provisions of this section, may do so as long as they continue to occupy the position occupied on March 28, 1974. If such an employee at a subsequent date is appointed, transferred, promoted, or demoted to a different position under the Gillette *children's* hospital board, that position and employee shall be in the unclassified service. All other employees of the Gillette *children's* hospital board shall be in the unclassified service. The Gillette *children's* hospital board may prescribe all terms and conditions of employment of unclassified employees, including but not limited to the fixing of classification and compensation, without regard to the provisions of chapter 15A. Full time em-

ployees of the Gillette *children's* hospital board (SHALL) may be members of the Minnesota state retirement system for classified employees, to which the Gillette *children's* hospital board shall make employer's contributions.

Subd. 4. The Gillette *children's* hospital board, acting through its board of directors, may contract with the governing body and the owners of the *St. Paul Ramsey* (COUNTY HOSPITAL) *medical center* and of any other hospital or institution, for the joint maintenance and operation of the Gillette *children's* hospital (IN CONJUNCTION WITH EXISTING OR CONTEMPLATED FACILITIES AT THE RAMSEY COUNTY HOSPITAL). Contracts may include agreements for the joint employment and utilization of personnel, the joint purchase of supplies and equipment, and joint construction, acquisition, or leasing of space for offices, outpatient facilities, operating rooms, and other medical facilities for use in training in the care and treatment of (CRIPPLED) *disabled* and handicapped children, the operation of (A BRACE SHOP) *an orthotic/prosthetic laboratory*, and the conduct of patient education programs. No contract shall, however, provide for the expenditure of funds for additional patient bed capacity.

Subd. 5. The Gillette *children's* hospital board shall have the power to accept gifts and grants, to sue and be sued, and to establish a schedule of charges for (MEDICAL, HOSPITAL, AND REHABILITATIVE) *all* services furnished. All funds received by the Gillette *children's* hospital board from any source are hereby annually appropriated to the Gillette *children's* hospital board, which shall be responsible for their management and control. An annual report shall be submitted to the legislature by the Gillette *children's* hospital board not later than November 15 of each year. The report shall summarize the activities of the board and the hospital over the preceding fiscal year, shall evaluate whether the statutory structure for the board results in effective administration of the hospital and whether statutory changes are necessary. The report shall be submitted together with the audit report required by subdivision 3.

Subd. 6. The Gillette *children's* hospital shall seek reimbursement for costs of care and treatment provided, from parents to the extent of their ability to pay, from insurance policies covering care and treatment, and from other sources, including any federally financed medical aids for which the child is eligible. To the extent of appropriations available therefor, the department of human services shall continue to provide financial assistance to the Gillette *children's* hospital board to pay for costs of care otherwise unmet which are beyond the ability of parents to provide. Children from other states who can benefit from the services of the hospital may be accepted upon the referral of a medical doctor. Reimbursement for full costs for care provided non-resident patients shall be obtained from parents, from insurance policies covering

care and treatment, or from any sources other than the state of Minnesota which may be available to the child and his family.

Sec. 45. Minnesota Statutes 1984, section 254A.04, is amended to read:

254A.04 [CITIZENS ADVISORY COUNCIL.]

There is hereby created an alcohol and other drug abuse advisory council to advise the department of human services concerning the problems of alcohol and other drug dependency and abuse, composed of (11) *ten* members (APPOINTED BY THE GOVERNOR). (AT LEAST) Five members shall be individuals whose interests or training are in the field of alcohol dependency and abuse; and (AT LEAST) five members whose interests or training are in the field of dependency and abuse of drugs other than alcohol. The council shall expire and the terms, compensation and removal of members shall be as provided in section 15.059. *The commissioner of human services shall appoint members whose terms end in even-numbered years. The commissioner of health shall appoint members whose terms end in odd-numbered years.*

Sec. 46. Minnesota Statutes 1984, section 270.41, is amended to read:

270.41 [BOARD OF ASSESSORS.]

A board of assessors is hereby created. The board shall be for the purpose of establishing, conducting, reviewing, supervising, coordinating or approving courses in assessment practices, and establishing criteria for determining assessor's qualifications. The board shall also have authority and responsibility to consider other matters relating to assessment administration brought before it by the commissioner of revenue. The board shall consist of nine members, who shall be appointed by the (GOVERNOR) *commissioner of revenue*, in the manner provided herein.

1. Two from the department of revenue,
2. Two county assessors,
3. Two assessors who are not county assessors, one of whom shall be a township assessor, and
4. One from the private appraisal field holding a professional appraisal designation,
5. Two public members as defined by section 214.02.

The appointment provided in (1,) 2 and 3 (,) may be made from (A LIST) *two lists* of not less than three names *each, one* submitted to (THE GOVERNOR BY) the commissioner of revenue (CONTAINING RECOMMENDATIONS FOR APPOINTEES DESCRIBED IN 1,) *by* the Minnesota Association of Assessing Officers or its successor organization containing recommendations for the appointment of appointees described in 2, and *one by* the Minnesota Association of Assessors, Inc. or its successor organization containing recommendations for the appointees described in 3 (,). *The lists must be submitted 30 days* before the commencement of the term. In the case of a vacancy, a new list shall be furnished to the (GOVERNOR) *commissioner* by the respective organization immediately. In the event any member of the board shall no longer be engaged in the capacity listed above, he shall automatically be disqualified from membership in the board.

The board shall annually elect a chairman and a secretary of the board.

Sec. 47. Minnesota Statutes 1984, section 343.01, subdivision 3, is amended to read:

Subd. 3. The society must be governed by a board of directors consisting of seven persons appointed by the governor. The governor, the commissioner of education, and the attorney general, or their designees shall serve as ex officio, nonvoting members of the board. The membership terms, compensation, removal, and filling of vacancies of board members other than ex officio members shall be as provided in section 15.0575; provided that the terms of two initial members shall expire in each of 1979, 1980, and 1981, and the term of the seventh initial member shall expire in 1982. The members of the board shall annually elect a chairman and other officers as deemed necessary. Meetings must be called by the chairman or at least two other members. The (GOVERNOR) *board* shall appoint an executive director who shall serve in the unclassified civil service at the (GOVERNOR'S) *board's* pleasure (FOR A TERM COTERMINOUS WITH THAT OF THE GOVERNOR). The executive director may employ other staff who shall serve in the unclassified civil service. The commissioner of administration upon request of the executive director shall supply the board with necessary office space and administrative services, and the board shall reimburse the commissioner for the cost.

Sec. 48. Minnesota Statutes 1984, section 473.129, subdivision 6, is amended to read:

Subd. 6. [PARTICIPATION IN (SPECIAL DISTRICT ACTIVITY) *METROPOLITAN AREA COMMISSIONS AND BOARDS.*] (a) The metropolitan council shall appoint from its membership a member to serve with the metropolitan airports commission, a member to serve with the mosquito control

commission, a member to serve on the Minneapolis-St. Paul sanitary district or any successor thereof, and may appoint a member to serve on any metropolitan area commission or board authorized by law. Each member of the metropolitan council so appointed on each of such commissions shall serve without a vote.

(b) The metropolitan council shall also appoint individuals to the governing body of the cable communications metropolitan interconnected regional channel entity under section 43, subdivision 5.

Sec. 49. Minnesota Statutes 1984, section 611.215, subdivision 1, is amended to read:

Subdivision 1. [CREATION; MEMBERSHIP.] There is created a state board of public defense as a part of, but not subject to the administrative control of, the judicial branch of government. The state board of public defense shall consist of seven members appointed by the (GOVERNOR) *supreme court* including:

(a) A district, county or county municipal court trial judge;

(b) Four attorneys admitted to the practice of law, well acquainted with the defense of persons accused of crime, but not publicly employed as a prosecutor or defense counsel; and

(c) Two public members.

All members shall demonstrate an interest in maintaining a high quality, independent defense system for those who are unable to obtain adequate representation. In making the four appointments of attorneys at law, the (GOVERNOR) *supreme court* shall first consider a list of at least three nominees for each position submitted to the (GOVERNOR) *supreme court* by the state bar association. The terms, compensation and removal of members shall be as provided in section 15.0575. The chairman shall be elected by the members from among the membership for a term of two years.

Sec. 50. Laws 1984, chapter 654, article 2, section 151, subdivision 2, is amended to read:

Subd. 2. [CREATION OF COUNCIL.] There is created the Minnesota Manufacturing Growth Council whose purpose is to address manufacturing concerns in Minnesota. The council shall consist of 21 members (APPOINTED BY THE GOVERNOR). The (GOVERNOR) *commissioner of energy and economic development* shall serve as chairperson of the council (.

THE GOVERNOR) and shall appoint seven members who represent manufacturing labor; seven members who represent manufacturing management; (THE COMMISSIONERS OF ECONOMIC SECURITY, ENERGY AND ECONOMIC DEVELOPMENT, AND LABOR AND INDUSTRY;) one economist; and two members of the public-at-large. *The governor and the commissioners of economic security and labor and industry shall also be members of the council. The (GOVERNOR) commissioner of energy and economic development shall seek to appoint at least one member representing manufacturing businesses owned or managed by women.*

Sec. 51. [MOTION PICTURE AND TELEVISION ADVISORY COUNCIL; APPOINTING AUTHORITY TRANSFERRED.]

Notwithstanding Laws 1983, chapter 301, section 28, the commissioner of energy and economic development shall appoint the members of the motion picture and television advisory council and designate one appointee as chairperson and liaison to the commissioner.

Sec. 52. [TERMS OF TELECOMMUNICATIONS COUNCIL MEMBERS.]

Notwithstanding Minnesota Statutes, section 15.059 or 16C.01, the terms of all present members of the telecommunications council shall expire on July 31, 1985.

Sec. 53. [GILLETTE CHILDREN'S HOSPITAL BOARD TRANSITION.]

Members of the Gillette children's hospital board on July 31, 1985, carry over as members of the board as restructured by this act and shall elect additional members other than designees.

Sec. 54. [REPEALER.]

Minnesota Statutes 1984, sections 3.29, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11; 16C.01; 238.02, subdivision 4; 238.04; 238.05; 238.06; 238.09; 238.10; 238.11, subdivision 1; 238.12, subdivision 3; 238.13; 238.14; 238.16, subdivision 1; and 238.17, subdivisions 6, 7, and 8 are repealed.

Sec. 55. [EFFECTIVE DATE.]

Sections 3, 10 to 43, and 48 are effective July 1, 1985."

Delete the title and insert:

"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 transferring certain functions to the commissioner of commerce; abolishing the telecommunications council; amending Minnesota Statutes 1984, sections 4.31, subdivision 5; 14.02, subdivision 4; 15.0591, subdivision 2; 16B.20, subdivision 2; 16B.33, subdivision 2; 115.74, subdivision 1; 116C.41, subdivision 2; 121.83; 161.1419, subdivision 2; 238.01; 238.02, subdivision 14, and by adding subdivisions; 238.03; 238.08, subdivisions 2, 3, and 4; 238.11, subdivision 2; 238.15; 238.16, subdivision 2; 238.17, subdivisions 1 and 5; 238.22, by adding subdivisions; 238.24, subdivision 10; 250.05; 254A.04; 270.41; 343.01, subdivision 3; 473.129, subdivision 6; and 611.215, subdivision 1; amending Laws 1984, chapter 654, article 2, section 151, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 238; repealing Minnesota Statutes 1984, sections 3.29, subdivisions 1 to 11; 16C.01; 238.02, subdivision 4; 238.04 to 238.06; 238.09; 238.10; 238.11, subdivision 1; 238.12, subdivision 3; 238.13; 238.14; 238.16, subdivision 1; and 238.17, subdivisions 6, 7, and 8.”

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

House Conferees: GIL GUTKNECHT, ELTON R. REDALEN and JOEL JACOBS.

Senate Conferees: LAWRENCE J. POGEMILLER, DONALD A. STORM and NEIL DIETERICH.

Gutknecht moved that the report of the Conference Committee on H. F. No. 786 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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, 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 113 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, G.	Kahn	Skoglund	Voss
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The bill was repassed, as amended by Conference, and its title agreed to.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 35:

Bennett, Ozment and Rodosovich.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 43:

Johnson; Carlson, D.; Bennett; Dempsey and Lieder.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 623:

Bishop, Halberg and Cohen.

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Levi, from the Committee on Rules and Legislative Administration, pursuant to rule 1.9, designated the following bills as Special Orders to be acted upon immediately preceding General Orders pending for today, Friday, May 17, 1985:

S. F. Nos. 547, 566 and 1225; H. F. No. 828; S. F. Nos. 1320 and 1202; H. F. No. 1243; S. F. Nos. 455 and 276; H. F. No. 563; S. F. Nos. 319 and 919; H. F. Nos. 765, 1436 and 1018; S. F. Nos. 882, 675, 374 and 1219; H. F. No. 1083; S. F. Nos. 643, 401 and 821; H. F. No. 587; S. F. Nos. 615 and 147.

SPECIAL ORDERS

S. F. No. 547 was reported to the House.

There being no objection S. F. No. 547 was temporarily laid over on Special Orders.

S. F. No. 566, A bill for an act relating to civil procedure; providing for the treatment of certain foreign judgments; enacting the Uniform Foreign Country Money-Judgments Recognition Act; proposing coding for new law in Minnesota Statutes, chapter 548.

The bill was read for the third 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.	Brown	Erickson	Haukoos	Knuth
Backlund	Burger	Fjoslien	Heap	Kostohryz
Battaglia	Carlson, D.	Forsythe	Himle	Krueger
Beard	Carlson, J.	Frederick	Jacobs	Levi
Becklin	Carlson, L.	Frederickson	Jaros	Lieder
Begich	Clark	Frerichs	Jennings, L.	Long
Bennett	Clausnitzer	Greenfield	Johnson	Marsh
Bishop	Cohen	Gruenes	Kahn	McDonald
Blatz	DenOuden	Gutknecht	Kalis	McEachern
Boo	Dimler	Halberg	Kelly	McLaughlin
Brandl	Dyke	Hartinger	Kiffmeyer	McPherson
Brinkman	Elioff	Hartle	Knickerbocker	Metzen

Miller	Osthoff	Rees	Skoglund	Valan
Minne	Otis	Rest	Soiberg	Valento
Munger	Ozment	Richter	Sparby	Vanasek
Murphy	Pappas	Rivencss	Stanius	Vellenga
Nelson, D.	Pauly	Rodosovich	Staten	Voss
Nelson, K.	Peterson	Sarna	Svigum	Waltman
Norton	Piepho	Schafer	Thiede	Welle
O'Connor	Piper	Scheid	Thorson	Wenzel
Ogren	Poppenhagen	Schoenfeld	Tjornhom	Wynia
Olsen, S.	Price	Segal	Tomlinson	Zafke
Olson, E.	Quinn	Shaver	Tompkins	Spk. Jennings, D.
Omann	Quist	Sherman	Tunheim	
Onnen	Redalen	Simoneau	Uphus	

The bill was passed and its title agreed to.

Frerichs was excused while in conference.

S. F. No. 1225 was reported to the House.

Omann moved to amend S. F. No. 1225, as follows:

Delete everything after the enacting clause and insert:

"Section 1. [LEGISLATIVE FINDINGS.]

The legislature recognizes a public benefit in establishing standards for food products marketed and labeled using the term "organic" or a derivative of the term "organic." These standards will also facilitate the development of out-of-state markets for Minnesota food grown by organic methods.

Sec. 2. [31.92] [DEFINITIONS.]

Subdivision 1. [SCOPE.] As used in sections 2 to 4, the terms defined in this section have the meanings given.

Subd. 2. [DEPARTMENT.] "Department" means the department of agriculture.

Subd. 3. [ORGANIC FOOD.] "Organic food" means any food product, including meat, dairy, and beverage, that is marketed using the term "organic" or any derivative of "organic" in its labeling or advertising.

Subd. 4. [PRODUCER.] "Producer" means a person who is responsible for growing or raising organic food.

Subd. 5. [VENDOR.] "Vendor" means anyone who sells organic food to the consumer or another vendor.

Sec. 3. [31.93] [REQUIREMENTS.]

Subdivision 1. [GROWTH; COMPOSITION.] Organic food must be grown, raised, or composed of ingredients that were grown or raised without the use of chemical fertilizers, chemical pesticides, hormones, antibiotics, growth stimulants, arsenicals, or other substances not essential to proper nutrition. Other natural substances, such as diatomaceous earth, soaps, elemental sulfur, lime sulfur, and copper sulfate may be used in the growing of organic food.

Subd. 2. [INFORMATION.] Growers, manufacturers, and sellers of products regulated by sections 2 to 4 shall provide the department, upon demand, with relevant information from records required under subdivision 2.

Sec. 4. [31.94] [DEPARTMENTAL DUTIES.]

The department shall enforce sections 2 to 4. The department shall withhold from sale or trade any product sold, labeled, or advertised in violation of sections 2 to 4.

The department shall investigate the offering for sale, labeling, or advertising of an article or substance as organically grown, organically processed, or produced in an organic environment if there is reason to believe that action is in violation of sections 2 to 4.

The department may adopt rules, including emergency rules, that further clarify organic food standards and marketing practices."

Delete the title and insert:

"A bill for an act relating to agriculture; regulating organic foods; proposing coding for new law in Minnesota Statutes, chapter 31."

The motion prevailed and the amendment was adopted.

Ogren and Omann moved to amend S. F. No. 1225, as amended, as follows:

Page 2, line 4, delete "chemical" in both places and before "fertilizers" insert "synthetic"

Page 2, line 6, before "arsenicals" insert "and" and delete everything after "arsenicals"

Page 2, line 7, delete "nutrition"

Page 2, line 8, after "and" insert "basic"

Page 2, after line 9, insert:

"Where untreated seed is unavailable, treated seed may be used.

Soil on which organic food is grown or raised must have been free of synthetic fertilizers, pesticides, hormones, antibiotics, growth stimulants, and arsenicals for at least one year. After March 31, 1987, the soil must have been free of those synthetics for at least two years. After March 31, 1988, the soil must have been free of those synthetics for at least three years."

Page 2, after line 13, insert:

"Subd. 3. [STORAGE.] Organic food may be stored in a regular, cold, or controlled atmosphere. If fumigation is needed, only diatomaceous earth or inert gas may be used."

Page 2, after line 25, insert:

"Sec. 5. [EFFECTIVE DATE.]

This act is effective April 1, 1986."

The motion prevailed and the amendment was adopted.

Ogren moved to amend S. F. No. 1225, as amended, as follows:

Page 1, before line 7, insert:

"Section 1. Minnesota Statutes 1984, section 28A.15, subdivision 5, is amended to read:

Subd. 5. Persons whose principal mode of business is licensed under section 157.03 or 327.15; provided that the holding of any license pursuant to section 157.03 or 327.15 shall not exempt any person from the applicable requirements of the laws and regulations administered by the commissioner, as they relate to composition, standards of identity, adulteration, labeling or misbranding of food."

Renumber the remaining sections

Correct the internal references

Amend the title as follows:

Page 1, line 2, after the first semicolon insert "exempting manufactured home parks and recreational camping areas from food handling licenses;"

Page 1, line 3, before "proposing" insert "amending Minnesota Statutes 1984, section 28A.15, subdivision 5;"

The motion prevailed and the amendment was adopted.

S. F. No. 1225, A bill for an act relating to agriculture; exempting manufactured home parks and recreational camping areas from food handling licenses; regulating organically grown foods; amending Minnesota Statutes 1984, section 28A.15, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 31.

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 120 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Schoenfeld

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

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, sections 268.52, subdivisions 1 and 2; and 268.53, 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 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1320, A bill for an act relating to health; establishing a system of regional poison information centers; providing for 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 third 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	Bennett	Boerboom	Brinkman
Backlund	Becklin	Bishop	Boo	Brown
Battaglia	Begich	Blatz	Brandl	Burger

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

The bill was passed and its title agreed to.

S. F. No. 1202, 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 third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 116 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Tunheim	Vanasek	Voss	Welle	Wynia
Uphus	Vellenga	Waltman	Wenzel	Spk. Jennings, D.
Valento				

The bill was passed and its title agreed to.

The Speaker resumed the Chair.

H. F. No. 1243 was reported to the House.

McEachern moved to amend H. F. No. 1243, the second engrossment, as follows:

Page 1, line 25, to page 2, line 7, delete section 3 from the bill

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

POINT OF ORDER

Olsen, S., 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.

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

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

There were 48 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jacobs	Metzen	Peterson	Sparby
Beard	Jaros	Minne	Piper	Staten
Brandl	Jennings, L.	Munger	Price	Tunheim
Brinkman	Kahn	Murphy	Quinn	Uphus
Brown	Kalis	Nelson, K.	Rest	Vanasek
Carlson, L.	Kostohryz	Norton	Sarna	Vellenga
Cohen	Krueger	O'Connor	Scheid	Voss
Elioff	Lieder	Ogren	Schoenfeld	Wynia
Ellingson	Long	Olson, E.	Segal	
Greenfield	McEachern	Osthoff	Skoglund	

Those who voted in the negative were:

Backlund	Erickson	Knickerbocker	Redalen	Thiede
Becklin	Fjoslien	Knuth	Rees	Thorson
Bennett	Forsythe	Kvam	Riveness	Tjornhom
Blatz	Frederick	Levi	Rodosovich	Tompkins
Boerboom	Frederickson	Marsh	Rose	Valan
Boo	Gruenes	McDonald	Schafer	Valento
Burger	Gutknecht	McKasy	Seaberg	Waltman
Carlson, J.	Hartinger	McPherson	Shaver	Welle
Clausnitzer	Hartle	Olsen, S.	Sherman	Wenzel
Dempsey	Haukoos	Onnen	Simoneau	Spk. Jennings, D.
DenOuden	Himle	Ozment	Solberg	
Dimler	Johnson	Pauly	Stanius	
Dyke	Kiffmeyer	Poppenhagen	Sviggum	

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

Munger moved to amend H. F. No. 1243, the second engrossment, as follows:

Page 2, line 2, delete "*director*" and insert "*Governor*"

Page 2, line 3, after "*history*" insert "*and government*"

A roll call was requested and properly seconded.

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

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

There were 50 yeas and 63 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Cohen	McEachern	Pappas	Skoglund
Battaglia	Elioff	McLaughlin	Peterson	Solberg
Beard	Greenfield	Minne	Piper	Sparby
Begich	Jaros	Munger	Price	Staten
Boo	Kahn	Murphy	Rest	Tunheim
Brandl	Kalis	Nelson, K.	Rice	Uphus
Brinkman	Kostohryz	Norton	Riveness	Vanasek
Brown	Krueger	O'Connor	Sarna	Vellenga
Carlson, L.	Lieder	Ogren	Scheid	Voss
Clark	Long	Olson, E.	Segal	Wynia

Those who voted in the negative were :

Backlund	Fjoslien	Knickerbocker	Poppenhagen	Thiede
Becklin	Forsythe	Knuth	Redalen	Thorson
Bennett	Frederick	Levi	Rees	Tjornhom
Blatz	Frederickson	Marsh	Richter	Tomlinson
Boerboom	Frerichs	McDonald	Schafer	Tompkins
Burger	Gruenes	McKasy	Schoenfeld	Valan
Carlson, D.	Gutknecht	McPherson	Schreiber	Valento
Carlson, J.	Hartinger	Olsen, S.	Seaberg	Waltman
Clausnitzer	Hartle	Omann	Shaver	Welle
Dempsey	Haukoos	Onnen	Sherman	Wenzel
Dimler	Himle	Osthoff	Simoneau	Spk. Jennings, D.
Dyke	Johnson	Ozment	Stanius	
Erickson	Kiffmeyer	Pauly	Sviggum	

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

H. F. No. 1243, A bill for an act relating to the Minnesota historical society; requiring it to develop instructional materials on Minnesota history and government; proposing coding for new law in Minnesota Statutes, chapter 126.

The bill was read for the third time 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 112 yeas and 6 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Begich	Brinkman	Carlson, L.	Dyke
Backlund	Bennett	Brown	Clark	Elioff
Battaglia	Blatz	Burger	Cohen	Ellingson
Beard	Boerboom	Carlson, D.	Dempsey	Erickson
Becklin	Boo	Carlson, J.	Dimler	Fjoslien

Forsythe	Knuth	Olsen, S.	Rice	Tjornhom
Frederick	Kostohryz	Olson, E.	Riveness	Tomlinson
Frederickson	Levi	Omann	Rodosovich	Tompkins
Frerichs	Lieder	Onnen	Schafer	Tunheim
Gruenes	Long	Osthoff	Scheid	Uphus
Gutknecht	Marsh	Otis	Schoenfeld	Valan
Hartinger	McDonald	Ozment	Seaberg	Valento
Hartle	McKasy	Pappas	Segal	Vanasek
Haukoos	McPherson	Pauly	Shaver	Vellenga
Himle	Metzen	Peterson	Sherman	Voss
Jacobs	Minne	Piper	Simoneau	Waltman
Jaros	Munger	Poppenhagen	Skoglund	Welle
Johnson	Murphy	Price	Solberg	Wenzel
Kahn	Nelson, D.	Quinn	Sparby	Wynia
Kalis	Nelson, K.	Quist	Stanius	Spk. Jennings, D.
Kelly	Neuenschwander	Redalen	Staten	
Kiffmeyer	Norton	Rees	Sviggum	
Knickerbocker	Ogren	Rest	Thorson	

Those who voted in the negative were :

Brandl	Krueger	McEachern	O'Connor	Sarna
Greenfield				

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.

S. F. No. 547 which was temporarily laid over earlier today was again reported to the House.

S. F. No. 547, A bill for an act relating to motor vehicles; exempting from certain franchising requirements those dealers who remodel or convert motor vehicles for medical purposes; prohibiting issuance of a motor vehicle dealer license to a person convicted of certain crimes; authorizing immediate revocation or suspension of motor vehicle dealer licenses upon conviction; removing an exception allowing a motor vehicle dealer to register a vehicle without a certificate of title; amending Minnesota Statutes 1984, sections 168.27, subdivisions 2, 11, 12, and 24; and 168A.02, subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 110 yeas and 0 nays as follows:

Those who voted in the affirmative were :

Anderson, G.	Beard	Bennett	Brinkman	Carlson, L.
Backlund	Becklin	Blatz	Brawn	Clark
Battaglia	Begich	Brandl	Carlson, D.	Clausnitzer

Cohen	Johnson	Munger	Quinn	Stanius
Dempsey	Kelly	Murphy	Quist	Sviggum
DenOuden	Kiffmeyer	Nelson, K.	Redalen	Thiede
Dimler	Knickerbocker	Neuenschwander	Rees	Thorson
Dyke	Knuth	Norton	Rest	Tjornhom
Elioff	Kostohryz	O'Connor	Rice	Tomlinson
Erickson	Krueger	Ogren	Richter	Tompkins
Fjoslien	Kvam	Olsen, S.	Rodosovich	Tunheim
Frederick	Levi	Olson, E.	Sarna	Uphus
Frerichs	Lieder	Omann	Schafer	Valento
Greenfield	Long	Onnen	Scheid	Vanasek
Gruenes	Marsh	Osthoff	Schoenfeld	Vellenga
Gutknecht	McDonald	Otis	Schreiber	Voss
Hartinger	McEachern	Ozment	Shaver	Waltman
Hartle	McKasy	Pappas	Sherman	Welle
Himle	McLaughlin	Pauly	Simoneau	Wenzel
Jacobs	McPherson	Peterson	Skoglund	Wynia
Jaros	Metzen	Piper	Solberg	Zaffke
Jennings, L.	Minne	Price	Sparby	Spk. Jennings, D.

The bill was passed and its title agreed to.

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 third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 108 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 276 was reported to the House.

Onnen moved to amend S. F. No. 276, as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 358.15, is amended to read:

358.15 [(BY WHOM TAKEN IN THIS STATE) *EX-OFFICIO NOTARY PUBLIC.*]

The following (NAMED) officers (SHALL) have (POWER TO TAKE AND CERTIFY ACKNOWLEDGMENTS) *the powers of a notary public* within the state:

(1) every member of the legislature, while still a resident in the district from which (HE WAS) elected; but (HE SHALL RECEIVE) no fee or compensation *may be received* for (SO DOING) *exercising these powers*. The form of (HIS) *the official signature* in (SUCH) *these cases* (SHALL BE) *is*: “A.B., Representative (or Senator), District, Minnesota, *ex officio notary public*. My term expires January 1, 19.....;”

(2) (THE JUDGES AND CLERKS AND DEPUTY CLERKS OF ALL COURTS, RESIDING WITHIN THE STATE, INCLUDING THOSE OF THE CIRCUIT AND DISTRICT COURTS OF THE UNITED STATES, AND RESIDENT UNITED STATES COMMISSIONERS;)

((3) NOTARIES PUBLIC AND) the clerks or recorders of towns, and cities; and

((4)) (3) court commissioners, county recorders, and county auditors, and their several deputies, and county commissioners, all within their respective counties.

Sec. 2. [358.41] [DEFINITIONS.]

As used in sections 2 to 10:

(1) “Notarial act” means any act that a notary public of this state is authorized to perform, and includes taking an acknowledgment, administering an oath or affirmation, taking a verification upon oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy, and noting a protest of a negotiable instrument.

(2) “Acknowledgment” means a declaration by a person that the person has executed an instrument for the purposes

stated therein and, if the instrument is executed in a representative capacity, that the person signed the instrument with proper authority and executed it as the act of the person or entity represented and identified therein.

(3) "Verification upon oath or affirmation" means a declaration that a statement is true made by a person upon oath or affirmation.

(4) "In a representative capacity" means:

(i) for and on behalf of a corporation, partnership, trust, or other entity, as an authorized officer, agent, partner, trustee, or other representative;

(ii) as a public officer, personal representative, guardian, or other representative, in the capacity recited in the instrument;

(iii) as an attorney in fact for a principal; or

(iv) in any other capacity as an authorized representative of another.

(5) "Notarial officer" means a notary public or other officer authorized to perform notarial acts.

Sec. 3. [358.42] [NOTARIAL ACTS.]

(a) In taking an acknowledgment, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making the acknowledgment is the person whose true signature is on the instrument.

(b) In taking a verification upon oath or affirmation, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making the verification is the person whose true signature is on the statement verified.

(c) In witnessing or attesting a signature the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the signature is that of the person appearing before the officer and named therein.

(d) In certifying or attesting a copy of a document or other item, the notarial officer must determine that the proffered copy is a full, true, and accurate transcription or reproduction of that which was copied.

(e) *In making or noting a protest of a negotiable instrument the notarial officer must determine the matters set forth in section 336.3-509.*

(f) *A notarial officer has satisfactory evidence that a person is the person whose true signature is on a document if that person (i) is personally known to the notarial officer, (ii) is identified upon the oath or affirmation of a credible witness personally known to the notarial officer, or (iii) is identified on the basis of identification documents.*

Sec. 4. [358.43] [NOTARIAL ACTS IN THIS STATE.]

(a) *A notarial act may be performed within this state by the following persons:*

- (1) *a notary public of this state,*
- (2) *a judge, clerk, or deputy clerk of any court of this state,*
- (3) *a person authorized by the law of this state to administer oaths, or*
- (4) *any other person authorized to perform the specific act by the law of this state.*

(b) *Notarial acts performed within this state under federal authority as provided in section 6 have the same effect as if performed by a notarial officer of this state.*

(c) *The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.*

Sec. 5. [358.44] [NOTARIAL ACTS IN OTHER JURISDICTIONS OF THE UNITED STATES.]

(a) *A notarial act has the same effect under the law of this state as if performed by a notarial officer of this state, if performed in another state, commonwealth, territory, district, or possession of the United States by any of the following persons:*

- (1) *a notary public of that jurisdiction;*
- (2) *a judge, clerk, or deputy clerk of a court of that jurisdiction; or*
- (3) *any other person authorized by the law of that jurisdiction to perform notarial acts.*

(b) *Notarial acts performed in other jurisdictions of the United States under federal authority as provided in section 5 have the same effect as if performed by a notarial officer of this state.*

(c) *The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.*

(d) *The signature and indicated title of an officer listed in subsection (a)(1) or (a)(2) conclusively establish the authority of a holder of that title to perform a notarial act.*

Sec. 6. [358.45] [NOTARIAL ACTS UNDER FEDERAL AUTHORITY.]

(a) *A notarial act has the same effect under the law of this state as if performed by a notarial officer of this state if performed anywhere by any of the following persons under authority granted by the law of the United States:*

(1) *a judge, clerk, or deputy clerk of a court;*

(2) *a commissioned officer on active duty in the military service of the United States;*

(3) *an officer of the foreign service or consular officer of the United States; or*

(4) *any other person authorized by federal law to perform notarial acts.*

(b) *The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.*

(c) *The signature and indicated title of an officer listed in subsection (a)(1), (a)(2), or (a)(3) conclusively establish the authority of a holder of that title to perform a notarial act.*

Sec. 7. [358.46] [FOREIGN NOTARIAL ACTS.]

(a) *A notarial act has the same effect under the law of this state as if performed by a notarial officer of this state if performed within the jurisdiction of and under authority of a foreign nation or its constituent units or a multi-national or international organization by any of the following persons:*

(1) *a notary public or notary;*

(2) *a judge, clerk, or deputy clerk of a court of record; or*

(3) *any other person authorized by the law of that jurisdiction to perform notarial acts.*

(b) *An "Apostille" in the form prescribed by the Hague Convention of October 5, 1961, conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.*

(c) *A certificate by a foreign service or consular officer of the United States stationed in the nation under the jurisdiction of which the notarial act was performed, or a certificate by a foreign service or consular officer of that nation stationed in the United States, conclusively establishes any matter relating to the authenticity or validity of the notarial act set forth in the certificate.*

(d) *An official stamp or seal of the person performing the notarial act is prima facie evidence that the signature is genuine and that the person holds the indicated title.*

(e) *An official stamp or seal of an officer listed in subsection (a)(1) or (a)(2) is prima facie evidence that a person with the indicated title has authority to perform notarial acts.*

(f) *If the title of office and indication of authority to perform notarial acts appears either in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.*

Sec. 8. [358.47] [CERTIFICATE OF NOTARIAL ACTS.]

(a) *A notarial act must be evidenced by a certificate signed and dated by a notarial officer. The certificate must include identification of the jurisdiction in which the notarial act is performed and the title of the office of the notarial officer and may include the official stamp or seal of office. If the officer is a notary public, the certificate must also indicate the date of expiration, if any, of the commission of office, but omission of that information may subsequently be corrected. If the officer is a commissioned officer on active duty in the military service of the United States, it must also include the officer's rank.*

(b) *A certificate of a notarial act is sufficient if it meets the requirements of subsection (a) and it:*

(1) *is in the short form set forth in section 9;*

(2) *is in a form otherwise prescribed by the law of this state;*

(3) *is in a form prescribed by the laws or regulations applicable in the place in which the notarial act was performed; or*

(4) sets forth the actions of the notarial officer and those are sufficient to meet the requirements of the designated notarial act.

(c) By executing a certificate of a notarial act, the notarial officer certifies that the officer has made the determinations required by section 3.

Sec. 9. [358.48] [SHORT FORMS.]

The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by section 8, subsection (a):

(1) For an acknowledgment in an individual capacity;

State of

County of

This instrument was acknowledged before me on (date) by (name(s) of person(s)).

..... (Signature of notarial officer)

(Seal, if any)

..... Title (and Rank)

My commission expires:

(2) For an acknowledgment in a representative capacity:

State of

County of

This instrument was acknowledged before me on (date) by (name(s) of person(s))

as (type of authority, e.g., officer, trustee, etc.) of

..... (name of party on behalf of whom the instrument was executed).

.....
(Signature of notarial officer)

(Seal, if any)

.....
Title (and Rank)

My commission expires:

(3) For a verification upon oath or affirmation:

State of

County of

Signed and sworn to (or affirmed) before me on
(date) by (name(s) of person(s)
making statement).

.....
(Signature of notarial officer)

(Seal, if any)

.....
Title (and Rank)

My commission expires:

(4) For witnessing or attesting a signature:

State of

County of

Signed or attested before me on (date) by
..... (name(s) of person(s)).

.....
(Signature of notarial officer)

(Seal, if any)

.....
Title (and Rank)

My commission expires:

(5) For attestation of a copy of a document:

State of

County of

I certify that this is a true and correct copy of a document in the possession of

Dated:

(Signature of notarial officer)

(Seal, if any)

Title (and Rank)

My commission expires:

Sec. 10. [358.49] [SHORT TITLE.]

Sections 2 to 10 may be cited as the uniform law on notarial acts.

Sec. 11. [NOTARIAL ACTS AFFECTED BY THIS ACT.]

Sections 2 to 10 apply to notarial acts performed after July 31, 1985.

Sec. 12. [REPEALER.]

Minnesota Statutes 1984, sections 358.32, 358.33, 358.34, 358.35, 358.36, 358.37, 358.38, 358.39, and 358.40 are repealed.

Sec. 13. [TIME OF TAKING EFFECT.]

This act takes effect August 1, 1985."

Delete the title and insert:

"A bill for an act relating to notaries; providing procedures for various notarial acts; enacting the uniform law on notarial acts; amending Minnesota Statutes 1984, section 358.15; proposing coding for new law in Minnesota Statutes, chapter 358; repealing Minnesota Statutes 1984, sections 358.32 to 358.40."

The motion prevailed and the amendment was adopted.

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 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 113 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

H. F. No. 563 was reported to the House.

Nelson, D., moved that H. F. No. 563 be returned to General Orders. The motion prevailed.

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

The bill was passed and its title agreed to.

S. F. No. 919 was reported to the House.

Dimler moved to amend S. F. No. 919, the unofficial engrossment, as follows:

Page 3, line 25, delete "4" and insert "3"

Page 3, line 30, after the period, insert:

"A buyer who purchases farm products subject to a security interest under this section shall include the name of the secured party as joint payee on any check or other instrument issued in payment for the farm products, unless the secured party gives the buyer written notice of waiver of this requirement. Issuance of joint payment as herein required relieves the buyer of any further liability to the secured party."

Page 3, line 31, delete everything after "Subd. 3."

Page 3, delete lines 32 to 36

Page 4, delete lines 1 to 4

Page 4, line 5, delete "Subd. 4."

Page 4, line 8, after the period, insert:

"The notification is effective upon receipt until September 1 after the notification is made; or for a notification made after August 20 but before September 1, the notification is effective for one year beginning September 1. A buyer who receives notification from a secured party under this subdivision shall not publicly post or disseminate to any person, other than its agents and employees who reasonably require the information for purposes related to this act, any information contained in the notification.

A secured party that furnishes to a buyer a list of debtors who have farm products subject to a security interest is not liable to a debtor whose name is on the list for furnishing the list."

Page 5, line 12, before the period insert *"and the crop years which are covered by the financing statement"*

Page 5, line 12, delete *"The"*

Page 5, delete lines 13 and 14

Pages 12 to 14, delete section 10

Page 15, line 8, delete *"11"* and insert *"10"*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete everything after the semicolon

Page 1, delete lines 8 and 9

Page 1, line 10, delete everything before the first semicolon and insert *"requiring financing statements covering crops to designate crop years; providing that secured parties are not liable to debtors for giving notice of liens; providing that buyers shall limit use of lien notices received from secured parties; providing that buyers shall issue joint payments to debtors and secured parties under certain circumstances"*

The motion prevailed and the amendment was adopted.

The Speaker called Halberg to the Chair.

S. F. No. 919, A bill for an act relating to agriculture; limiting security interests in farm product proceeds; protecting buyers

when subject to a security interest; amending Minnesota Statutes 1984, sections 336.9-306; and 336.9-307.

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 112 yeas and 6 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Boerboom	Dempsey	Gruenes	Kvam	Ogren
Brinkman				

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

H. F. No. 765 was reported to the House.

There being no objection H. F. No. 765 was temporarily laid over on Special Orders.

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 third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 111 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 882 was reported to the House.

Marsh moved to amend S. F. No. 882, the unofficial engrossment, as follows:

Page 4, line 15, delete Section 4.

Page 5, line 14, delete Section 5.

Amend the title as follows:

Page 1, lines 7 and 8, delete "repealing the securities transaction for preorganization offerings;"

Page 1, lines 23 and 24, delete "80A.14, subdivisions 4 and 9;"

The motion prevailed and the amendment was adopted.

S. F. No. 882, A bill for an act relating to commerce; 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; simplifying an ex-

emption 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; 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, chapter 82.

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 111 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 675 was reported to the House.

There being no objection S. F. No. 675 was temporarily laid over on Special Orders.

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 third 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 10 nays as follows:

Those who voted in the affirmative were:

Backlund	Fjoslien	McDonald	Peterson	Sparby
Battaglia	Forsythe	McEachern	Piper	Stanius
Beard	Frederick	McKasy	Price	Sviglum
Becklin	Greenfield	McLaughlin	Quinn	Thiede
Begich	Gutknecht	McPherson	Quist	Thorson
Bennett	Halberg	Metzen	Rees	Tjornhom
Blatz	Hartinger	Minne	Rest	Tomlinson
Boo	Hartle	Murphy	Richter	Tompkins
Brinkman	Heap	Nelson, D.	Riveness	Tunheim
Brown	Jacobs	Nelson, K.	Rodosovich	Uphus
Burger	Jaros	O'Connor	Rose	Valento
Carlson, D.	Jennings, L.	Ogren	Sarna	Vellenga
Carlson, L.	Kelly	Olsen, S.	Schafer	Voss
Clark	Kiffmeyer	Olson, E.	Scheid	Waltman
Clausnitzer	Knickerbocker	Omann	Schreiber	Welle
Cohen	Knuth	Onnen	Segal	Wenzel
Dempsey	Krueger	Osthoff	Shaver	Wynia
Dimler	Kvam	Otis	Sherman	Zaffke
Elioff	Levi	Ozment	Simoneau	Spk. Jennings, D.
Ellingson	Lieder	Pappas	Skoglund	
Erickson	Long	Pauly	Solberg	

Those who voted in the negative were:

Anderson, G.	Dyke	Kostohryz	Rice	Staten
Brandl	Gruenes	Norton	Schoenfeld	Vanasek

The bill was passed and its title agreed to.

S. F. No. 1219 was reported to the House.

Rees moved to amend S. F. No. 1219, as follows:

Page 4, after line 35, insert:

"Sec. 5. Minnesota Statutes 1984, section 471.98, subdivision 2, is amended to read:

Subd. 2. "Political subdivision" includes a statutory or home rule charter city, a county (OR), a town, a watershed management organization as defined in section 473.876, subdivision 9, or an instrumentality thereof having independent policy making and appropriating authority. For the purposes of sections 471.98 and 471.981, the governing body of a town is the town board."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after "appeals;" insert "permitting certain insurance;"

Page 1, line 9, after "112.401;" insert "471.98, subdivision 2;"

The motion prevailed and the amendment was adopted.

Ogren, McDonald, Rees, Begich, Battaglia, Brinkman, Anderson, R., Quinn, Olson, E., Vanasek, Otis, Krueger, McEachern, DenOuden, Wenzel, Sparby, Voss, Elioff, Neuenschwander, Fjoslien, Schafer, Rodosovich, Tunheim, Marsh, Munger, Lieder, Solberg, Uphus, Omann, Brown, Anderson, G., Clark, Minne, Piepho, Peterson and Dempsey offered an amendment to S. F. No. 1219, as amended.

POINT OF ORDER

Long raised a point of order pursuant to rule 3.9 that the Ogren et al. amendment was not in order. The Speaker pro tempore Halberg ruled the Long point of order well taken and the Ogren et al. amendment out of order.

S. F. No. 1219, 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; providing for appeals; amending Minnesota Statutes 1984, sections 112.36, subdivision 2; 112.37, subdivision 1a; 112.401; and 473.882, subdivision 1; 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 third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Bennett	Burger	Cohen	Erickson
Backlund	Blatz	Carlson, D.	Dempsey	Fjoslien
Battaglia	Boo	Carlson, J.	DenOuden	Forsythe
Beard	Brandl	Carlson, L.	Dyke	Frederick
Becklin	Brinkman	Clark	Elioff	Frederickson
Begich	Brown	Clausnitzer	Ellingson	Greenfield

Gruenes	Krueger	Ogren	Richter	Sviggum
Cutknecht	Levi	Olson, E.	Riveness	Thiede
Halberg	Lieder	Omann	Rodosovich	Tjornhom
Hartinger	Long	Onnen	Rose	Tomlinson
Hartle	Marsh	Osthoff	Sarna	Tompkins
Haukoos	McDonald	Otis	Schafer	Tunheim
Heap	McEachern	Ozment	Scheid	Uphus
Himle	McKasy	Pappas	Schoenfeld	Valento
Jacobs	McPherson	Pauly	Schreiber	Vanasek
Jaros	Metzen	Peterson	Segal	Vellenga
Jennings, L.	Minne	Piper	Shaver	Voss
Johnson	Munger	Price	Sherman	Waltman
Kahn	Murphy	Quinn	Simoneau	Welle
Kelly	Nelson, D.	Quist	Skoglund	Wenzel
Kiffmeyer	Nelson, K.	Redalen	Solberg	Wynia
Knickerbocker	Neuenschwander	Rees	Sparby	Zaffke
Knuth	Norton	Rest	Stanius	Spk. Jennings, D.
Kostohryz	O'Connor	Rice	Staten	

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

H. F. No. 765 which was temporarily laid over earlier today was again reported to the House.

Clausnitzer and Skoglund moved to amend H. F. No. 765, the first engrossment, as follows:

Page 4, after line 7, insert:

"Subd. 8a. [RELATIVE.] "Relative" means a person who is related to the child by birth, marriage, or adoption as a parent, stepparent, brother, sister, grandparent, great grandparent, aunt, uncle, niece, or nephew."

The motion prevailed and the amendment was adopted.

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 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 109 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Beard	Bennett	Brandl	Burger
Backlund	Becklin	Blatz	Brinkman	Carlson, D.
Battaglia	Begich	Boerboom	Brown	Carlson, L.

Clausnitzer	Jacobs	Murphy	Rees	Staten
Cohen	Jaros	Nelson, D.	Rest	Sviggum
DenOuden	Jennings, L.	Nelson, K.	Rice	Thiede
Dimler	Johnson	Neuenschwander	Richter	Thorson
Dyke	Kahn	Norton	Riveness	Tjornhom
Elioff	Kiffmeyer	O'Connor	Rodosovich	Tompkins
Ellingson	Knuth	Ogren	Rose	Tunheim
Erickson	Kostohryz	Olson, E.	Sarna	Uphus
Fjoslien	Krueger	Omman	Schafer	Valento
Forsythe	Levi	Osthoff	Scheid	Vanasek
Frederick	Lieder	Otis	Schoenfeld	Vellenga
Frederickson	Long	Ozment	Segal	Voss
Frerichs	McDonald	Pappas	Shaver	Waltman
Greenfield	McEachern	Peterson	Sherman	Welle
Gruenes	McLaughlin	Piper	Simoneau	Wenzel
Gutknecht	McPherson	Price	Skoglund	Wynia
Halberg	Metzen	Quinn	Solberg	Zaffke
Hartle	Minne	Quist	Sparby	Spk. Jennings, D.
Heap	Munger	Redalen	Stanius	

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

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

S. F. No. 675 which was temporarily laid over earlier today was again reported to the House.

S. F. No. 675, A bill for an act relating to highways; allowing road authorities to designate minimum-maintenance roads; exempting road authorities from liability for damages arising from travel on minimum-maintenance roads; amending Minnesota Statutes 1984, sections 160.02, subdivision 7; and 169.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 160.

The bill was read for the third 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 1 nay as follows:

Those who voted in the affirmative were:

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

Rice	Scheid	Solberg	Tjornhom	Vellenga
Richter	Schoenfeld	Sparby	Tomlinson	Voss
Riveness	Segal	Stanius	Tompkins	Welle
Rodosovich	Shaver	Staten	Tunheim	Wenzel
Rose	Sherman	Sviggum	Uphus	Wynia
Sarna	Simoneau	Thiede	Valento	Zaffke
Schafer	Skoglund	Thorson	Vanasek	Spk. Jennings, D.

Those who voted in the negative were :

Osthoff

The bill was passed and its title agreed to.

H. F. No. 1083 was reported to the House.

Carlson, J., moved to amend H. F. No. 1083, the second engrossment, as follows :

Page 5, line 18, after "section." insert "*The combination of vehicles must not travel within the corporate limits of a home rule or charter city unless the governing body of the city approves the travel by resolution.*"

The motion prevailed and the amendment was adopted.

Bennett moved to amend H. F. No. 1083, the second engrossment, as amended, as follows :

Page 5, line 12, after "vehicles" insert "*is limited to four-lane highways and local two-lane roads leading to a terminal within one mile of a four-lane highway and*"

A roll call was requested and properly seconded.

Carlson, D., moved that H. F. No. 1083, the second engrossment, as amended, be re-referred to the Committee on Transportation.

A roll call was requested and properly seconded.

The question was taken on the Carlson, D., motion and the roll was called. There were 61 yeas and 52 nays as follows :

Those who voted in the affirmative were :

Backlund	Burger	Gruenes	Krueger	O'Connor
Battaglia	Carlson, D.	Hartinger	Long	Ogren
Beard	Carlson, L.	Jacobs	McEachern	Omann
Begich	Clark	Jaros	Minne	Osthoff
Bishop	Cohen	Kahn	Murphy	Otis
Boo	Elioff	Kelly	Nelson, D.	Pappas
Brandl	Ellingson	Knuth	Nelson, K.	Pauly
Brinkman	Greenfield	Kostohryz	Norton	Peterson

Piper	Rice	Segal	Solberg	Vellenga
Price	Riveness	Sherman	Staten	Voss
Quinn	Sarna	Simoneau	Tomlinson	Welle
Redalen	Scheid	Skoglund	Vanasek	Wynia
Rest				

Those who voted in the negative were:

Anderson, G.	Fjoslien	Kiffmeyer	Quist	Tjornhom
Becklin	Forsythe	Knickerbocker	Rees	Tompkins
Bennett	Frederick	Kvam	Richter	Tunheim
Boerboom	Frederickson	Lieder	Schafer	Valento
Brown	Frerichs	Marsh	Schoenfeld	Waltman
Carlson, J.	Gutknecht	McDonald	Shaver	Wenzel
Clausnitzer	Halberg	McKasy	Sparby	Zaffke
Dempsey	Hartle	McPherson	Stanius	Spk. Jennings, D.
Dimler	Haukoos	Metzen	Sviggum	
Dyke	Heap	Neuenschwander	Thiede	
Erickson	Jennings, L.	Olson, E.	Thorson	

The motion did not prevail.

The question recurred on the Bennett amendment and the roll was called. There were 71 yeas and 42 nays as follows:

Those who voted in the affirmative were:

Backlund	Gruenes	McKasy	Price	Staten
Beard	Gutknecht	McLaughlin	Quinn	Tjornhom
Bennett	Hartinger	Nelson, D.	Redalen	Tomlinson
Bishop	Heap	Nelson, K.	Rest	Uphus
Blatz	Jacobs	Norton	Rice	Valento
Boo	Jaros	O'Connor	Riveness	Vanasek
Brandl	Kahn	Ogren	Rodosovich	Vellenga
Brinkman	Kelly	Omann	Rose	Voss
Carlson, D.	Knickerbocker	Osthoff	Sarna	Waltman
Carlson, L.	Knuth	Otis	Scheid	Welle
Clark	Kostohryz	Ozment	Segal	Wynia
Cohen	Krueger	Pappas	Simoneau	
Ellingson	Kvam	Pauly	Skoglund	
Forsythe	Long	Peterson	Solberg	
Greenfield	McEachern	Piper	Stanius	

Those who voted in the negative were:

Anderson, G.	Dyke	Haukoos	Olson, E.	Thorson
Battaglia	Elioff	Jennings, L.	Quist	Tompkins
Begich	Erickson	Lieder	Richter	Tunheim
Boerboom	Fjoslien	Marsh	Schafer	Wenzel
Brown	Frederick	McDonald	Schoenfeld	Zaffke
Burger	Frederickson	Metzen	Shaver	Spk. Jennings, D.
Carlson, J.	Frerichs	Minne	Sparby	
Dempsey	Halberg	Murphy	Sviggum	
Dimler	Hartle	Neuenschwander	Thiede	

The motion prevailed and the amendment was adopted.

Backlund was excused while in conference.

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

Welle moved to amend H. F. No. 1083, the second engrossment, as amended, as follows:

Page 5, after line 23, add a section to read:

"Sec. 4. No person shall operate a 110' truck on a Minnesota road unless there is an occupied caboose attached."

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

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 25 miles of the western border of Minnesota; amending Minnesota Statutes 1984, sections 169.81, subdivision 2; and 168.86, subdivision 5, and by adding a subdivision.

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 46 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dimler	Haukoos	Murphy	Tompkins
Becklin	Dyke	Jennings, L.	Neuenschwander	Tunheim
Bennett	Erickson	Knickerbocker	Olson, E.	Uphus
Blatz	Fjoslien	Levi	Ozment	Wenzel
Boerboom	Forsythe	Lieder	Quist	Zaffke
Brown	Frederick	Marsh	Rose	Spk. Jennings, D.
Burger	Frederickson	McDonald	Shaver	
Carlson, J.	Frerichs	McKasy	Sparby	
Clausnitzer	Halberg	McPherson	Sviggum	
Dempsey	Hartle	Metzen	Thorson	

Those who voted in the negative were:

Battaglia	Jacobs	O'Connor	Rees	Solberg
Beard	Kahn	Ogren	Rest	Stanius
Begich	Kelly	Olsen, S.	Rice	Staten
Brandl	Knuth	Omann	Riveness	Tomlinson
Brinkman	Kostohryz	Osthoff	Rodosovich	Valento
Carlson, D.	Krueger	Otis	Sarna	Vanasek
Carlson, L.	Long	Pappas	Schafer	Vellenga
Clark	McEachern	Pauly	Scheid	Voss
Cohen	McLaughlin	Peterson	Schoenfeld	Welle
Elioff	Minne	Piper	Segal	Wynia
Greenfield	Nelson, D.	Price	Sherman	
Gruenes	Nelson, K.	Quinn	Simoneau	
Hartinger	Norton	Redalen	Skoglund	

The bill was not passed, as amended.

Thiede was excused while in conference.

S. F. No. 643, A bill for an act relating to fish and game; changing designation of muskellunge lakes; providing for certain restrictions on designated muskellunge lakes; providing a penalty for a person that illegally takes or possesses a muskellunge; amending Minnesota Statutes 1984, sections 97.55, by adding a subdivision; and 101.475, subdivision 1; repealing Minnesota Statutes 1984, section 101.475, 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 80 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Battaglia	Elioff	Marsh	Pappas	Segal
Beard	Ellingson	McEachern	Pauly	Sherman
Becklin	Forsythe	McLaughlin	Piper	Simoneau
Begich	Frederickson	Metzen	Price	Skoglund
Bennett	Gruenes	Minne	Quinn	Solberg
Blatz	Halberg	Murphy	Rees	Sparby
Brandl	Hartinger	Nelson, D.	Rest	Stanisus
Brown	Haukoos	Nelson, K.	Rice	Sviggum
Burger	Jacobs	Neuenschwander	Richter	Tjornhom
Carlson, J.	Kahn	Norton	Riveness	Tomlinson
Carlson, L.	Kelly	O'Connor	Rodosovich	Tunheim
Clark	Knickerbocker	Ogren	Rose	Valento
Clausnitzer	Kostohryz	Olsen, S.	Sarna	Vellenga
Cohen	Krueger	Osthoff	Schafer	Voss
Dempsey	Lieder	Otis	Scheid	Welle
Dyke	Long	Ozment	Schoenfeld	Spk. Jennings, D.

Those who voted in the negative were:

Anderson, G.	Olson, E.	Uphus	Waltman	Wenzel
Jennings, L.	Omann			

The bill was passed and its title agreed to.

S. F. No. 401 was reported to the House.

Dempsey moved to amend S. F. No. 401, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 550.37, subdivision 5, is amended to read:

Subd. 5. Farm machines and implements used in farming operations by a debtor engaged principally in farming, livestock, farm produce, and standing crops, not exceeding (\$5,000) \$10,000 in value.

Sec. 2. Minnesota Statutes 1984, section 550.37, subdivision 7, is amended to read:

Subd. 7. The total value of property selected by a debtor pursuant to subdivisions 5 and 6 shall not exceed (\$5,000) \$10,000.

Sec. 3. Minnesota Statutes 1984, section 550.37, subdivision 13, is amended to read:

Subd. 13. [(WAGES) EARNINGS.] All (WAGES) *earnings* not subject to garnishment by the provisions of section 571.55. A subsequent attachment, garnishment or levy of execution shall impound only that pay period's nonexempt disposable earnings not subject to a prior attachment, garnishment or levy of execution, but in no instance shall more than an individual's total nonexempt disposable earnings in that pay period be subject to attachment, garnishment or levy of execution. Garnishments shall impound the nonexempt disposable earnings in the order of their service upon the employer. The disposable earnings exempt from garnishment are exempt as a matter of right, whether claimed or not by the person to whom due. The exemptions may not be waived. The exempt disposable earnings are payable by the employer when due. The exempt disposable earnings shall also be exempt for 20 days after deposit in any financial institution, whether in a single or joint account. This 20-day exemption also applies to any contractual set-off or security interest asserted by a financial institution in which the earnings are deposited by the individual. In tracing the funds, the first-in first-out method of accounting shall be used. The burden of establishing that funds are exempt rests upon the debtor. As used in this section, the term "financial institution" includes credit unions. Nothing in this paragraph shall void or supersede any valid assignment of (WAGES) *earnings* or transfer of funds held on account made prior to the attachment, garnishment, or levy of execution.

Sec. 4. Minnesota Statutes 1984, section 550.37, subdivision 14, is amended to read:

Subd. 14. [PUBLIC ASSISTANCE.] All relief based on need, and the (WAGES) *earnings* or salary of a person who is a recipient of relief based on need, shall be exempt from all claims of creditors including any contractual set-off or security interest asserted by a financial institution. For the purposes of this chapter, relief based on need includes AFDC, general assistance medical care, supplemental security income, medical assistance, Minnesota supplemental assistance, and general assistance. The salary or (WAGES) *earnings* of any debtor who is or has been a recipient of relief based on need, or an inmate of a correctional institution shall, upon his return to private employment after having been a recipient of relief based on need, or an inmate of a correctional institution, be exempt

from attachment, garnishment, or levy of execution for a period of six months after his return to employment *or farming* and after all public assistance has been terminated. The exemption provisions contained in this subdivision also apply for 60 days after deposit in any financial institution, whether in a single or joint account. In tracing the funds, the first-in first-out method of accounting shall be used. The burden of establishing that funds are exempt rests upon the debtor. Agencies distributing relief and the correctional institutions shall, at the request of creditors, inform them whether or not any debtor has been a recipient of relief based on need, or an inmate of a correctional institution, within the preceding six months.

Sec. 5. Minnesota Statutes 1984, section 571.41, subdivision 6, is amended to read:

Subd. 6. [FORM OF NOTICE.] The ten day notice informing a judgment debtor that a garnishee summons may be used to garnish the (WAGES) *earnings* of an individual to enforce a judgment, shall be substantially in the following form:

STATE OF MINNESOTA)
) SS
 County of) Court
 (Judgment Creditor)
 (Judgment Debtor)

Garnishment Exemption Notice

The State of Minnesota

To the above named Judgment Debtor:

Please take notice that a Garnishment Summons may be served upon your employer *or other third parties*, without any further court proceedings or notice to you, ten days or more from the date hereof. Your (WAGES) *earnings* are completely exempt from garnishment if you are now a recipient of relief based on need, if you have been a recipient of relief within the last six months, or if you have been an inmate of a correctional institution in the last six months. Relief based on need includes, only AFDC, general assistance medical care, supplemental security income, medical assistance, Minnesota supplemental assistance, and general assistance.

If you wish to claim an exemption, you should fill out the appropriate form below, sign it, and send it to the judgment creditor's attorney and the garnishee.

You may wish to contact the attorney for the Judgment Creditor in order to arrange for a settlement of the debt.

PENALTIES

1. Be advised that even if you claim an exemption, a Garnishment Summons may still be served on your employer. If your (WAGES) earnings are garnished after you claim an exemption, you may petition the court for a determination of your exemption. If the court finds that the creditor disregarded your claim of exemption in bad faith, you will be entitled to costs, reasonable attorney fees, actual damages, and an amount not to exceed \$100.

2. HOWEVER, BE WARNED if you claim an exemption, the creditor can also petition the court for a determination of your exemption, and if the court finds that you claimed an exemption in bad faith, you will be assessed costs and reasonable attorney's fees plus an amount not to exceed \$100.

3. If after receipt of this notice, you in bad faith take action to frustrate the garnishment, thus requiring the creditor to petition the court to resolve the problem, you will be liable to the creditor for costs and reasonable attorney fees plus an amount not to exceed \$100.

Dated:

(Attorney for) Judgment Creditor

Address

Telephone

I hereby claim under penalty of perjury that my (WAGES) earnings are exempt from garnishment because:

(1) I am presently a recipient of relief based on need. (Specify the program, case number, and the county from which relief is being received.)

.....
Program Case Number (if known) County

(2) I am not now receiving relief based on need, but I have received relief based on need within the last six months. (Specify the program, case number, and the county from which relief has been received.)

.....
Program Case Number (if known) County

(3) I have been an inmate of a correctional institution within the last six months. (Specify the correctional institution and location.)

.....
Correctional Institution

.....
Location

I hereby authorize any agency that has distributed relief to me or any correctional institution in which I was an inmate to disclose to the above-named creditor or his attorney whether or not I was a recipient of relief based on need or an inmate of a correctional institution within the last six months.

.....
Judgment Debtor

.....
Address

Sec. 6. Minnesota Statutes 1984, section 571.41, subdivision 7, is amended to read:

Subd. 7. [FORM OF EXEMPTION NOTICE.] The notice informing a judgment debtor that a writ of attachment, garnishee summons, or levy of execution has been used to attach and bind funds of the judgment debtor to satisfy a claim shall be substantially in the following form:

EXEMPTION NOTICE

STATE OF MINNESOTA

COUNTY OF Court

..... (Judgment Creditor)

..... (Judgment Debtor)

To (Judgment Debtor):

A writ of attachment, garnishee summons, or levy of execution (strike inapplicable language) has been served on
..... (Bank or other Financial Institution)
where you have an account.

Your account balance is \$.....

The amount being held is \$.....

However, the funds in your account will normally be exempt from creditors' claims if they are in one of the following categories:

(1) Relief based on need. This includes AFDC, Medical Assistance, Supplemental Security Income (SSI), Minnesota Supplemental Assistance, General Assistance, and General Assistance Medical Care.

(2) Social Security benefits (Old Age, Survivors, or Disability Insurance).

(3) Unemployment compensation, workers' compensation, or veteran's benefits.

(4) An accident, disability, or retirement pension or annuity.

(5) Life insurance proceeds, or the earnings of your minor child.

(6) Money from a claim for damage or destruction of exempt property (such as household goods, farm tools, business equipment, a mobile home, or a car).

The following funds are also exempt:

(7) All (WAGES) *earnings* of a person in category (1).

(8) All (WAGES) *earnings* of a person who has received relief based on need, or who has been an inmate of a correctional institution, within the last six months.

(9) Seventy-five percent of every (WAGE EARNER'S) *debtor's* after tax earnings.

(10) All of a (WAGE EARNER'S) *debtor's* after tax earnings below 40 times the federal minimum wage (this equals \$134 for a 40-hour week).

TIME LIMIT ON EXEMPTIONS AFTER DEPOSIT IN BANK:

Categories (9) and (10): 20 days.

Categories (7) and (8): 60 days.

All others: no time limit, as long as funds are traceable to the exempt source. (In tracing funds, the first-in, first-out method is used. This means money deposited first is spent first.) The money being sought by the creditor is being held in your account to give you a chance to claim an exemption.

TO CLAIM AN EXEMPTION:

Fill out, sign, and mail or deliver one copy of this exemption claim form to the institution which sent you this notice, and one copy to the judgment creditor. Both copies must be mailed or delivered on the same day.

If they don't get the exemption claim back from you within 14 days of the date they mailed or gave it to you, they will be free to turn the money over to the sheriff or the creditor. If you are going to claim an exemption, do so as soon as possible, because your money may be frozen until it is decided.

IF YOU CLAIM AN EXEMPTION:

(1) Nonexempt money can be turned over to the creditor or sheriff;

(2) The financial institution will keep holding the money claimed to be exempt; and

(3) Seven days after receiving your exemption claim, the financial institution will release the money to you unless before then it receives an objection to your exemption claim.

IF THE CREDITOR OBJECTS TO YOUR EXEMPTION CLAIM:

(1) The institution will hold the money until a court decides if your exemption claim is valid, **BUT ONLY IF** the institution gets a copy of your court motion papers asserting the exemption **WITHIN 10 DAYS** after the objection is mailed or given to you. You may wish to consult an attorney at once if the creditor objects to your exemption claim.

MOTION TO DETERMINE EXEMPTION:

At any time after your funds have been frozen, you may ask for a court decision on the validity of your exemption claim by filing a request for hearing which may be obtained at the office of the clerk of the above court.

PENALTIES:

If you claim an exemption in bad faith, or if the creditor wrongly objects to an exemption in bad faith, the court may order the person who acted in bad faith to pay costs, actual damages, attorney fees, and an additional amount of up to \$100.

.....
Date

.....
(Attorney for) Judgment Creditor

.....
Address

EXEMPTION:

(a) Amount of exemption claim.

/ / I claim ALL the funds being held are exempt.

/ / I claim SOME of the funds being held are exempt. The exempt amount is \$

(b) Basis for exemption.

Of the ten categories listed above, I am in category number (If more than one category applies, you may fill in as many as apply.) The source of the exempt funds is the following:

.....
.....

(If the source is a type of relief based on need, list the case number and county:

case number:

county:)

Dated:

Judgment Debtor

Address

Sec. 7. Minnesota Statutes 1984, section 571.495, subdivision 3, is amended to read:

Subd. 3. [FORM OF DISCLOSURE.] A garnishment disclosure form must be served upon the garnishee. The disclosure shall be substantially in the following form:

STATE OF MINNESOTA)

) ss

County of)

..... Court

Judgment Creditor

vs.

Judgment Debtor

and

.....
Garnishee

I am the of the garnishee herein, and duly authorized to disclose for said garnishee.

On the day of, 19... , the time of service of garnishee summons herein on said garnishee, there was due and owing the judgment debtor above named from said garnishee the following:

(1) **Earnings.** For the purposes of garnishment, "earnings" means compensation paid or payable for personal service or compensation paid or payable to the producer for the sale of agricultural products; livestock or livestock products; milk or milk products; or fruit or other horticultural products produced when the producer is a family farm, a family farm corporation, or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether denominated as wages, salary, commission, bonus or otherwise, and includes periodic payments pursuant to a pension or retirement program. "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld. If the garnishee summons was served upon you at a time when earnings from a prior completed pay period were owing but not paid, complete the following disclosure for earnings from both that past pay period and the current pay period.

(a) Enter on the line below the amount of disposable earnings earned or to be earned by the judgment debtor within the judgment debtor's pay periods which may be subject to garnishment.

.....
(b) Enter on the line below 40 times the hourly federal minimum wage times the number of work weeks within the judgment debtor's pay periods which may be subject to garnishment. When such pay periods consists of other than a whole number of work weeks, each day of a pay period in excess of the number of completed work weeks shall be counted as a fraction of a work week equal to the number of work days divided by the number of work days in the normal work week.

.....
(c) Enter on the line below the difference obtained (never less than zero) when line (b) is subtracted from line (a).

(d) Enter on the line below 25 percent of line (a).

.....

(e) Enter on the line below the lesser of line (c) and line (d).

.....

(2) Money. Enter on the line below any amounts due and owing the judgment debtor, except earnings, from the garnishee.

.....

(3) Property. Describe on the line below any personal property, instruments or papers belonging to the judgment debtor and in the possession of the garnishee.

.....

(4) Set-off. Enter on the line below the amount of any set-off, defense, lien or claim which the garnishee claims against the amount set forth on lines (1)(e), (2) and (3) above. Allege the facts by which such set-off, defense, lien or claim is claimed. (Any indebtedness to a (GARNISHEE EMPLOYER) garnishee incurred by the judgment debtor within 10 days prior to the receipt of the first garnishment on a debt is void and should be disregarded.)

.....

(5) Exemption. Enter on the line below any amounts or property claimed by the judgment debtor to be exempt from execution.

.....

(6) Adverse Interest. Enter on the line below any amounts claimed by other persons by reason of ownership or interest in the judgment debtor's property. (Any assignment of wages made by the judgment debtor within 10 days prior to the receipt of the first garnishment on a debt is void and should be disregarded. State the names and addresses of such persons and the nature of their claim, if known.)

.....

(7) Enter on the line below the total of lines (4), (5) and (6).

.....

(8) Enter on the line below the difference obtained (never less than zero) when line (7) is subtracted from the sum of lines (1) (e), (2) and (3).

.....

(9) Enter on the line below 110 percent of the amount of the judgment creditor's judgment which remains unpaid.

.....

(10) Enter on the line below the lesser of line (8) and line (9). As garnishee, you are hereby instructed to retain this amount only if it is \$10 or more.

.....

.....
Authorized Representative of Garnishee

.....
Title

Subscribed and sworn to before me

This day of, 19..

.....
Notary Public

..... County, Minnesota.

Sec. 8. Minnesota Statutes 1984, section 571.55, subdivision 1, is amended to read:

Subdivision 1. For the purposes of this section, "earnings" means compensation paid or payable for personal service or compensation paid or payable to the producer for the sale of agricultural products; livestock or livestock products; milk or milk products; or fruit or other horticultural products produced when the producer is a family farm, a family farm corporation, or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether denominated as wages, salary, commissions, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program. "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld.

Sec. 9. [EFFECTIVE DATE.]

Sections 1 to 8 are effective June 1, 1985."

Delete the title and insert :

“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 motion prevailed and the amendment was adopted.

Dempsey moved to amend S. F. No. 401, as amended, as follows :

Page 3, after line 12, insert:

“Sec. 5. Minnesota Statutes 1984, section 550.37, subdivision 24, is amended to read :

Subd. 24. [EMPLOYEE BENEFITS.] The debtor’s right to receive (A PAYMENT) *present or future payments*, or payments received by the debtor, under a stock bonus, pension, profit sharing, annuity, *individual retirement account, individual retirement annuity, simplified employee pension*, or similar plan or contract on account of illness, disability, death, age, or length of service, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.”

Page 12, line 8, delete “8” and insert “9”

Renumber the sections in sequence

Amend the title as follows :

Page 1, line 6, delete “and” and after “14” insert “, and 24”

The motion prevailed and the amendment was adopted.

Dempsey moved to amend S. F. No. 401, as amended, as follows :

Page 8, after line 22, insert:

“Sec. 7. Minnesota Statutes 1984, section 571.42, is amended to read :

571.42 [EFFECT OF SERVICE OF SUMMONS.]

Subdivision 1. [ATTACH FOR JUDGMENT.] Except as provided in sections 571.43 and 571.50, service of the garnishee

summons upon the garnishee shall attach and bind, to respond to final judgment in the action, all personal property of the judgment debtor in his possession or under his control and all indebtedness owing by him to the judgment debtor at the time of service and all nonexempt disposable earnings earned or to be earned within that pay period and within (30) 90 days thereafter.

Subd. 2. [PROPERTY ATTACHED.] Subject to the provisions of sections 550.37 and 571.55 all moneys, all nonexempt disposable earnings earned or to be earned within that pay period and within (30) 90 days thereafter and other personal property including property of any kind due from or in the hands of an executor, administrator, receiver or trustee and all written evidences of indebtedness whether negotiable or not or under or overdue may be attached by garnishment, and money or any other thing due or belonging to the judgment debtor may be attached by this process before it has become payable if its payment or delivery does not depend upon any contingency, but the garnishee shall not be compelled to pay or deliver it before the time appointed by the contract."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon insert "extending the effective period of a garnishee summons;"

Page 1, line 7, after the first semicolon insert "571.42;"

The motion prevailed and the amendment was adopted.

McDonald, Schafer, Dyke, Minne and Frederickson moved to amend S. F. No. 401, as amended, as follows:

Page 1, after line 10, insert:

"Section 1. Minnesota Statutes 1984, section 47.20, subdivision 15, is amended to read:

Subd. 15. Notwithstanding the provisions of any other law to the contrary, any notice of default on homestead property as defined in section 583.02, mailed after May 24, 1983 and prior to May 1, 1985 or after the effective date of this section and prior to May 1, 1987, shall indicate that the borrower has 60 days

from the date the notice is mailed in which to cure the default. The notice shall include a statement that the borrower may be eligible for an extension of the time prior to foreclosure and execution sale under sections 583.01 to 583.12."

Page 3, after line 12, insert:

"Sec. 6. Minnesota Statutes 1984, section 559.21, subdivision 6, is amended to read:

Subd. 6. [TEMPORARY MINIMUM NOTICE.] (a) Notwithstanding the provisions of any other law to the contrary, no contract for conveyance of homestead property, as defined in section 583.02, shall terminate until 60 days after service of notice if the notice is served after May 24, 1983, and prior to May 1, 1985 or after the effective date of this section and prior to May 1, 1987, or 90 days after service of notice if the contract was entered into after May 1, 1980 and the contract vendee has paid 25 percent or more of the purchase price. The notice shall specify this 60- or 90-day period. The notice shall include a statement that the borrower may be eligible for an extension of the time prior to foreclosure and execution sale under sections 583.01 to 583.12.

(b) *The notice must be in bold type, capitalized letters, or other form sufficient for the reader to quickly and easily distinguish the notice from the rest of the writing; violation of this requirement is a petty misdemeanor.*

(c) This section does not apply to earnest money contracts, purchase agreements or exercised options."

Page 12, after line 6, insert:

"Sec. 11. Minnesota Statutes 1984, section 580.031, is amended to read:

580.031 [(TEMPORARY) MINIMUM NOTICE.]

(a) Notwithstanding the provisions of any other law to the contrary, eight weeks' published notice must be given prior to the foreclosure sale of a homestead, as defined in section 583.02, if the notice is published for the first time after May 24, 1983 and prior to May 1, 1985 or after the effective date of this section and prior to May 1, 1987. The notice must contain the information specified in section 580.04.

(b) *The notice must be in bold type, capitalized letters, or other form sufficient for the reader to quickly and easily distinguish the notice from the rest of the writing; violation of this requirement is a petty misdemeanor.*

(c) At least eight weeks before the appointed time of sale, a copy of the notice must be served upon the person in possession of the mortgaged premises, if the premises are actually occupied.

Sec. 12. Minnesota Statutes 1984, section 583.02, is amended to read:

583.02 [DEFINITIONS.]

As used in (SECTIONS 583.01 TO 583.12) *this chapter*, the term "homestead" means residential or agricultural real estate, a portion or all of which, *at the time of the filing of the petition under section 583.04, is occupied by the owner and is entitled to receive homestead credit under section 273.13, (SUBDIVISION 15A) or would be entitled to receive the credit if it remained the residence of the owner on June 1 of the current year or January 2 of the next year.*

Sec. 13. Minnesota Statutes 1984, section 583.03, subdivision 2, is amended to read:

Subd. 2. [GENERAL EXCLUSION.] The provisions of sections 47.20, subdivision 15, 559.21, subdivision 6, 580.031, and 583.01 to 583.12 do not apply to mortgages or contracts for deed made after (MAY 24, 1983) *the effective date of this act*, nor to mortgages or contracts for deed made before (MAY 24, 1983,) *the effective date of this act* which are renewed or extended after (MAY 24, 1983) *the effective date of this act*, for a period longer than one year, nor to mortgages, judgments, or contracts for deed, regardless of when made, if a second or subsequent mortgage is made against the property after (MAY 24, 1983) *the effective date of this act*.

No court shall allow a stay (,) or postponement, or extension of time that would cause any right to be lost or adversely affected by any statute of limitation.

Sec. 14. Minnesota Statutes 1984, section 583.04, is amended to read:

583.04 [MORTGAGOR MAY APPLY TO DISTRICT COURT FOR RELIEF.]

Any mortgagor, or owner in possession of the mortgaged premises, or anyone claiming under the mortgage, or anyone liable for the mortgage debt, may at any time after the issuance of the notice of the foreclosure proceedings and prior to the sale, petition the district court of the county where the foreclosure proceedings are pending, serving a summons and verified complaint requesting that the sale in foreclosure be postponed for up to six months or, in the case of a farm homestead located on more than ten acres, for up to 12 months. A contract for deed vendee or anyone claiming under the contract or liable for the contract payment, in any case where the contract has not yet been terminated as of May 24, 1983, may petition the district court in the same manner, requesting that the contract termination be delayed for up to 90 days.

Upon receiving the petition *and verified complaint*, the court shall order a stay in the foreclosure proceedings until after the hearing on the petition. (AS A CONDITION PRECEDENT TO THE POSTPONEMENT OF THE FORECLOSURE SALE, THE PARTY SERVING THE VERIFIED COMPLAINT SHALL FILE IT AND PAY TO THE CLERK FOR THE PERSON FORECLOSING THE MORTGAGE THE ACTUAL COSTS INCURRED, INCLUDING ATTORNEY'S FEES, IN THE FORECLOSURE PROCEEDING BEFORE POSTPONEMENT. AS A CONDITION PRECEDENT TO DELAY OF THE CONTRACT TERMINATION, THE PARTY SEEKING RELIEF SHALL FILE THE VERIFIED COMPLAINT AND PAY TO THE CLERK FOR THE PERSON CANCELING THE CONTRACT, THE ACTUAL COSTS, INCLUDING ATTORNEY'S FEES INCURRED IN THE CANCELLATION) *After the hearing and as a condition precedent to the postponement of the foreclosure sale or delay of the contract termination, the party seeking postponement or delay shall pay to the clerk the actual costs, including attorney fees, of the party foreclosing or canceling that were incurred before postponement or delay.* If payment is made by other than cash or certified check, the order postponing the sale or termination is not final until after the check or other negotiable instrument has been paid.

Sec. 15. Laws 1983, chapter 215, section 16, as amended by Laws 1984, chapter 474, section 7, is amended to read:

Sec. 16. [REPEALER.]

Sections 1 to 15 are repealed effective July 1, (1985) 1987, but any postponement or other relief ordered by a court continues to be valid for the period ordered by the court.

Sec. 17. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Page 12, delete section 9

Renumber the sections in sequence

Amend the title accordingly

Voss moved to amend the McDonald et al. amendment to S. F. No. 401, as amended, as follows:

Page 3, line 6, after the period insert "*After June 30, 1985, the term "homestead" does not include residential real estate located within the metropolitan area as designated in section 473.121, subdivision 2.*"

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the McDonald et al. amendment, as amended, to S. F. No. 401. The motion prevailed and the amendment was adopted.

S. F. No. 401, 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; authorizing the court to allow the respondent in a replevin action to retain or regain possession without posting a bond; authorizing the court to stay an action to recover possession for up to six months; extending the effective period of a garnishee summons; amending Minnesota Statutes 1984, sections 550.37, subdivisions 5, 7, 13, 14, and 24; 565.25, subdivision 2; 571.41, subdivisions 6 and 7; 571.42; 571.495, subdivision 3; and 571.55, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 565.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 106 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dempsey	Kelly	Neuenschwander	Quinn
Battaglia	Dimler	Knickerbocker	Norton	Redalen
Beard	Dyke	Knuth	O'Connor	Rees
Becklin	Elioff	Kostohryz	Ogren	Rest
Begich	Ellingson	Krueger	Olsen, S.	Richter
Bennett	Fjoslien	Lieder	Olson, E.	Riveness
Blatz	Forsythe	Long	Omann	Rodosovich
Boerboom	Frederick	Marsh	Onnen	Rose
Boo	Frederickson	McDonald	Osthoff	Sarna
Brandl	Frerichs	McEachern	Otis	Schafer
Brinkman	Greenfield	McLaughlin	Ozment	Scheid
Brown	Halberg	McPherson	Pappas	Schoenfeld
Burger	Hartering	Metzen	Pauly	Schreiber
Carlson, D.	Haukoos	Minne	Peterson	Segal
Carlson, L.	Jacobs	Murphy	Piper	Shaver
Clark	Jennings, L.	Nelson, D.	Popenhagen	Sherman
Cohen	Kahn	Nelson, K.	Price	Simoneau

Skoglund	Sviggunn	Tompkins	Vanasek	Welle
Solberg	Thorson	Tunheim	Vellenga	Wenzel
Sparby	Tjornhom	Uphus	Voss	Wynia
Stanius	Tomlinson	Valento	Waltman	Spk. Jennings, D.
Staten				

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

S. F. No. 821, 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 third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 110 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslien	McDonald	Pauly	Skoglund
Battaglia	Forsythe	McEachern	Peterson	Solberg
Beard	Frederick	McKasy	Piper	Sparby
Becklin	Frederickson	McLaughlin	Price	Stanius
Begich	Frerichs	McPherson	Quinn	Staten
Bennett	Greenfield	Metzen	Quist	Sviggunn
Boerboom	Gruenes	Minne	Redalen	Thorson
Boo	Halberg	Murphy	Rees	Tjornhom
Brandl	Hartinger	Nelson, D.	Rest	Tomlinson
Brinkman	Haukoos	Nelson, K.	Rice	Tompkins
Brown	Jacobs	Neuenschwander	Richter	Tunheim
Burger	Jennings, L.	Norton	Riveness	Uphus
Carlson, D.	Kahn	O'Connor	Rodosovich	Valento
Carlson, J.	Kelly	Ogren	Rose	Vanasek
Carlson, L.	Knickerbocker	Olsen, S.	Sarna	Vellenga
Clark	Knuth	Olsen, E.	Schafer	Voss
Clausnitzer	Kostohryz	Omann	Scheid	Waltman
Cohen	Krueger	Onnen	Schoenfeld	Welle
Dimler	Kvam	Osthoff	Segal	Wenzel
Dyke	Lieder	Otis	Shaver	Wynia
Eloff	Long	Ozment	Sherman	Zaffke
Ellingson	Marsh	Pappas	Simoneau	Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 587 was reported to the House.

Waltman moved to amend H. F. No. 587, the second engrossment, as follows:

Page 12, after line 32, insert:

"Sec. 4. [SOURCE OF FUNDING.]

The reduction in appropriations in section 5 is to offset revenue losses caused by income exclusions provided by sections 1 to 3.

Sec. 5. Laws 1985, Chapter 4, section 10, is amended to read :

Sec. 10. [APPROPRIATION.]

(\$25,050,000) ~~\$24,550,000~~ 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) ~~\$8,950,000~~

(b) For payment of interest on new farm operating loans under section 6, to be available until June 30, 1986 (15,800,000) ~~15,550,000~~

(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."

Page 12, line 33, delete "4" and insert "6"

Amend the title as follows :

Page 1, line 4, after the semicolon insert "appropriating money;"

Page 1, line 6, after "20b;" insert "Laws 1985, chapter 4, section 10;"

A roll call was requested and properly seconded.

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

The Speaker resumed the Chair.

POINT OF ORDER

Riveness raised a point of order pursuant to rule 5.10 that the Waltman amendment was out of order. The Speaker ruled

the Riveness point of order not well taken and the Waltman amendment in order.

The question recurred on the Waltman amendment and the roll was called. There were 62 yeas and 53 nays as follows :

Those who voted in the affirmative were :

Anderson, R.	Dyke	Kiffmeyer	Ozment	Thiede
Backlund	Erickson	Knickerbocker	Pauly	Thorson
Becklin	Fjoslien	Kvam	Piepho	Tompkins
Bennett	Frederick	Levi	Quist	Tunheim
Bishop	Frederickson	Lieder	Redalen	Uphus
Blatz	Frerichs	Marsh	Rees	Valento
Boerboom	Gruenes	McDonald	Richter	Waltman
Boo	Halberg	McKasy	Schafer	Wenzel
Brinkman	Hartle	McPherson	Shaver	Zaffke
Clausnitzer	Haukoos	Miller	Sherman	Spk. Jennings, D.
Dempsey	Heap	Olson, E.	Sparby	
DenOuden	Himle	Omann	Stanius	
Dimler	Kalis	Onnen	Sviggunn	

Those who voted in the negative were :

Anderson, G.	Hartinger	Murphy	Piper	Skoglund
Battaglia	Jacobs	Nelson, D.	Price	Solberg
Beard	Jennings, L.	Nelson, K.	Rest	Staten
Begich	Kahn	Neuenschwander	Rice	Tomlinson
Brandl	Kelly	Norton	Riveness	Vanasek
Brown	Knuth	O'Connor	Rodosovich	Vellenga
Carlson, L.	Kostohryz	Ogren	Rose	Voss
Clark	Krueger	Osthoff	Sarna	Welle
Cohen	Long	Otis	Scheid	Wynia
Elioff	McEachern	Pappas	Schoenfeld	
Greenfield	Minne	Peterson	Segal	

The motion prevailed and the amendment was adopted.

POINT OF ORDER

Brandl raised a point of order pursuant to rule 3.11 that the Waltman amendment to H. F. No. 587 required a majority vote of the whole House to be adopted. The Speaker ruled the Brandl point of order not well taken and the Waltman amendment adopted.

POINT OF ORDER

Norton raised a point of order pursuant to rule 3.12 that the Waltman amendment to H. F. No. 587 required a majority vote of the whole House to be adopted. The Speaker ruled the Norton point of order not well taken and the Waltman amendment adopted.

Krueger moved to amend H. F. No. 587, the second engrossment, as amended, as follows :

Page 11, line 30, after the period insert "At the time any foreclosure proceedings are begun on agricultural land, there is excluded from the gross income of a landowner or net income of a corporate landowner, 50 percent of the capital gains or income recognized or otherwise taxable on the sale of that agricultural land."

A roll call was requested and properly seconded.

The question was taken on the Krueger amendment and the roll was called. There were 111 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The motion prevailed and the amendment was adopted.

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; amending Minnesota Statutes 1984, section 290.01, subdivisions 20a and 20b; proposing coding for new law in Minnesota Statutes, chapter 290.

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 83 yeas and 33 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Beard	Bishop	Brinkman	Carlson, D.
Anderson, R.	Becklin	Blatz	Brown	Clausnitzer
Backlund	Bennett	Boerboom	Burger	DenOuden

Dyke	Kalis	Neuenschwander	Redalen	Thorson
Ellingson	Kiffmeyer	Norton	Rees	Tjornhom
Erickson	Knickerbocker	Ogren	Richter	Tompkins
Fjoslien	Knuth	Olsen, S.	Rodosovich	Tunheim
Frederick	Kostohryz	Olson, E.	Schafer	Uphus
Frederickson	Krueger	Omann	Schoenfeld	Valan
Gruenes	Kvam	Onnen	Seaberg	Valento
Halberg	Levi	Ozment	Shaver	Vanasek
Hartinger	Lieder	Pauly	Sherman	Waltman
Hartle	Marsh	Peterson	Sparby	Wenzel
Haukoos	McDonald	Piper	Stanius	Zaffke
Himle	McEachern	Poppenhagen	Staten	Spk. Jennings, D.
Jennings, L.	McPherson	Quinn	Sviggum	
Johnson	Miller	Quist	Thiede	

Those who voted in the negative were:

Battaglia	Kahn	Nelson, D.	Rice	Solberg
Brandl	Kelly	Nelson, K.	Riveness	Tomlinson
Carlson, L.	Long	O'Connor	Rose	Vellenga
Clark	McLaughlin	Osthoff	Sarna	Voss
Elioff	Metzen	Otis	Scheid	Wynia
Greenfield	Minne	Price	Segal	
Gutknecht	Murphy	Rest	Skoglund	

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

S. F. No. 615 was reported to the House.

Clausnitzer, McPherson, Boo and Munger moved to amend S. F. No. 615, as follows:

Page 2, after line 18, insert:

"Sec. 4. Laws 1979, chapter 300, section 4, subdivision 3, is amended to read:

Subd. 3. [LOCAL DAM GRANTS.] The sum of (\$1,551,500) \$1,828,000 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) 374,000
(e) Hartley Dam located on Tischer Creek, city of Duluth	50,000

(f) *Eagle Point Lake Dam,*
Washington County 47,000

(g) *Hanover Dam,*
Wright and Hennepin Counties 85,000

The appropriation in clause (g) includes the cost of repair of erosion damage to river banks, and the cost of restoring wetlands drained as a result of failure of the dam. The state's contribution in clause (g) is available only if the counties, cities, and other local governmental units in which the dam is located contribute an equal amount of money for these same purposes. The dam removal, bank repair, and wetland restoration work in clause (g) must be done pursuant to joint power or similar agreement entered into by the local units of government and approved by the commissioner. For clause (g) the state and local units of government are authorized to seek recovery of their costs, including costs related to initial breaking of the dam, from any private person who has any ownership interest in the dam, damsite, or abutments. After all civil remedies for recovery have been exhausted, the state and local units of government authorized for clause (g) may levy special assessments against all property in the counties that benefited by the removal and improvements in amounts sufficient to pay all costs and expenses. If special assessments are levied, the determination of property benefited must be made using the procedure set forth in section 3.

Sec. 5. Laws 1979, chapter 300, section 4, subdivision 4, is amended to read:

Subd. 4. [LOCAL DAM LOANS.] The sum of (\$1,396,350) \$1,119,850 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.*"

Page 2, line 20, delete "This act takes" and insert "Sections 1 to 3 take"

Page 2, line 23, after the period insert "Sections 4 and 5 are effective the day following final enactment."

Re-number the remaining section

Amend the title as follows:

Page 1, line 2, delete "Lake of the Woods county" and insert "local government"

Page 1, line 5, before the period insert "; appropriating money for repair or removal of certain dams"

A roll call was requested and properly seconded.

POINT OF ORDER

Voss raised a point of order pursuant to rule 3.9 that the Clausnitzer et al. amendment was not in order. The Speaker ruled the Voss point of order not well taken and the Clausnitzer et al. amendment in order.

The question recurred on the Clausnitzer et al. amendment and the roll was called. There were 93 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	DenOuden	Kalis	Onnen	Skoglund
Anderson, R.	Dimler	Kelly	Otis	Solberg
Backlund	Dyke	Kiffmeyer	Ozment	Sparby
Battaglia	Elioff	Knuth	Piepho	Stanius
Beard	Ellingson	Kvam	Poppenhagen	Sviggum
Becklin	Fjoslien	Levi	Quist	Thiede
Begich	Forsythe	Lieder	Redalen	Thorson
Bennett	Frederick	Long	Rees	Tjornhom
Blatz	Frederickson	Marsh	Richter	Tompkins
Boerboom	Frerichs	McDonald	Riveness	Tunheim
Boo	Gruenes	McEachern	Rodosovich	Uphus
Brown	Gutknecht	McPherson	Rose	Valan
Burger	Halberg	Miller	Schafer	Valento
Carlson, D.	Hartinger	Minne	Scheid	Waltman
Carlson, J.	Hartle	Murphy	Schreiber	Wenzel
Carlson, L.	Haukoos	Neuenschwander	Seaberg	Zaffke
Clausnitzer	Himle	Ogren	Segal	Spk. Jennings, D.
Cohen	Jacobs	Olson, E.	Shaver	
Dempsey	Johnson	Omann	Sherman	

Those who voted in the negative were:

Brandl	Metzen	Pappas	Price	Staten
Clark	Norton	Peterson	Quinn	Voss
Greenfield	Osthoff	Piper	Rest	Wynia
Kahn				

The motion prevailed and the amendment was adopted.

Anderson, R., moved to amend S. F. No. 615, as amended by the Clausnitzer et al. amendment, as follows:

In the Clausnitzer et al. amendment:

Page 1, line 6, delete "\$1,828,000" and insert "\$1,918,000"

Page 1, after line 9, insert "(a) Spruce Center Dam, Douglas County \$90,000"

Reletter the following clauses

The motion prevailed and the amendment was adopted.

S. F. No. 615, 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 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 114 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Quinn

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

POINT OF ORDER

Levi raised a point of order pursuant to section 223 of "Mason's Manual of Legislative Procedure" relating to questions not constituting personal privilege. The Speaker ruled the point of order not well taken.

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

The bill was passed and its title agreed to.

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON 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.

May 17, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 1032, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 1032 be further amended as follows:

Page 2, line 10, after "may" insert ", by resolution of its governing body,"

Page 2, delete lines 18 to 21 and insert:

"Sec. 4. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

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

House Conferees: TOM REES, RALPH R. KIFFMEYER and ROBERT E. VANASEK.

Senate Conferees: ROBERT J. SCHMITZ, EARL W. RENNEKE and BETTY A. ADKINS.

Rees moved that the report of the Conference Committee on H. F. No. 1032 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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, 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 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Burger	Fjoslien	Jennings, L.	Long
Anderson, R.	Carlson, D.	Forsythe	Johnson	Marsh
Battaglia	Carlson, J.	Frederick	Kahn	McDonald
Beard	Carlson, L.	Frederickson	Kalis	McEachern
Becklin	Clark	Frerichs	Kelly	McKasy
Begich	Clausnitzer	Greenfield	Kiffmeyer	McLaughlin
Bennett	Cohen	Gutknecht	Knickerbocker	McPherson
Blatz	Dempsey	Hartinger	Knuth	Metzen
Boerboom	DenOuden	Hartle	Kostohryz	Miller
Boo	Dimler	Haukoos	Krueger	Minne
Brandl	Dyke	Heap	Kvam	Murphy
Brinkman	Elioff	Himle	Levi	Nelson, D.
Brown	Ellingson	Jacobs	Lieder	Nelson, K.

Neuenschwander	Peterson	Rodosovich	Sparby	Vanasek
Norton	Piepho	Rose	Stanius	Vellenga
O'Connor	Piper	Sarna	Staten	Voss
Ogren	Poppenhagen	Schafer	Sviggum	Waltman
Olsen, S.	Price	Schoenfeld	Thorson	Welle
Olson, E.	Quinn	Schreiber	Tjornhom	Wenzel
Omann	Quist	Seaberg	Tomlinson	Wynia
Onnen	Rees	Segal	Tompkins	Zaffke
Otis	Rest	Shaver	Tunheim	Spk. Jennings, D.
Ozment	Rice	Sherman	Uphus	
Pappas	Richter	Skoglund	Valan	
Pauly	Riveness	Solberg	Valento	

The bill was repassed, as amended by Conference, and its title agreed to.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 251:

Boo, Greenfield and Clausnitzer.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 647:

Erickson, Knuth and Hartle.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1183:

Bennett, Marsh and Osthoff.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 818:

Quist, Frerichs and Zaffke.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 196:

Levi, Blatz and Greenfield.

GENERAL ORDERS

Levi moved that the bills on General Orders for today be continued one day. The motion prevailed.

MOTIONS AND RESOLUTIONS

Brinkman moved that his name be stricken as an author on H. F. No. 990. The motion prevailed.

Nelson, K., moved that the name of Clark be added as an author on H. F. No. 1679. The motion prevailed.

Segal moved that the name of Kelly be added as an author on H. F. No. 1680. The motion prevailed.

Tjornhom, Fjoslien, Levi, Osthoff and Sparby introduced:

House Resolution No. 35, A house resolution commemorating the Seventeenth of May 1814 and 1985.

SUSPENSION OF RULES

Tjornhom moved that the rules be so far suspended that House Resolution No. 35 be now considered and be placed upon its adoption. The motion prevailed.

HOUSE RESOLUTION NO. 35

A house resolution commemorating the Seventeenth of May 1814 and 1985.

Whereas, the Seventeenth of May 1814 was the day when the Norwegian constitution was signed in Eidsvoll by representatives from all parts of Norway, with contents strongly influenced by our United States Constitution of 1776; and

Whereas, Minnesotans of Norwegian birth or ancestry during the 127 years of statehood have provided Minnesota with leaders in all walks of life and human endeavors; and

Whereas, the Norwegian Viking traditions are still alive in our state; and

Whereas, the Norwegian immigrants to Minnesota provide a prominent place in Minnesota's rich cultural heritage; and

Whereas, the Seventeenth of May celebrates a key event in the growth of democratic institutions; *Now, Therefore,*

Be It Resolved that the House of Representatives of the State of Minnesota and all the people in this state commemorate the Norwegian Constitution Day, also known as the "syttende mai," as a reminder of the many outstanding contributions to the state by the people of Norway.

Be It Further Resolved that the Chief Clerk of the House of Representatives of the State of Minnesota 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 Norwegian heritage groups in Minnesota.

Tjornhom moved that House Resolution No. 35 be now adopted. The motion prevailed and House Resolution No. 35 was adopted.

ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 10:00 a.m., Monday, May 20, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Monday, May 20, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-FOURTH SESSION - 1985

SIXTY-FOURTH DAY

SAINT PAUL, MINNESOTA, SATURDAY, MAY 18, 1985

The Senate met on Saturday, May 18, 1985, which was the Sixty-fourth 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

SIXTY-FIFTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MAY 20, 1985

The House of Representatives convened at 10:00 a.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	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	Sviggum
Bennett	Greenfield	McEachern	Price	Thiede
Bishop	Gruenes	McKasy	Quinn	Thorson
Blatz	Gutknecht	McLaughlin	Quist	Tjornhom
Boerboom	Halberg	McPherson	Redalen	Tomlinson
Boo	Hartinger	Metzen	Rees	Tompkins
Brandl	Hartle	Miller	Rest	Tunheim
Brinkman	Haukoos	Minne	Rice	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	Olsen, S.	Schoenfeld	Wenzel
Dempsey	Kelly	Olson, E.	Schreiber	Wynia
DenOuden	Kiffmeyer	Omann	Seaberg	Zaffke
Dimler	Knickerbocker	Onnen	Segal	Spk. Jennings, D.
Dyke	Knuth	Osthoff	Shaver	
Elioff	Kostohryz	Otis	Sherman	

A quorum was present.

Ogren was excused until 11:15 a.m.

The Chief Clerk proceeded to read the Journals of the preceding days. Gutknecht 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.

Anderson, R., was excused while in conference.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 628, 687, 849, 1402, 1645, 587 and 765 and S. F. Nos. 903, 1513, 908, 767, 1014 and 1512 have been placed in the members' files.

S. F. No. 903 and H. F. No. 769, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Onnen moved that the rules be so far suspended that S. F. No. 903 be substituted for H. F. No. 769 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 908 and H. F. No. 911, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Gruenes moved that the rules be so far suspended that S. F. No. 908 be substituted for H. F. No. 911 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1014 and H. F. No. 851, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Marsh moved that the rules be so far suspended that S. F. No. 1014 be substituted for H. F. No. 851 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1512 and H. F. No. 1116, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Schreiber moved that the rules be so far suspended that S. F. No. 1512 be substituted for H. F. No. 1116 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

May 14, 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 Files:

H. F. No. 399, relating to education; requiring exchange of permanent school fund land in state parks and waysides; requiring an inventory of other permanent school fund lands; stating the goal of the permanent school fund; proposing coding for new law in Minnesota Statutes, chapters 92 and 120.

H. F. No. 657, 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.

H. F. No. 603, 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; defining low alcohol malt liquor and prescribing labeling; amending Minnesota Statutes 1984, sections 340.02, subdivisions 2 and 3; and 340.07, by adding a subdivision.

H. F. No. 1150, relating to state lands; providing for the sale of certain tax-forfeited land in Chisago county.

H. F. No. 649, relating to St. Louis county; fixing the maximum amount of the county emergency fund; amending Minnesota Statutes 1984, section 383C.016.

H. F. No. 1113, relating to state lands; authorizing conveyance by commissioner of transportation of certain state lands for historical preservation purposes.

Sincerely,

RUDY PERPICH
Governor

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

May 14, 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>
1308		115	May 14	May 14
	399	116	May 14	May 14
	603	117	May 14	May 14
	649	118	May 14	May 14
	657	119	May 14	May 14
1113		120	May 14	May 14
1150		121	May 14	May 14

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 15, 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 Files:

H. F. No. 683, relating to probate; allowing a minor to be a donor for purposes of the Uniform Anatomical Gift Act; amending Minnesota Statutes 1984, section 525.922, subdivision 1; and 525.924, by adding a subdivision.

H. F. No. 1152, relating to Winona county; authorizing the sale of certain property.

H. F. No. 1382, relating to courts; providing for transcript fees; amending Minnesota Statutes 1984, section 486.06.

Sincerely,

RUDY PERPICH
Governor

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

May 15, 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>
563		122	May 15	May 15
	683	123	May 15	May 15
	1152	124	May 15	May 15
	1382	125	May 15	May 15

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

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

House Resolution No. 32, A house resolution congratulating Martin J. Lynch upon completion of a long and successful career with Independent School District No. 833.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 903, 908, 1014 and 1512 were read for the second time.

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

The following House Files were introduced:

Vanasek; Carlson, D.; Redalen; Dempsey and Riveness introduced:

H. F. No. 1687, A bill for an act relating to metropolitan government; permitting the issuance of bonds to make certain improvements to sports facilities; amending Minnesota Statutes 1984, section 473.581, subdivisions 1 and 2, and by adding a subdivision.

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

Solberg, Quinn and Sherman introduced:

H. F. No. 1688, A bill for an act relating to insurance; accident and health; preserving insurability after waiving group health insurance coverage; 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.

Kvam introduced:

H. F. No. 1689, 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.

Wenzel introduced:

H. F. No. 1690, A bill for an act relating to retirement; directing payment of certain disability benefits withheld from a member of the public employees police and fire fund.

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

Quinn, Rose, Jacobs, Halberg and McKasy introduced:

H. F. No. 1691, A bill for an act relating to metropolitan government; permitting the issuance of bonds to make certain improvements to sports facilities; amending Minnesota Statutes 1984, section 473.581, subdivisions 1 and 2, and by adding a subdivision.

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

Neuenschwander, Zaffke, Solberg, Tunheim and Battaglia introduced:

H. F. No. 1692, A bill for an act relating to tax-forfeited lands; providing for sale of certain improved lots; amending Minnesota Statutes 1984, section 282.01, by adding a subdivision.

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

HOUSE ADVISORIES

The following House Advisories were introduced:

Rees introduced:

H. A. No. 58, A proposal to investigate the commercial impacts by municipally owned and operated liquor stores.

The advisory was referred to the Committee on Commerce and Economic Development.

Dempsey introduced:

H. A. No. 59, A proposal to study municipal overburden.

The advisory was referred to the Committee on Taxes.

Ozment and Knickerbocker introduced:

H. A. No. 60, A proposal to study certain functions and actions of the Pollution Control Agency.

The advisory was referred to the Committee on Governmental Operations.

Kalis; Tunheim; Anderson, G., and Neuenschwander introduced:

H. A. No. 61, A proposal to study use of highway trust fund money.

The advisory was referred to the Committee on Transportation.

Kelly, Segal, Blatz, Schafer and Vellenga introduced:

H. A. No. 62, A proposal to study the costs of DWI control, enforcement and prevention to state and local government.

The advisory was referred to the Committee on Crime and Family Law.

Segal, Brandl, Tomlinson, Knickerbocker and Pauly introduced:

H. A. No. 63, A proposal to study staggered legislative terms.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

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

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

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 Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 282, A bill for an act relating to education; declaring the purpose of public education in Minnesota; changing the name of and provisions about the Minnesota school for the deaf and the Minnesota braille and sight saving school; requiring annual development of two-year plans for the academies; allowing for certain positions at the academies to be in the unclassified service; amending Minnesota Statutes 1984, sections 128A.01; 128A.02; 128A.03; and 128A.05; proposing coding for new law in Minnesota Statutes, chapter 120.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

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 Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1109, A bill for an act relating to state government; concerning the state procurement of goods and services from small businesses; modifying geographical distribution requirements and preference program limitations; providing for a warranty for certain purchases; amending Minnesota Statutes 1984, sections 16B.06, by adding a subdivision; 16B.19, subdivisions 5, 6, 9, and by adding a subdivision; 16B.21, subdivision 1; 16B.22; and 645.445, subdivision 5.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 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 Senate has appointed as such Committee Messrs. Hughes, Luther and Johnson, D. E.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 650, 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, subdivisions 3 and 4.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Pogemiller, Knaak and Luther.

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

Valento 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. 650. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 401, 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; authorizing the court to allow the respondent in a replevin action to retain or regain possession without posting a bond; authorizing the court to stay an action

to recover possession for up to six months; extending the effective period of a garnishee summons; amending Minnesota Statutes 1984, sections 550.37, subdivisions 5, 7, 13, 14, and 24; 565.25, subdivision 2; 571.41, subdivisions 6 and 7; 571.42; 571.-495, subdivision 3; and 571.55, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 565.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. DeCramer; Peterson, R. W., and Sieloff.

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

Dempsey 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. 401. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1398.

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. 1398

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.

May 10, 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. 1398, 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. 1398 be further amended as follows:

Page 2, line 1, strike the second "the"

Page 2, line 2, strike everything after the stricken "bearing"

Page 2, line 3, strike "investments for"

Page 2, line 4, reinstate everything after the stricken period

Page 2, lines 5 to 7, reinstate the stricken language

Page 2, line 8, reinstate everything before the stricken "or"

Page 2, line 22, after the stricken "subdivision" insert "*the obligations which are legally authorized investments for*"

Page 2, line 28, after "2." insert "*Except for notes secured by first mortgages of future maturity,*"

Page 2, line 32, after the period insert "*The total amount of collateral consisting of notes secured by first mortgages of future maturity computed at its market value shall be at least 40 percent more than the amount on deposit at the close of the business day, in excess of any insured portion, which would be permitted if a corporate or personal surety bond were furnished.*"

Page 3, line 4, after the comma insert "*except for early withdrawal penalties on time deposits,*"

Page 6, after line 17, insert:

"Sec. 4. Minnesota Statutes 1984, section 475.66, subdivision 3, is amended to read:

Subd. 3. Subject to the provisions of any resolutions or other instruments securing obligations payable from a debt service fund, any balance in the fund may be invested

(a) in (ANY SECURITY WHICH IS A DIRECT OBLIGATION OF OR IS GUARANTEED AS TO PAYMENT OF PRINCIPAL AND INTEREST BY THE UNITED STATES OR ANY AGENCY OR INSTRUMENTALITY OF THE UNITED STATES) *governmental bonds, notes, bills, mortgages, and other securities, which are direct obligations or are guaranteed*

or insured issues of the United States, its agencies, its instrumentalities, or organizations created by an act of Congress,

(b) in shares of an investment company registered under the federal investment company act of 1940, whose shares are registered under the federal securities act of 1933, and whose only investments are in securities described in the preceding clause,

(c) in any security which is a general obligation of the state of Minnesota or any of its municipalities,

(d) in bankers acceptances of United States banks eligible for purchase by the Federal Reserve System, or

(e) in commercial paper issued by United States corporations or their Canadian subsidiaries that is of the highest quality and matures in 270 days or less.

The fund may also be used to purchase any obligation, whether general or special, of an issue which is payable from the fund, at such price, which may include a premium, as shall be agreed to by the holder, or may be used to redeem any obligation of such an issue prior to maturity in accordance with its terms. The securities representing any such investment may be sold or hypothecated by the municipality at any time, but the money so received remains a part of the fund until used for the purpose for which the fund was created."

Renumber the remaining section

Amend the title as follows:

Page 1, line 5, delete the second "subdivision 1" and insert "subdivisions 1 and 3"

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

Senate Conferees: DARRIL WEGSCHEID, MICHAEL O. FREEMAN and GEN OLSON.

House Conferees: WILLIAM SCHREIBER, GERALD KNICKERBOCKER and GORDON O. VOSS.

Schreiber moved that the report of the Conference Committee on S. F. No. 1398 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1398, 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 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 108 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 615, 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.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Mr. Stumpf, Mrs. Lantry and Mr. Langseth.

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

Tunheim 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. 615. The motion prevailed.

Mr. Speaker :

I hereby announce that the Senate refuses to concur in the House amendment to :

S. F. No. 863, 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.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Ms. Reichgott, Messrs. Luther and Ramstad.

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

Seaberg 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. 863. The motion prevailed.

Mr. Speaker :

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested :

H. F. No. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Sviggum moved that the House refuse to concur in the Senate amendments to H. F. No. 268, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

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

HOUSE CONCURRENT RESOLUTION NO. 11

A house concurrent resolution relating to adjournment of the Senate and House of Representatives until 1986.

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

(1) Upon their adjournments on May 20, 1985, the House of Representatives may set its next day of meeting for February 3, 1986, at 2:00 p.m. and the Senate may set its next day of meeting for February 3, 1986, at 2:00 p.m.

(2) By the adoption of this resolution, each house consents to adjournment of the other house for more than three days.

The motion prevailed and House Concurrent Resolution No. 11 was adopted.

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Levi, from the Committee on Rules and Legislative Administration, pursuant to Rule 1.9, designated the following bills as Special Orders to be added to Special Orders pending for today, Monday, May 20, 1985:

S. F. Nos. 916, 281 and 743; H. F. Nos. 849, 1258 and 658; S. F. Nos. 1088 and 930; H. F. No. 1300; S. F. Nos. 903, 274, 1045, 87, 279, 1067, 866, 719 and 19; H. F. No. 1175; S. F. No. 565; H. F. No. 815; S. F. No. 1118; H. F. No. 628; S. F. No. 567; H. F. Nos. 1645, 1568 and 810; S. F. Nos. 1362, 1363, 928, 1140 and 1356.

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 633

A bill for an act relating to traffic regulations; providing for a temporary definition of school bus; providing for book racks and "MN" designation on school buses; amending Minnesota Statutes 1984, section 169.44, by adding subdivisions.

May 16, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 633, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 633 be further amended as follows:

Page 2, line 2, after "state" insert "after July 1, 1985,"

Page 2, line 8, after "6" insert "or 171.01, subdivision 21"

Page 2, line 14, delete "1985" and insert "1986"

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

House Conferees: MERLYN O. VALAN, TERRY DEMPSEY and ALLEN QUIST.

Senate Conferees: DEAN E. JOHNSON, LYLE G. MEHRKENS and MARILYN M. LANTRY.

Valan moved that the report of the Conference Committee on H. F. No. 633 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 633, A bill for an act relating to traffic regulations; providing for a temporary definition of school bus; 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 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 113 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Thiede

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON 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.

May 16, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 78, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 78 be further amended as follows:

Page 2, line 21, after the comma insert "*in addition to any sentence of imprisonment authorized by subdivision 2 which the court may impose,*"

Page 2, line 22, delete "*, and a sentence of*"

Page 2, delete line 23

Page 2, line 24, delete everything before the period

Pages 2 and 3, delete subdivision 5 and insert:

"Subd. 5. [LOCAL REGULATION.] Subdivisions 1 to 4 do not prohibit or restrict a local governmental unit from imposing more restrictive provisions."

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

House Conferees: RANDOLPH W. STATEN, PETER McLAUGHLIN and KAREN CLARK.

Senate Conferees: LINDA BERGLIN and DEAN E. JOHNSON.

Staten moved that the report of the Conference Committee on H. F. No. 78 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Carlson, L.	Frederickson	Kahn	McLaughlin
Backlund	Clark	Frerichs	Kalis	McPherson
Battaglia	Clausnitzer	Greenfield	Kelly	Metzen
Beard	Cohen	Gruenes	Kiffmeyer	Miller
Becklin	Dempsey	Gutknecht	Knickerbocker	Minne
Begich	DenOuden	Halberg	Knuth	Murphy
Bennett	Dimler	Hartinger	Kostohryz	Nelson, D.
Blatz	Dyke	Hartle	Krueger	Nelson, K.
Boerboom	Elioff	Haukoos	Kvam	Neuenschwander
Brandl	Ellingson	Heap	Levi	Norton
Brinkman	Erickson	Himle	Long	O'Connor
Brown	Fjoslien	Jacobs	Marsh	Ogren
Burger	Forsythe	Jaros	McDonald	Olsen, S.
Carlson, D.	Frederick	Johnson	McEachern	Olsen, E.

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

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON 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.

May 17, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 83, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 83 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [DESIGNATION OF JUVENILE COURT JUDGE.]

Notwithstanding the provisions of Minnesota Statutes, section 260.019, subdivision 3, the chief judge in Hennepin and Ramsey counties may designate any judge to hear cases under sections 260.011 to 260.301 as a principal assignment regardless of how long the judge has served on that assignment.

Sec. 2. [REPEALER.]

Section 1 is repealed effective August 1, 1989.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to courts; authorizing the chief judge in Hennepin and Ramsey counties to extend the principal assignment of certain juvenile court judges."

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

House Conferees: MARY M. FORSYTHE, CHARLES C. HALBERG and RANDY C. KELLY.

Senate Conferees: EMBER D. REICHGOTT and DONALD A. STORM.

Forsythe moved that the report of the Conference Committee on H. F. No. 83 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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, 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 4 nays as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

Greenfield	Lieder	Osthoff	Pappas
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The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 558

A bill for an act relating to metropolitan government; providing conditions for the disposal of certain sports facilities property; 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, sections 473.556, subdivision 6; and 473.704, by adding a subdivision.

May 15, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 558, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 558 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [BLOOMINGTON HIGHWAY IMPROVEMENT.]

Subdivision 1. [CONTRACT AUTHORIZED.] To expedite and facilitate the construction of a highway improvement project on Trunk Highway No. 77 from the intersection of I-494 to the intersection of east 86th street within the city of Bloomington, the city and the commissioner of transportation on behalf of the state may enter into a contract under which the city agrees to advance to the commissioner, in consideration of the

undertaking of the project by the state at a time specified in the contract, all or part of the cost of the engineering services, construction, or other costs attributable to the project. The project shall be fully described in the contract, and the advance by the city shall not exceed the total amount of the actual contract prices for performing the work on the project and may be made in installments during the performance of the project, or otherwise, as specified in the contract. The contract may provide for repayment by the state to the city of the principal amount or value of the advance, without interest, in not more than ten annual installments, out of the trunk highway fund. Repayment may commence at the time the state would otherwise have undertaken the project. The cash agreed to be advanced by the city shall not affect the amount otherwise agreed to be paid by the city as its share of the cost of the project. The contract may include all other terms necessary to comply with laws relating to cooperative agreements between the commissioner of transportation and municipalities.

Subd. 2. [BONDS AUTHORIZED.] At any time after a contract has been executed by the commissioner and the city of Bloomington by which the city agrees to advance to the commissioner cash for the purpose stated in subdivision 1, the city council may by resolution issue and sell general obligation bonds of the city in an aggregate amount not exceeding the advance to the commissioner provided for in the contract and the cost of issuing the bonds. The bonds shall be issued and sold in accordance with Minnesota Statutes, chapter 475, except that an election shall not be required to authorize their issuance, and the bonds shall not be included in net debt within the meaning of Minnesota Statutes, section 475.51. Money repaid to the city by the commissioner under the contract may be pledged for payment of principal of and interest on the bonds and shall be credited by the city to a separate fund and used solely to pay principal of and interest on any bonds issued pursuant to this section. With the consent of the commissioner of transportation, the city may use money allotted to it out of municipal state-aid street funds to repay interest on the bonds. The money allotted to the city out of the municipal state-aid street funds may be pledged for payment of interest on the bonds.

Sec. 2. Minnesota Statutes 1984, section 473.556, subdivision 6, is amended to read:

Subd. 6. [DISPOSITION OF PROPERTY.] (a) The commission may sell or otherwise dispose of any real or personal property acquired by it which is no longer required for accomplishment of its purposes. The property shall be sold in the manner provided by section 458.196, insofar as practical and consistent with sections 473.551 to 473.595.

(b) Real property at the metropolitan sports area (not including the indoor public assembly facility and adjacent parking

facilities) which is no longer needed for sports facilities (SHALL) *may* be sold or leased for *residential*, commercial, or industrial development in accordance with the procedures in section 458.196 within two years to a private, for-profit entity, and thereafter the property shall be subject to all applicable taxes and assessments and all government laws, regulations and ordinances bearing on use and development as if the property were privately owned.

(c) Any real property right, title, or interest within the provisions of paragraph (b) owned by the commission may be sold or leased in whole or in part to the port authority of the city of Bloomington *to further the general plan of port improvement or industrial development or for any other purpose which the authority considers to be in the best interests of the district and its people. The property shall be sold or leased to the authority in accordance with section 458.196, subdivisions 1 to 4. Section 458.196, subdivisions 5 to 7 shall not apply to a sale under this paragraph.*

(d) Real property disposed of under clause (c) shall be subject to leases, agreements, or other written interests in force on June 1, 1983.

(e) The proceeds from the sale of any real property at the metropolitan sports area shall be paid to the council and used for debt service or retirement.

Sec. 3. Minnesota Statutes 1984, section 473.704, is amended by adding a subdivision to read:

Subd. 18. The commission may establish a research program to evaluate the effects of mosquito and blackfly control on other fauna. The purpose of the program is to identify the types and magnitude of the adverse effects of the control program on fish and wildlife and associated food chain invertebrates. The commission may conduct research through contracts with qualified outside researchers. The commission may finance the research program each year at a level up to 2.5 percent of its annual budget.

Sec. 4. [APPLICATION.]

Sections 2 and 3 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 5. [LOCAL APPROVAL.]

Section 1 takes effect the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Bloomington."

Delete the title and insert:

"A bill for an act relating to metropolitan government; permitting the city of Bloomington and the transportation department to contract for a highway improvement; providing conditions for the disposal of certain sports facilities property; 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, sections 473.556, subdivision 6; and 473.704, by adding a subdivision."

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

House Conferees: KATHLEEN BLATZ, DENNIS OZMENT and DEE LONG.

Senate Conferees: MICHAEL O. FREEMAN, ROBERT J. SCHMITZ and WILLIAM V. BELANGER, JR.

Blatz moved that the report of the Conference Committee on H. F. No. 558 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 558, A bill for an act relating to metropolitan government; providing conditions for the disposal of certain sports facilities property; 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, sections 473.556, subdivision 6; and 473.704, by adding a subdivision.

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 118 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	DenOuden	Jaros	Minne	Piper
Backlund	Dimler	Johnson	Munger	Poppenhagen
Battaglia	Dyke	Kahn	Murphy	Price
Beard	Elioff	Kalis	Nelson, D.	Quist
Becklin	Ellingson	Kelly	Nelson, K.	Redalen
Begich	Erickson	Kiffmeyer	Neuenschwander	Rees
Bennett	Fjoslien	Knickerbocker	Norton	Rest
Blatz	Frederick	Knuth	O'Connor	Rice
Boerboom	Frederickson	Kostohryz	Ogren	Richter
Bco	Frerichs	Krueger	Olsen, S.	Riveness
Brandl	Greenfield	Kvam	Olson, E.	Rodosovich
Brinkman	Gruenes	Levi	Omann	Rose
Burger	Gutknecht	Long	Onnen	Sarna
Carlson, D.	Halberg	Marsh	Otis	Schafer
Carlson, L.	Hartinger	McDonald	Ozment	Schoenfeld
Clark	Hartie	McEachern	Pappas	Seaberg
Clausnitzcr	Haukoos	McPherson	Pauly	Segal
Cohen	Himle	Metzen	Peterson	Shaver
Dempsey	Jacobs	Miller	Piepho	Sherman

Simoneau	Staten	Tomlinson	Valento	Wynia
Skoglund	Svigum	Tompkins	Vellenga	Zaffke
Solberg	Thiede	Tunheim	Voss	Spk. Jennings, D.
Sparby	Thorson	Uphus	Welle	
Stanius	Tjornhom	Vaian	Wenzel	

Those who voted in the negative were:

Osthoff Waltman

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON 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.

May 8, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 535, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 535 be further amended as follows:

Page 2, line 1, after "conveys" insert "a" and before the period insert "supply"

Page 2, line 1, after the period insert "*A Minnesota seller of lead solder, except for a seller whose primary business is contracting in plumbing, heating, and air conditioning, shall not sell any solder containing 0.2 percent lead unless the seller displays a sign which states,*

"Contains Lead

Minnesota law prohibits the use of this solder in any plumbing installation which is connected to a potable water supply."

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

House Conferees: TIM SHERMAN, KATHLEEN VELLENGA and DALE A. CLAUSNITZER.

Senate Conferees: BETTY A. ADKINS, ERIC D. PETTY and DUANE D. BENSON.

Sherman moved that the report of the Conference Committee on H. F. No. 535 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by Conference, and its title agreed to.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 268:

Sviggum; Olsen, S., and Neuenschwander.

SPECIAL ORDERS

S. F. No. 1130 was reported to the House.

Onnen moved to amend S. F. No. 1130, as follows:

Page 34, delete lines 21 to 36

Page 35, delete lines 1 to 4

ReNUMBER subsequent sections

Page 35, line 6, after "health" delete the comma

Amend the title as follows:

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

The motion prevailed and the amendment was adopted.

The Speaker called Halberg to the Chair.

Pauly moved to amend S. F. No. 1130, as amended, as follows:

Page 26, after line 4, insert:

"Sec. 19. Minnesota Statutes 1984, section 155A.08, subdivision 2, is amended to read:

Subd. 2. [REQUIREMENTS.] The conditions and process by which a salon is licensed shall be established by the director by rule after consultation with the council. The rule shall include the following requirements:

(a) Compliance with all local and state laws, particularly relating to matters of sanitation, health, and safety;

(b) The employment of a manager, as defined in section 155A.03, subdivision 6;

(c) Inspection and licensing prior to the commencing of business; and

(d) Evidence of professional liability insurance coverage in an amount by claim and total coverage as established by rule. The rule shall authorize a licensed *esthetician* or manicurist who complies with the health, safety, sanitation, inspection, and insurance rules promulgated by the director to operate a salon solely for the performance of those personal services defined in section 155A.03, subdivision 4, in the case of an *esthetician*, or subdivision 5, in the case of a *manicurist*."

Renumber subsequent sections

Correct the internal references

Amend the title as follows:

Page 1, line 18, after "147.10;" insert "155A.08, subdivision 2;"

A roll call was requested and properly seconded.

The question was taken on the Pauly amendment and the roll was called. There were 104 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Lieder	Pauly	Skoglund
Backlund	Ellingson	Long	Peterson	Solberg
Battaglia	Erickson	Marsh	Piper	Sparby
Becklin	Fjoslien	McDonald	Poppenhagen	Stanius
Begich	Forsythe	McEachern	Price	Staten
Bennett	Frederick	McKasy	Quinn	Svigum
Blatz	Frederickson	McLaughlin	Quist	Thiede
Boerboom	Frerichs	McPherson	Redalen	Thorsom
Boo	Gruenes	Metzen	Rees	Tjornhom
Brandl	Halberg	Miller	Rest	Tompkins
Brinkman	Hartinger	Minne	Richter	Tunheim
Brown	Hartle	Munger	Riveness	Uphas
Burger	Heap	Murphy	Rodosovich	Valento
Carlson, D.	Himic	Nelson, D.	Sarna	Vellenga
Carlson, J.	Kalis	Nelson, K.	Schafer	Voss
Carlson, L.	Kiffmeyer	O'Connor	Scheid	Waltman
Clark	Knickerbocker	Olsen, S.	Schoenfeld	Welle
Clausnitzer	Knuth	Omam	Schreiber	Wenzel
Cohen	Kostohryz	Osthoff	Seaberg	Wynia
DenOuden	Kvam	Otis	Shaver	Spk. Jennings, D.
Dyke	Levi	Ozment	Sherman	

Those who voted in the negative were:

Greenfield Krueger

The motion prevailed and the amendment was adopted.

S. F. No. 1130, A bill for an act relating to occupations and professions; changing the composition of the board of medical examiners and the method of appointing board members; authorizing the release of certain information by the board of medical examiners; requiring the board of medical examiners to adopt a written statement describing its procedures, and publish disciplinary actions; revising the standards for licensing and disciplining physicians; establishing reporting requirements for health professionals and granting immunity to those complying with reporting requirements; establishing special requirements for health-related licensing boards; appropriating money; recodifying certain provisions in Minnesota Stat-

utes, chapter 147; amending Minnesota Statutes 1984, sections 147.01, subdivisions 1, 2 and 4; 147.02, subdivision 1, and by adding subdivisions; 147.021; 147.03; 147.073; 147.074; 147.09; 147.10; 176.011, subdivision 9; 214.07, subdivision 1; and 214.10, subdivision 1, and by adding a subdivision; 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 third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslien	Lieder	Pappas	Solberg
Backlund	Forsythe	Long	Pauly	Sparby
Battaglia	Frederick	Marsh	Peterson	Stanius
Beard	Frederickson	McDonald	Piepho	Siaten
Becklin	Frerichs	McEachern	Piper	Sviggum
Begich	Greenfield	McKasy	Poppenhagen	Thiede
Bennett	Gruenes	McLaughlin	Price	Thorson
Blatz	Gutknecht	McPherson	Quinn	Tjornhom
Boerboom	Halberg	Metzen	Redaten	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, L.	Jaros	Neuenschwander	Rose	Vellenga
Clark	Kahn	Norton	Sarna	Voss
Clausnitzer	Kalis	O'Connor	Schafer	Waltman
Cohen	Kelly	Ogren	Scheid	Welle
Dempsey	Kiffmeyer	Olsen, S.	Schoenfeld	Wenzel
DenOuden	Knickerbocker	Olson, E.	Schreiber	Wynia
Dimler	Knuth	Omann	Seaberg	Zaffke
Dyke	Kostohryz	Onnen	Segal	Spk. Jennings, D.
Elioff	Krueger	Osthoff	Shaver	
Ellingson	Kvam	Otis	Simoneau	
Erickson	Levi	Ozment	Skoglund	

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

S. F. No. 916 was reported to the House.

Gruenes moved to amend S. F. No. 916, as follows:

Page 4, after line 33, insert:

"Sec. 5. Minnesota Statutes 1984, section 256.12, subdivision 20, is amended to read:

Subd. 20. [ASSISTANCE UNIT.] "Assistance unit" means the group of individuals *who are applying for or receiving assis-*

tance and whose needs (OR INCOME, OR BOTH,) are (TAKEN INTO ACCOUNT) included in (DETERMINING ELIGIBILITY FOR OR) the (AMOUNT OF A) grant of assistance as determined under sections 256.72 to 256.87.

Sec. 6. Minnesota Statutes 1984, section 256.73, subdivision 2, is amended to read:

Subd. 2. [ALLOWANCE BARRED BY OWNERSHIP OF PROPERTY.] Ownership by (THE FATHER, MOTHER, CHILD, CHILDREN, OR ANY COMBINATION,) *an assistance unit* of property as follows is a bar to any allowance under sections 256.72 to 256.87:

(1) *The value of real property other than the homestead, which when combined with other assets exceeds the limits of paragraph (2), unless the assistance unit is making a good faith effort to sell the nonexcludable real property. The time period for disposal must not exceed nine months and the assistance unit shall execute an agreement to dispose of the property to repay assistance received during the nine months up to the amount of the net sale proceeds. The payment must be made when the property is sold. If the property is not sold within the required time or the assistance unit becomes ineligible for any reason the entire amount received during the nine months is an overpayment and subject to recovery.* For the purposes of this section "homestead" means the house owned and occupied by the child, relative or other member of the assistance unit as his dwelling place, together with the land upon which it is situated (AND) in an area no greater than two contiguous lots in a platted or laid out city or town or 80 contiguous acres in (UN-PLATTED LAND) *rural areas; or*

(2) Personal property of an equity value in excess of \$1,000 for the entire assistance unit, exclusive of personal property used as the home, one motor vehicle of an equity value not exceeding \$1,500, *one burial plot for each member of the assistance unit, one prepaid burial contract with an equity value of no more than \$1,000 for each member of the assistance unit,* clothing and necessary household furniture and equipment and other basic maintenance items essential for daily living, in accordance with rules promulgated by and standards established by the commissioner of human services.

Sec. 7. Minnesota Statutes 1984, section 256.73, subdivision 3a, is amended to read:

Subd. 3a. [PERSONS INELIGIBLE.] No assistance shall be given under sections 256.72 to 256.87:

(1) On behalf of any person who is receiving supplemental security income under title XVI of the social security act unless permitted by federal regulations;

(2) For any month in which the assistance unit's gross income, without application of deductions or disregards, exceeds (150) 185 percent of the standard of need for a family of the same size and composition; *except that the earnings of a dependent child who is a full-time student may be disregarded for six calendar months per year and the earnings of a dependent child who is a full-time student that are derived from the jobs training and partnership act may be disregarded for six calendar months per year.* If a stepparent's income is taken into account in determining need, the disregards specified in section 256.74, subdivision 1a shall be applied to determine income available to the assistance unit before calculating the unit's gross income for purposes of this paragraph;

(3) To any assistance unit for any month in which any caretaker relative with whom the child is living is, on the last day of that month, participating in a strike;

(4) On behalf of any other individual in the assistance unit, nor shall the individual's needs be taken into account (,) for any month in which, on the last day of the month, the individual is participating in a strike;

(5) To an assistance unit if its eligibility is based on a parent's unemployment and the parent who is the principal earner, without good cause, fails or refuses to *seek work, to participate in the work incentive program under section 256.736, if this program is available, to accept employment, or to register with a public employment office, unless the principal earner is exempt from these work requirements.*

Sec. 8. Minnesota Statutes 1984, section 256.73, subdivision 6, is amended to read:

Subd. 6. [REPORTS BY RECIPIENT.] (EACH RECIPIENT SHALL COMPLETE REPORTS AS REQUESTED BY THE LOCAL OR STATE AGENCY.) *An assistance unit with a recent work history or with earned income shall report monthly to the local agency on income received and other circumstances affecting eligibility or assistance amounts. All other assistance units shall report on income and other circumstances affecting eligibility and assistance amounts at less frequent intervals, as specified by the state agency.* All income not specifically disregarded by the social security act, the code of federal regulations, or state law, rules and regulations, shall be income applicable to the budgetary needs of the family. If any amount of aid to families with dependent children assistance is paid to a recipient thereof in excess of the payment due it shall be recoverable by the local agency. The agency shall give written notice to the recipient of its intention to recover the overpayment. Overpayments to a current assistance unit shall be recovered either through repayment by the individual in part or in full or by reducing the amount of aid payable to the assistance unit of

which the individual is a member. For any month in which an overpayment must be recovered, recoupment may be made by reducing the grant but only if the reduced assistance payment, together with the assistance unit's liquid assets and total income after deducting actual work expenses equals at least 95 percent of the standard of need for the assistance unit, except that if the overpayment is due solely to agency error, this total after deducting actual work expenses shall equal at least 99 percent of the standard of need. In cases when there is both an overpayment and underpayment the local agency shall offset one against the other in correcting the payment. *The local agency shall make reasonable efforts to recover overpayments made to persons no longer on assistance in accordance with standards established by the commissioner of human services. The local agency need not attempt to recover overpayments of less than \$35 paid to an individual no longer on assistance if the individual does not receive assistance again within three years, unless the individual has been convicted of fraud under section 256.98.* The recipient may appeal the agency's determination that an overpayment has occurred in accordance with section 256.045. The county agency shall promptly repay the recipient for any underpayment and shall disregard that payment when determining the assistance unit's income and resources in the month when the payment is made and the following month.

Sec. 9. Minnesota Statutes 1984, section 256.736, subdivision 3, is amended to read:

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 shall provide 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 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) *assistance unit* is registered and has not, without good cause, failed or refused to participate or accept employment; (OR)

(7) a parent who is not the principal earner if the parent who is the principal earner is not exempt under clauses (1) to (6); or

(8) *a woman in her last trimester of pregnancy.*

Any individual referred to in clause (5) shall be advised of the option to register for employment services, training, and employment if the individual so desires, and shall be informed of the child care 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 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.

Sec. 10. Minnesota Statutes 1984, section 256.736, subdivision 4, is amended to read:

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 pursuant to this section with child-care services 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;

(3) Provide that in determining a recipient's needs any monthly incentive training payment made to the recipient by the department of economic security is disregarded and the additional expenses attributable to his participation in a program are taken into account in grant determination; and

(4) Provide that when it has been certified by the commissioner of economic security, certification to be binding upon the commissioner of human services, that a relative or child certified under the work incentive 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 needs will not be taken into account in making the grant determination. If the assistance unit's eligibility is based on the *non-exempt principal earner's unemployment and (THE) this principal earner fails or refuses without good cause to participate or to accept employment, the entire assistance unit is ineligible for benefits under sections 256.72 to 256.87.*

Sec. 11. 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. *Nonrecurring lump sum income received by an assistance unit must be budgeted in the normal retrospective cycle. The number of months of ineligibility is determined by dividing the amount of the lump sum income and all other income, after application of the applicable disregards, by the standard of need for the assistance unit. An amount remaining after this calculation is income in the first month of eligibility. If the total monthly*

income including the lump sum income is larger than the standard of need for a single month the first month of ineligibility is the payment month that corresponds with the budget month in which the lump sum income was received. 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 as well as all the earned income derived from the job training and partnership act (JTPA) for a dependent child for six calendar months per year, together with unearned income derived from the job training and partnership act;

(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 disregard; 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. *An additional \$30 work incentive must be available for an eight-month period beginning in the month following the last month of the combined \$30 and one-third work incentive. This period must be in effect whether or not the person has earned income or is eligible for AFDC. To again qualify for (THIS) the earned income (DISREGARD) disregards under clause (d), the individual must not be a recipient of aid for a period of 12 consecutive months. (IF) When an (INDIVIDUAL) assistance unit becomes ineligible for aid (BECAUSE THIS EARNED INCOME DISREGARD HAS BEEN APPLIED TO INCOME FOR FOUR CONSECUTIVE MONTHS AND WILL) due to the fact that these disregards are 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) the assistance unit shall be eligible for medical assistance (.) benefits for a 12-month period beginning with the first month of AFDC ineligibility;*

(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 per assistance unit of the monthly support obligation collected by the support and recovery (IV-D) unit; and*

(7) Insurance settlements to pay medical bills, to compensate a member of an assistance unit for partial or permanent loss of function or a body part, or to repair or replace insured property.

Sec. 12. Minnesota Statutes 1984, section 256.74, subdivision 1a, is amended to read:

Subd. 1a. [STEPPARENT'S INCOME.] In determining income available, the county agency shall take into account the remaining income of the dependent child's stepparent who lives in the same household after disregarding:

(1) The first \$75 of the stepparent's gross earned income. The commissioner shall prescribe by rule lesser amounts to be disregarded for stepparents who are not engaged in full-time employment or not employed throughout the month;

(2) An amount for support of the stepparent and any other individuals whom the stepparent claims as dependents for tax purposes and who live in the same household but whose needs are not considered in determining eligibility for assistance un-

der sections 256.72 to 256.87. The amount equals the standard of need for a family (WITH NO EARNED INCOME) of the same composition as the stepparent and these other individuals;

(3) Amounts the stepparent actually paid to individuals not living in the same household but whom the stepparent claims as dependents for tax purposes; and

(4) Alimony or child support, or both, paid by the stepparent for individuals not living in the same household.

Sec. 13. Minnesota Statutes 1984, section 256.74, subdivision 2, is amended to read:

Subd. 2. [APPLICATION.] Application for assistance under sections 256.72 to 256.87 shall be made to the county agency of the county in which the dependent child (IS RESIDING) *lives*. If the child is not (RESIDING) *living* within the state at the time of application but is eligible for assistance, the application may be made to the agency of the county where the child is present and forwarded to the agency of the county where the child last (RESIDED) *lived*. The application shall be in writing or reduced to writing in the manner and upon the form prescribed by the state agency and verified by the oath of the applicant or in lieu thereof shall contain the following declaration which shall be signed by the applicant: "I declare that this application has been examined by me and to the best of my knowledge and belief is a true and correct statement of every material point". The application shall be made by the person with whom the child will live and contain information as to the age and residence of the child and such other information as may be required by the rules and regulations of the state agency. One application may be made for several children of the same family if they (RESIDE) *live* with the same person.

Sec. 14. Minnesota Statutes 1984, section 256.76, subdivision 1, is amended to read:

Subdivision 1. Upon the completion of such investigation the county agency shall decide whether the child is eligible for assistance under the provisions of sections 256.72 to 256.87, determine the amount of such assistance, and the date on which such assistance shall begin. *Notwithstanding section 393.07, the county agency shall not delay approval or issuance of assistance pending formal action of the county board of commissioners.* The first month's grant shall be based upon that portion of the month from the date of application, or from the date that the applicant meets all eligibility factors, whichever occurs later, provided that on the date that assistance is first requested, the local agency shall inquire and determine whether the person requesting assistance is in immediate need of food, shelter, clothing, or other emergency assistance. If an emergency need is found to exist, the applicant shall be granted assistance pursuant to sec-

tion 256.871 within a reasonable period of time. It shall make a grant of assistance which shall be binding upon the county and be complied with by the county until such grant is modified or vacated. *If the applicant is subsequently found to have been eligible for assistance under sections 256.72 to 256.87, assistance rendered under section 256.871 must be considered as a regular AFDC payment and not a payment under section 256.871.* The county agency shall notify the applicant of its decision in writing. Such assistance shall be paid monthly to the applicant or to the vendor of medical care upon order of the county agency from funds appropriated to the county agency for this purpose. The county agency shall, upon the granting of assistance under these sections, file an order on the form to be approved by the state agency with the auditor of the county and thereafter warrants shall be drawn and payments made only in accordance with this order to or for recipients of this assistance or in accordance with any subsequent order.

Sec. 15. Minnesota Statutes 1984, section 256.78, is amended to read:

256.78 [ASSISTANCE GRANTS RECONSIDERED.]

All assistance granted under sections 256.72 to 256.87 shall be reconsidered as frequently as may be required by the rules of the state agency. After such further investigation as the county agency may deem necessary or the state agency may require, the amount of assistance may be changed or assistance may be entirely withdrawn if the state or county agency find that the child's circumstances have altered sufficiently to warrant such action. *The period of ineligibility for AFDC which results when an assistance unit receives lump sum income must be reduced when:*

(1) *the assistance unit's standard of need increases due to changes in state law or due to changes in the size or composition of the assistance unit, so that the amount of aid the assistance unit would have received would have increased had it not become ineligible;*

(2) *the lump sum income, or a portion of it becomes unavailable to the assistance unit due to expenditures to avoid a life-threatening circumstance, theft, or dissipation which is beyond the family's control by a member of the family who is no longer part of the assistance unit when the lump sum income is not used to meet the needs of members of the assistance unit; or*

(3) *the assistance unit incurs and pays medical expenses for care and services specified in section 256B.02, subdivision 8.*

The county agency may for cause at any time revoke, modify, or suspend any order for assistance previously made. When as-

sistance is thus revoked, modified, or suspended the county agency shall at once report to the state agency such decision together with supporting evidence required by the rules of the state agency. All such decisions shall be subject to appeal and review by the state agency as provided in section 256.045.

Sec. 16. Minnesota Statutes 1984, section 256.79, is amended to read:

256.79 [REMOVAL TO ANOTHER COUNTY.]

Any child qualified for and receiving assistance pursuant to the provisions in sections 256.72 to 256.87 in any county in this state, who moves or is taken to another county in this state shall be entitled to continue to receive assistance from the county from which (HE) *the child* has moved or has been taken until (HE) *the child* shall have resided for two months in the county to which (HE) *the child* has moved. When (HE) *the child* has resided two months in the county to which (HE) *the child* has moved, or has been taken, the local agency of the county from which (HE) *the child* has moved shall transfer all necessary records relating to the child to the county agency of the county to which (HE) *the child* has moved. *Where the child's assistance is terminated for 30 days or less before a reapplication is made, that assistance must continue to be the financial obligation of the county from which the child has moved until the two-month residence requirement has been met.*

Notwithstanding the provisions of section 256.73, subdivision 4, the county of financial responsibility shall not change because application for assistance is not made prior to initial placement, or when living in a battered woman's shelter or maternity shelter, or as a result of successive placements in one or more counties pursuant to a plan of treatment for health, rehabilitation, foster care, child care or training, nor as a result of placement in any correctional program. *In the case of a child who has no established county of residence prior to placement, the county of financial responsibility is the county in which the child resides at the time the application is made and the applicable eligibility criteria are met.*

Sec. 17. Minnesota Statutes 1984, section 256.871, subdivision 3, is amended to read:

Subd. 3. [COUNTY OF RESPONSIBILITY.] No state or county durational residence is required to qualify for such assistance. The county which shall *be financially responsible and grant assistance shall be the county wherein the child (RESIDES) lives* who is found to be in emergency need. (SUCH COUNTY MAY OBTAIN REIMBURSEMENT FROM ANOTHER COUNTY WHEREIN THE CHILD HAS RESIDENCE AS PROVIDED IN SECTION 256.73.)

Sec. 18. 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 under section 256B.06, proceeds from a reverse mortgage must be disregarded as income in the month of receipt but are a resource if retained after the month of receipt.

Sec. 19. 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, *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. 20. 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 is the responsibility of the county which would have been re-*

sponsible 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. 21. 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, who meets the other eligibility criteria of this section and 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, 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 the income affects 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. 22. Minnesota Statutes 1984, section 256B.07, is amended to read:

256B.07 [EXCEPTIONS IN DETERMINING RESOURCES.]

A local agency may, within the scope of regulations set by the commissioner of human services, waive the requirement of liquidation of excess assets when the liquidation would cause undue hardship. *When an undue hardship waiver is granted due to excess assets created through a transfer of property under section 256B.17, subdivision 1, a cause of action exists against the person to whom the assets were 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 county agency responsible for providing medical assistance under section 256B.02, subdivision 3. Household goods and furniture in use in the home, wearing apparel, and personal property used as a regular abode by the applicant or recipient and a lot in a burial plot shall not be considered as resources available to meet medical needs.*

Sec. 23. 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.

Sec. 24. 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 general 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 retirement program if the relative was receiving benefits under the social security disability program at the time he or she became eligible for the social security retirement program or if the relative is a person described in section 256D.111, subdivision 2, clause (a), (f), or (h), 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. 25. Minnesota Statutes 1984, section 256D.06, is amended by adding a subdivision to read:

Subd. 1b. [EARNED INCOME SAVINGS ACCOUNT.] In addition to the \$50 disregard required under subdivision 1, the local agency shall disregard an additional earned income up to a maximum of \$150 per month for persons residing in facilities licensed under Minnesota Rules, parts 9520.0500 to 9520.0690, and for whom discharge and work are part of a treatment plan. The additional amount disregarded must be placed in a separate savings account by the eligible individual, to be used upon discharge from the residential facility into the community. A maximum of \$1,000, including interest, of the money in the savings account must be excluded from the resource limits established by section 256D.08, subdivision 1, clause (1). Amounts in that account in excess of \$1,000 must be applied to the resident's cost of care. If excluded money is removed from the savings account by the eligible individual at any time before the individual is discharged from the facility into the community, the money is income to the individual in the month of receipt and a resource in subsequent months. If an eligible individual moves from a community facility to an inpatient hospital setting, the separate savings account is an excluded asset for up to 18 months. During that time, amounts that accumulate in excess of the \$1,000 savings limit must be applied to the patient's cost of care. If the patient continues to be hospitalized at the conclusion of the 18-month period, the entire account must be applied to the patient's cost of care."

Amend the title as follows:

Page 1, line 5, after the second semicolon insert "revising procedures and requirements under the aid to families with dependent children, medical assistance, and general assistance programs; appropriating money;"

Page 1, line 7, delete "and"

Page 1, line 8, before the period insert "; 256.12, subdivision 20; 256.73, subdivisions 2, 3a, and 6; 256.736, subdivisions 3 and 4; 256.74, subdivisions 1, 1a, and 2; 256.76, subdivision 1; 256.78; 256.79; 256.871, subdivision 3; 256.99; 256B.02, subdivisions 2 and 3; 256B.06, subdivision 1; 256B.07; 256B.17, subdivision 6; 256D.01, subdivision 1a; and 256D.06, by adding a subdivision"

The motion prevailed and the amendment was adopted.

S. F. No. 916, 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 third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 281 was reported to the House.

There being no objection S. F. No. 281 was temporarily laid over on Special Orders.

S. F. No. 743, 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 third 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	Lieder	Ozment	Sherman
Backlund	Fjoslien	Long	Pappas	Simoneau
Battaglia	Forsythe	Marsh	Peterson	Skoglund
Beard	Frederick	McDonald	Piepho	Solberg
Becklin	Frederickson	McEachern	Piper	Sparby
Begich	Frerichs	McKasy	Poppenbagen	Stanius
Bennett	Greenfield	McLaughlin	Price	Staten
Bishop	Gruenes	McPherson	Quinn	Sviggum
Blatz	Gutknecht	Metzen	Quist	Thiede
Boerboom	Halberg	Miller	Redalen	Thorson
Boo	Hartinger	Minne	Rees	Tjornhom
Brandl	Hartle	Munger	Rest	Tomlinson
Brinkman	Haukoos	Murphy	Rice	Tompkins
Brown	Himle	Nelson, D.	Richter	Tunheim
Burger	Jaros	Nelson, K.	Riveness	Uphus
Carlson, D.	Johnson	Neuenschwander	Rodosovich	Valento
Carlson, L.	Kahn	Norton	Rose	Vanasek
Clark	Kelly	O'Connor	Sarna	Vellenga
Clausnitzer	Kiffmeyer	Ogren	Schafer	Voss
Cohen	Knickerbocker	Olsen, S.	Scheid	Waltman
DenOuden	Knuth	Olson, E.	Schoenfeld	Welle
Dimler	Kostohryz	Omann	Schreiber	Wenzel
Dyke	Krueger	Onnen	Seaberg	Wynia
Elioff	Kvam	Osthoff	Segal	Zaffke
Ellingson	Levi	Otis	Shaver	Spk. Jennings, D.

The bill was passed and its title agreed to.

Blatz was excused while in conference.

H. F. No. 849 was reported to the House.

Long, Kahn, Otis, Skoglund and Greenfield moved to amend H. F. No. 849, the fourth engrossment, as follows:

Page 5, line 14, delete "*separated less than 75 percent of its*"

A roll call was requested and properly seconded.

CALL OF THE HOUSE

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

Anderson, G.	Carlson, J.	Frederickson	Kostohryz	Nelson, D.
Backlund	Carlson, L.	Gruenes	Krueger	Nelson, K.
Battaglia	Clark	Gutknecht	Kvam	O'Connor
Beard	Clausnitzer	Hartinger	Long	Ogren
Becklin	Cohen	Hartle	Marsh	Olsen, S.
Begich	DenOuden	Haukoos	McDonald	Olson, E.
Bishop	Dimler	Heap	McEachern	Omann
Boerboom	Dyke	Himle	McLaughlin	Onnen
Boo	Elioff	Jacobs	McPherson	Osthoff
Brandl	Ellingson	Jaros	Metzen	Otis
Brinkman	Erickson	Jennings, L.	Miller	Pappas
Brown	Fjoslien	Kelly	Minne	Peterson
Burger	Forsythe	Kiffmeyer	Munger	Piepho
Carlson, D.	Frederick	Knuth	Murphy	Piper

Price	Sarna	Skoglund	Tomlinson	Waltman
Quist	Scheid	Solberg	Tompkins	Welle
Redalen	Schoenfeld	Sparby	Tunheim	Wenzel
Rees	Schreiber	Stanius	Uphus	Wynia
Rest	Segal	Staten	Valento	Zaffke
Richter	Shaver	Thiede	Vanasek	Spk. Jennings, D.
Riveness	Sherman	Thorson	Vellenga	
Rodosovich	Simoneau	Tjornhom	Voss	

Stanius 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 Long et al. amendment and the roll was called.

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

There were 58 yeas and 68 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Kahn moved that her name be stricken as an author on H. F. No. 849. The motion prevailed.

H. F. No. 849 was read for the third time.

MOTION FOR RECONSIDERATION

Kiffmeyer moved that the action whereby H. F. No. 849 was given its third reading be now reconsidered. The motion did not prevail.

The Speaker resumed the Chair.

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; increasing the cigarette tax rates; appropriating money; amending Minnesota Statutes 1984, sections 116.16, subdivision 1, and by adding a subdivision; 116.18, subdivisions 1, 3a, and by adding a subdivision; 297.02, by adding subdivisions; 297.13, by adding subdivisions; 297.22, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 86 and 116; repealing Minnesota Statutes 1984, section 116.18, subdivision 2.

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 56 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Forsythe	Kvam	Piepho	Stanisus
Backlund	Frederick	Marsh	Poppenhagen	Thorson
Becklin	Frerichs	McKasy	Quist	Tomlinson
Bennett	Gruenes	McLaughlin	Redalen	Uphus
Bishop	Gutknecht	McPherson	Rees	Valan
Boo	Halberg	Metzen	Richter	Valento
Burger	Heap	Munger	Rose	Waltman
Carlson, D.	Jennings, L.	Murphy	Schafer	Zaffke
Dempsey	Johnson	Olsen, S.	Scheid	
Dimler	Kalis	Omann	Schreiber	
Dyke	Knickerbocker	Onnen	Seaberg	
Erickson	Knuth	Pauly	Shaver	

Those who voted in the negative were:

Anderson, G.	Brandl	Clausnitzer	Frederickson	Jacobs
Battaglia	Brinkman	Cohen	Greenfield	Kahn
Beard	Brown	DenOuden	Harteringer	Kiffmeyer
Begich	Carlson, J.	Elioff	Hartle	Kostohryz
Blatz	Carlson, L.	Ellingson	Haukoos	Krueger
Boerboom	Clark	Fjoslien	Himle	Levi

Lieder	Norton	Price	Simoneau	Tunheim
Long	O'Connor	Quinn	Skoglund	Vanasek
McDonald	Ogren	Rest	Solberg	Vellenga
McEachern	Olson, E.	Rice	Sparby	Voss
Miller	Osthoft	Riveness	Staten	Welle
Minne	Otis	Rodosovich	Sviggum	Wenzel
Nelson, D.	Ozment	Sarna	Thiede	Spk. Jennings, D.
Nelson, K.	Peterson	Schoenfeld	Tjornhom	
Neuenschwander	Piper	Sherman	Tompkins	

The bill was not passed.

S. F. No. 281 which was temporarily laid over earlier today was again reported to the House.

Ogren moved to amend S. F. No. 281, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 3.739, subdivision 1, is amended to read:

Subdivision 1. [PERMISSIBLE CLAIMS.] Claims and demands arising out of the circumstances described in this subdivision shall be presented to, heard, and determined as provided in subdivision 2:

(1) An injury to or death of an inmate of a state, regional, or local correctional facility or county jail who has been conditionally released and ordered to perform uncompensated work for a state agency, a political subdivision or public corporation of this state, a nonprofit educational, medical, or social service agency, or a private business or individual, as a condition of his release, while performing the work;

(2) An injury to or death of a person sentenced by a court, granted a suspended sentence by a court, or subject to a court disposition order, and who, pursuant to court order, is performing work (a) in restitution, (b) in lieu of or to work off fines or court ordered costs, (c) in lieu of incarceration, or (d) as a term or condition of a sentence, suspended sentence, or disposition order, while performing the work; (OR)

(3) An injury to or death of a person, who has been diverted from the court system and who is performing work as described in paragraph (1) or (2) pursuant to a written agreement signed by himself, and if a juvenile, by his parent or guardian (.); or

(4) An injury to or death of any person caused by an individual who was performing work as described in paragraph (1), (2), or (3).

Sec. 2. Minnesota Statutes 1984, section 3.739, subdivision 2, is amended to read:

Subd. 2. [EVALUATION AND PAYMENT OF CLAIMS.] Claims not to exceed \$500 arising out of this section shall be investigated by the state or local agency responsible for supervising the work to determine if the claim is valid and if the loss is covered by *the claimant's* insurance. The investigating agency shall submit all appropriate claims to the department of corrections. The department shall pay the portion of any approved claim that is not covered by *the claimant's* insurance within a reasonable period of time. On or before the first day of each legislative session, the department shall submit to the appropriate committees of the senate and the house of representatives a list of the claims paid by it during the preceding calendar year, and shall be reimbursed pursuant to legislative appropriation for the claims paid. *For the purposes of this paragraph, in the case of a juvenile claimant the term "claimant's insurance" includes the insurance policy of the juvenile's parents if the juvenile is covered by the policy.*

Any claim in excess of \$500, and any claim that was not paid by the department may be presented to, heard, and determined by the appropriate committees of the senate and the house of representatives and, if approved, shall be paid pursuant to legislative claims procedure.

No juvenile claimant receiving payment pursuant to this section may be identified by name either in the list of claimants submitted by the department or in the legislative appropriation.

Sec. 3. Minnesota Statutes 1984, section 3.739, subdivision 2a, is amended to read:

Subd. 2a. [LIMITATIONS.] *Compensation paid under this section is limited to reimbursement for medical expenses and compensation for permanent total or partial disability or death. No compensation shall be paid pursuant to this section for pain and suffering. Payments made pursuant to this section shall be reduced by any proceeds received by the claimant from any insurance policy covering the loss. For the purposes of this section, "insurance policy" does not include the medical assistance program authorized under chapter 256B, or the general assistance medical care program authorized under chapter 256D.*

Sec. 4. Minnesota Statutes 1984, section 609.135, subdivision 1, is amended to read:

Subdivision 1. [TERMS AND CONDITIONS.] Except when a sentence of life imprisonment is required by law, or when a mandatory minimum term of imprisonment is required by section 609.11, any court may stay imposition or execution

of sentence and (a) may order noninstitutional sanctions without placing the defendant on probation, or (b) may place the defendant on probation with or without supervision and on the terms the court prescribes, including noninstitutional sanctions when practicable. The court may order the supervision to be under the probation officer of the court, or, if there is none and the conviction is for a felony or gross misdemeanor, by the commissioner of corrections, or in any case by some other suitable and consenting person. *No noninstitutional sanction may be ordered performed at a location that fails to observe applicable requirements or standards of chapter 181A or 182, or any rule promulgated under them.* For purposes of this subdivision, subdivision 6, and section 609.14, the term "noninstitutional sanctions" includes but is not limited to restitution, community work service, and work in lieu of or to work off fines.

A court may not stay the revocation of the driver's license of a person convicted of violating the provisions of section 169.121."

Amend the title as follows :

Page 1, line 2, after the semicolon insert "permitting certain individuals to make claims against the state;"

Page 1, line 7, after "subdivisions" insert "1," and after "2" insert a comma

The motion prevailed and the amendment was adopted.

S. F. No. 281, A bill for an act relating to criminal justice; clarifying the procedure for making certain claims against the state; providing limitations on the payment of claims; 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 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 119 yeas and 0 nays as follows :

Those who voted in the affirmative were:

Anderson, G.	Battaglia	Begich	Boerboom	Brown
Anderson, R.	Beard	Bennett	Brandl	Carlson, L.
Backlund	Becklin	Blatz	Brinkman	Clark

Clausnitzer	Jacobs	Munger	Price	Staten
Cohen	Jaros	Murphy	Quist	Sviggum
Dempsey	Jennings, L.	Nelson, D.	Redalen	Thiede
DenOuden	Kahn	Nelson, K.	Rees	Thorson
Dimler	Kalis	Neuenschwander	Rest	Tjornhom
Dyke	Kelly	Norton	Richter	Tomlinson
Elioff	Kiffmeyer	O'Connor	Riveness	Tompkins
Ellingson	Knickerbocker	Ogren	Rodosovich	Tunheim
Erickson	Knuth	Olsen, S.	Rose	Uphus
Fjoslien	Kostohryz	Olson, E.	Sarna	Valan
Frederick	Krueger	Omann	Schafer	Valento
Frederickson	Kvam	Onnen	Scheid	Vanasek
Frerichs	Levi	Osthoff	Schoenfeld	Vellenga
Greenfield	Long	Otis	Schreiber	Voss
Gruenes	Marsh	Ozment	Shaver	Waltman
Gutknecht	McEachern	Pappas	Sherman	Welle
Halberg	McLaughlin	Pauly	Simoneau	Wenzel
Hartinger	McPherson	Peterson	Skoglund	Wynia
Haukoos	Metzen	Piepho	Solberg	Zaffke
Heap	Miller	Piper	Sparby	Spk. Jennings, D.
Himle	Minne	Poppenhagen	Stanius	

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

Carlson, D., and Dempsey were excused while in conference.

H. F. No. 1258, A bill for an act relating to human services; revising methods for determining state payments to counties for administrative costs of public assistance programs; revising the community social services act; requiring the commissioner to develop standards; establishing minimum funding levels; requiring a study; authorizing certain persons to provide foster or family care services; amending Minnesota Statutes 1984; sections 256D.22; 256E.05, subdivision 3; 256E.06, subdivisions 2, 2a, 3, 5, 6, and by adding subdivisions; 256E.-08, subdivision 1; 256E.09, subdivisions 1, 2, and 3; and 382.18; repealing Minnesota Statutes 1984, section 256E.06, 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.

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

There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Begich	Brandl	Carlson, L.	Dimler
Anderson, R.	Bennett	Brinkman	Clark	Dyke
Backlund	Bishop	Brown	Clausnitzer	Elioff
Battaglia	Blatz	Burger	Cohen	Ellingson
Becklin	Boerboom	Carlson, D.	Dempsey	Erickson

Fjoslien	Knuth	Ogren	Richter	Tjornhom
Forsythe	Krueger	Olsen, S.	Riveness	Tomlinson
Frederick	Kvam	Olson, E.	Rodosovich	Tompkins
Frederickson	Levi	Omamm	Rose	Tunheim
Frerichs	Long	Onnen	Sarna	Uphus
Greenfield	Marsh	Osthoff	Schafer	Valan
Gruenes	McDonald	Otis	Scheid	Valento
Guiknecht	McEachern	Ozment	Schoenfeld	Vanasek
Halberg	McLaughlin	Pauly	Scaberg	Vellenga
Hartinger	McPherson	Peterson	Shaver	Voss
Hartle	Metzen	Piepho	Sherman	Waltman
Haukoos	Miller	Piper	Simoneau	Welle
Jacobs	Minne	Poppenhagen	Skoglund	Wenzel
Jaros	Munger	Price	Solberg	Wynia
Jennings, L.	Murphy	Quinn	Sparby	Zaffke
Kahn	Nelson, D.	Quist	Stanius	Spk. Jennings, D.
Kalis	Nelson, K.	Redalen	Staten	
Kelly	Neuenschwander	Rees	Sviggum	
Kiffmeyer	Norton	Rest	Thiede	
Knickerbocker	O'Connor	Rice	Thorson	

The bill was passed and its title agreed to.

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce 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. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Clausnitzer moved that the House refuse to concur in the Senate amendments to H. F. No. 702, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker :

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested :

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.

PATRICK E. FLAHAVERN, Secretary of the Senate

Pauly moved that the House refuse to concur in the Senate amendments to H. F. No. 856, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 615:

Tunheim, McPherson and Clausnitzer.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 650:

Valento, Schafer and Marsh.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 863:

Seaberg, Marsh and Jacobs.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 401:

Dempsey, McDonald and Cohen.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 702:

Clausnitzer; Anderson, R.; Forsythe; Zaffke and Jennings, L.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 856:

Pauly, Valento, Quinn, Boerboom and Vanasek.

SPECIAL ORDERS

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, 3, and 4; 145.921; and 145.922; repealing Minnesota Statutes 1984, section 145.912, subdivisions 16, 17, and 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.

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

There were 128 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	Fjoslien	Long	Pauly	Stanius
Beard	Forsythe	Marsh	Peterson	Staten
Becklin	Frederick	McDonald	Piepho	Sviggum
Begich	Frederickson	McEachern	Piper	Thiede
Bennett	Frerichs	McKasy	Poppenhagen	Thorson
Bishop	Greenfield	McLaughlin	Price	Tjornhom
Blatz	Cruenes	McPherson	Quinn	Tomlinson
Boerboom	Gutknecht	Metzen	Quist	Tompkins
Boo	Halberg	Miller	Redalen	Tunheim
Brandl	Hartinger	Minne	Rees	Uphus
Brinkman	Hartle	Munger	Rest	Valan
Brown	Haukoos	Murphy	Richter	Valento
Burger	Himle	Nelson, D.	Riveness	Vanasek
Carlson, D.	Jacobs	Nelson, K.	Rodosovich	Vellenga
Carlson, J.	Jennings, L.	Neuenschwander	Rose	Voss
Carlson, L.	Kahn	Norton	Sarna	Waltman
Clark	Kalis	O'Connor	Schafer	Welle
Clausnitzer	Kelly	Ogren	Scheid	Wenzel
Cohen	Kiffmeyer	Olsen, S.	Schoenfeld	Wynia
Dempsey	Knickerbocker	Olson, E.	Seaberg	Zaffke
DenOuden	Knuth	Omman	Shaver	Spk. Jennings, D.
Dimler	Kostohryz	Onnen	Sherman	
Dyke	Krueger	Osthoff	Simoneau	

The bill was passed and its title agreed to.

S. F. No. 1088, 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 third time 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 129 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	Fjoslien	Lieder	Pappas	Skoglund
Battaglia	Forsythe	Long	Pauly	Sparby
Beard	Frederick	Marsh	Peterson	Stanius
Becklin	Frederickson	McDonald	Piepho	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
Brandl	Hartle	Minne	Rees	Tunheim
Brown	Haukoos	Munger	Rest	Uphus
Burger	Himle	Murphy	Rice	Valan
Carlson, D.	Jacobs	Nelson, D.	Richter	Valento
Carlson, J.	Jaros	Nelson, K.	Riveness	Vanasek
Carlson, L.	Jennings, L.	Neuenschwander	Rodosovich	Vellenga
Clark	Kahn	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	Wynia
Dimler	Knuth	Omann	Schreiber	Zaffke
Dyke	Kostohryz	Onnen	Seaberg	Spk. Jennings, D.
Elioff	Krueger	Osthoff	Shaver	

The bill was passed and its title agreed to.

S. F. No. 930 was reported to the House.

There being no objection S. F. No. 930 was temporarily laid over on Special Orders.

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 third time 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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 903 was reported to the House.

There being no objection S. F. No. 903 was temporarily laid over on Special Orders.

S. F. No. 274, A bill for an act relating to civil commitment; requiring a hearing for the continued commitment of mentally retarded persons; amending Minnesota Statutes 1984, section 253B.13, subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

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

There were 126 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Rodosovich

The bill was passed and its title agreed to.

S. F. No. 1045 was reported to the House.

Carlson, L., moved to amend S. F. No. 1045, as follows:

Delete everything after the enacting clause and insert:

“Section 1. [334.20] [USURIOUS INTEREST; DETERMINATION AT TIME OF CONTRACT.]

The law existing at the time of a contract for the loan or forbearance of money, goods, or services, or things in action shall determine whether the interest charged on the loan or forbearance exceeded the maximum statutory interest rate, and the penalty for exceeding the maximum statutory interest rate in effect at the time of the transaction shall be applied notwithstanding a subsequent repeal or modification of the maximum

statutory interest rate. This section applies to all actions to enforce a contract for the loan or forbearance of money, goods, or things in action that have not been reduced to final judgment on the effective date of this section, and applies to all contracts governed by this chapter, except sections 334.16 to 334.18, and chapters 47, 48, 50, 51A, 52, 53, and 56.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

The motion prevailed and the amendment was adopted.

Carlson, L., moved to amend S. F. No. 1045, as amended, as follows:

Page 1, line 20, delete "*except*"

Page 1, line 21, delete "*sections 334.16 to 334.18,*"

Page 1, line 22, after "56" insert "*, except sections 334.16 to 334.18*"

The motion prevailed and the amendment was adopted.

S. F. No. 1045, 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 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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Brandl	DenOuden	Greenfield	Kahn
Backlund	Brinkman	Dimler	Gruenes	Kalis
Battaglia	Brown	Dyke	Gutknecht	Kelly
Beard	Burger	Elioff	Halberg	Kiffmeyer
Becklin	Carlson, D.	Ellingson	Hartinger	Knickerbocker
Begich	Carlson, J.	Erickson	Hartle	Knuth
Bennett	Carlson, L.	Fjoslien	Haukoos	Kostohryz
Bishop	Clark	Forsythe	Himle	Krueger
Blatz	Clausnitzer	Frederick	Jacobs	Kvam
Boerboom	Cohen	Frederickson	Jaros	Levi
Boo	Dempsey	Frerichs	Jennings, L.	Lieder

Long	Norton	Poppenhagen	Schoenfeld	Tomlinson
Marsh	O'Connor	Price	Schreiber	Tompkins
McDonald	Ogren	Quinn	Seaberg	Tunheim
McEachern	Olsen, S.	Quist	Shaver	Uphus
McKasy	Olson, E.	Redalen	Sherman	Valan
McLaughlin	Omanu	Rees	Simoneau	Valento
McPherson	Onnen	Rest	Skoglund	Vellenga
Metzen	Osthoff	Rice	Solberg	Voss
Miller	Otis	Richter	Sparby	Waltman
Minne	Ozment	Riveness	Stanis	Welle
Munger	Pappas	Rodosovich	Staten	Wenzel
Murphy	Pauly	Rose	Sviggum	Wynia
Nelson, D.	Peterson	Sarna	Thiede	Zaffke
Nelson, K.	Piepho	Schafer	Thorson	Spk. Jennings, D.
Neuenschwander	Piper	Scheid	Tjornhom	

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

S. F. No. 87 was reported to the House.

Sviggum moved to amend S. F. No. 87, as follows:

Page 1, line 16, strike "At any location" and strike "where"

Page 1, strike lines 17 to 20

Page 2, after line 2, insert:

"Sec. 2. [PROVIDING STATE-PAID INSURANCE FOR CERTAIN RETIRED EMPLOYEES.]

Notwithstanding other provisions of law, employees of the livestock weighing and licensing and grain inspection divisions of the department of agriculture who are eligible for retirement under the rule of 85 and who voluntarily retire before age 65 shall be eligible for state-paid insurance coverages to which they were entitled at the time of their voluntary retirement. To be eligible under this provision, employees who were eligible to retire under the rule of 85 prior to the effective date of this section and had not retired must exercise their option to retire within 30 days of final enactment of this section. Employees who become eligible between the effective date of final enactment of this section and June 30, 1986, must exercise their option to retire within 30 days of the date they become eligible for retirement under the rule of 85. State paid insurance coverage shall cease when the employee reaches age 65 or becomes eligible for similar paid benefits under other employment. This section is effective the day following final enactment. This section is repealed June 30, 1986."

Amend the title as follows:

Page 1, after line 3, insert "providing state-paid insurance benefits for certain retired employees;"

The motion prevailed and the amendment was adopted.

S. F. No. 87, A bill for an act relating to agriculture; removing the limitation on certain fees for state livestock weighing services; amending Minnesota Statutes 1984, section 17A.11.

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 102 yeas and 18 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Forsythe	Marsh	Ozment	Sparby
Backlund	Frederick	McDonald	Pappas	Stanius
Battaglia	Greenfield	McEachern	Pauly	Staten
Beard	Cruenes	McKasy	Peterson	Sviggun
Begich	Gutknecht	McLaughlin	Piepho	Thorson
Bennett	Hartinger	McPherson	Piper	Tjornhom
Bishop	Hartle	Metzen	Price	Tomlinson
Boo	Haukoos	Minne	Quist	Tompkins
Brandl	Heap	Munger	Redalen	Tunheim
Brinkman	Jacobs	Murphy	Rest	Uphus
Brown	Jaros	Neison, D.	Rice	Valento
Burger	Jennings, L.	Nelson, K.	Riveness	Vanasek
Carlson, L.	Kahn	Neuenschwander	Rodosovich	Vellenga
Clark	Kalis	Norton	Rose	Voss
Clausnitzer	Kelly	O'Connor	Sarna	Waltman
Cohen	Knickerbocker	Ogren	Scheid	Wenzel
Dempsey	Knuth	Olsen, S.	Schoenfeld	Wynia
Dyke	Krueger	Olson, E.	Sherman	Spk. Jennings, D.
Elioff	Kvam	Onnen	Sinoncau	
Ellingson	Levi	Osthoff	Skoglund	
Erickson	Long	Otis	Solberg	

Those who voted in the negative were:

Blatz	Frederickson	Miller	Seaberg	Valan
Boerboom	Frerichs	Rees	Shaver	Welle
DenOuden	Himle	Richter	Thiede	Zaffke
Fjoslien	Kiffmeyer	Schafer		

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

Krueger was excused while in conference.

S. F. No. 279 was reported to the House and given its third reading.

MOTION FOR RECONSIDERATION

Miller moved that the action whereby S. F. No. 279 was given its third reading be now reconsidered. The motion did not prevail.

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 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 72 yeas and 42 nays as follows:

Those who voted in the affirmative were:

Backlund	Fjoslien	Kostohryz	Onnen	Sherman
Battaglia	Forsythe	Levi	Osthoff	Solberg
Bennett	Frederick	Long	Ozment	Stanius
Blatz	Frederickson	McDonald	Pappas	Sviggum
Boerboom	Frerichs	McKasy	Pauly	Thorson
Boo	Gutknecht	McPherson	Quist	Tjornhom
Brandl	Halberg	Minne	Redalen	Tomlinson
Brinkman	Hartinger	Munger	Rees	Tompkins
Burger	Hartle	Murphy	Rest	Valento
Carlson, L.	Himle	Nelson, D.	Richter	Vellenga
Clausnitzer	Jacobs	Nelson, K.	Rose	Waltman
Cohen	Jaros	Neuenschwander	Schafer	Spk. Jennings, D.
Dempsey	Kelly	Norton	Scheid	
Dimler	Kiffmeyer	Ogren	Seaberg	
Elioff	Knickerbocker	Olsen, S.	Shaver	

Those who voted in the negative were:

Anderson, G.	Haukoos	Olson, E.	Riveness	Valan
Beard	Jennings, L.	Omann	Sarna	Voss
Begich	Kalis	Otis	Schoenfeld	Welle
Brown	Knuth	Peterson	Simoneau	Wenzel
Dyke	Marsh	Piepho	Skoglund	Wynia
Ellingson	McEachern	Piper	Sparby	Zaffke
Erickson	McLaughlin	Price	Thiede	
Greenfield	Metzen	Quinn	Tunheim	
Gruenes	Miller	Rice	Uphus	

The bill was passed and its title agreed to.

The Speaker called Halberg to the Chair.

S. F. No. 1067 was reported to the House.

There being no objection S. F. No. 1067 was temporarily laid over on Special Orders.

S. F. No. 866 was reported to the House.

Rose moved to amend S. F. No. 866, as follows:

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 mixed municipal solid waste, by the generator or during collection, 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 and reusing the materials in their original form or using them 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.15, subdivision 2, is amended to read:

Subd. 2. [DUTIES OF COMMISSIONER.] The commissioner of administration shall develop policies to (REDUCE THE VOLUME OF WASTE GENERATED BY) *require state agencies and the state legislature to separate all recyclable and reusable commodities wherever feasible.* The commissioner shall develop and institute procedures for the separation, collection, and storage of used commodities wherever feasible in state agencies and shall establish policies for the reuse, sale, or disposition of recovered materials and surplus property. The commissioner shall promote and publicize the waste reduction and waste separation and recovery procedures on an ongoing basis to all state employees. The commissioner shall issue guidelines for the procurement of recyclable commodities and commodities containing recycled materials that include definitions of recycled materials, the percentage of recycled materials to be contained in each commodity and performance specifications. To the extent practicable, the guidelines shall be written so as to give preference to recyclable commodities and commodities containing recycled materials. The commissioner shall inform state agencies whenever recycled commodities are available for purchase. The com-

missioner shall investigate opportunities for the inclusion of and may include local governments and regional agencies in administrative state programs to reduce waste, and to separate and recover recyclable and reusable commodities.

Sec. 5. Minnesota Statutes 1984, section 115A.81, is amended to read:

Subdivision 1. [SCOPE.] The terms used in sections 115A.80 to (115A.89) *115A.893* have the meanings given them in this section.

Subd. 2. [DESIGNATION.] "Designation" means a requirement by a waste management district or county that all or any portion of the *mixed municipal* solid waste that is generated within its boundaries or any service area thereof and is deposited within the state be delivered to a resource recovery facility identified by the district or county.

Subd. 3. [REVIEWING AUTHORITY.] "Reviewing authority" means the agency responsible for reviewing and approving a designation plan under section 115A.84, subdivision 3, and a designation ordinance under section 115A.86, subdivision 2.

Sec. 6. 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 designation 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. 7. 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. 8. Minnesota Statutes 1984, section 115A.86, subdivision 1, is amended to read:

Subdivision 1. [DESIGNATION ORDINANCE.] (a) The district or county shall prepare a designation ordinance to implement a designation. The designation ordinance must: (1) define the geographic area and the types and quantities of solid waste subject to designation; (2) specify the point or points of delivery of the solid waste; (3) require that the designated solid waste be delivered to the specified point or points of delivery; (4) *require the designated facility to accept all designated solid waste delivered to the specified point or points of delivery, unless the facility has notified waste collectors in the designated area that the facility is inoperative;* (5) set out the procedures and principles to be followed by the county or district in establishing and amending any rates and charges at the designated facility; and ((5)) (6) state any additional regulations governing waste collectors or other matters necessary to implement the designation.

(b) The designation ordinance must provide an exception for: (1) materials that are exempt or excluded from the designation under section 115A.83 or 115A.84, subdivision 4; and (2) materials otherwise subject to the designation for which

negotiated contractual arrangements exist that will require and effect the delivery of the waste to the facility for the term of the contract.

Sec. 9. [115A.893] [PETITION FOR EXCLUSION.]

Any person proposing to own or operate a resource recovery facility using waste materials subject to a designation ordinance may petition the waste district or county for exclusion of the materials from the designation ordinance. In order to qualify for the exclusion of materials under this section, the petitioner shall submit with the petition a written description of the proposed facility, its intended location, its waste supply sources, purchasers of its products, its design capacity, and other information that the district or county may reasonably require. The district or county, after appropriate notice and hearing, shall issue a written decision with findings of fact and conclusions on all material issues. The district or county shall grant the petition if it determines that: (a) the materials will be processed at another resource recovery facility, and (b) the exclusion can be implemented without impairing the financial viability of the designated facility or impairing contractual obligations or preventing the performance of contracts by the facility owner or operator, the district or county, or users of the facility. Any person aggrieved by the decision of the county may appeal to the reviewing authority. The review is confined to the record. The decision of the reviewing authority must be based on the standards stated in this section. If the reviewing authority approves the petition, the designation ordinance must be amended in conformance with the decision of the reviewing authority. The petition may be amended during the proceedings by agreement between the petitioner and the district or county.

Sec. 10. [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. 11. 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. 12. [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 except for transfer to a recycler.

Sec. 13. Minnesota Statutes 1984, section 116.07, subdivision 4h, is amended to read:

Subd. 4h. [FINANCIAL RESPONSIBILITY RULES.] The agency shall adopt rules requiring the operator or owner of a solid waste disposal facility to submit to the agency proof of the operator's or owner's financial capability to provide reasonable and necessary response during the operating life of the facility and for 20 years after closure, and to provide for the clo-

sure of the facility and postclosure care required under agency rules. Proof of financial responsibility is required of the operator or owner of a facility receiving an original permit or a permit for expansion after adoption of the rules. Within 180 days of the effective date of the rules or by *January 1, 1987, whichever is later*, proof of financial responsibility is required of an operator or owner of a facility with a remaining capacity of more than five years or 500,000 cubic yards that is in operation at the time the rules are adopted. Compliance with the rules is a condition of obtaining or retaining a permit to operate the facility.

Sec. 14. 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. 15. Minnesota Statutes 1984, section 473.149, is amended by adding a subdivision to read:

Subd. 6. [COST AND FINANCING ANALYSIS.] By January 1, 1987, and each odd-numbered year thereafter, the council shall report to the legislature on the operating, capital, and debt service costs of solid waste facilities in the metropolitan area; changes in the costs; the methods used to pay the costs; and the resultant allocation of costs among users of the facilities and the general public. The report must present the cost and financing analysis in the aggregate and broken down by county and by major facility.

Sec. 16. Minnesota Statutes 1984, section 473.153, subdivision 1, is amended to read:

Subdivision 1. [FACILITIES REQUIRED.] Except as provided in subdivision 7 and section 115A.33, all (SEWAGE SLUDGE DISPOSAL FACILITIES AND) facilities for the disposal of solid waste generated by the metropolitan waste control commission shall be established and operated in accordance with this section and section 473.516. The council and the commission shall establish the facilities needed for the disposal of (SEWAGE SLUDGE AND) solid waste generated by the commission. The council and the commission shall establish at least one facility.

Sec. 17. Minnesota Statutes 1984, section 473.153, subdivision 2, is amended to read:

Subd. 2. [CANDIDATE SITE SELECTION.] The council shall select candidate sites for the disposal of the commission's (SEWAGE SLUDGE AND) solid waste, together with appropriate surrounding buffer areas. The council shall select at least (FOUR) *three* candidate sites by September 1, 1983. The council shall evaluate sites for candidacy on the basis of at least the following factors: local land use and land use controls, the protection of agriculture and natural resources, existing and future development patterns, transportation facilities, distance from the points of generation, and the intrinsic suitability of sites compared with other potential sites. Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of the council, counties, or local units of government, no land shall be excluded from consideration for candidacy except land determined by the agency to be intrinsically unsuitable. No site shall be selected for candidacy unless the agency certifies its intrinsic suitability for the use intended, based on preliminary environmental analysis and on-site surveys and investigations conducted by the council. The council shall provide to the agency data relating to the intrinsic suitability of the sites to be proposed as candidate sites as soon as available. The council shall propose at least six locations as candidate sites and the director of the agency shall issue a notice indicating which of those sites the director recommends be certified as intrinsically suitable. The director shall publish notice of a consolidated hearing on the recommendation. Notice shall be published in the state register and newspapers of general circulation in the metropolitan area and shall be sent by mail to local government units containing a proposed candidate site. The hearing shall be conducted by the state office of administrative hearings in a manner consistent with the completion of the proceedings and the administrative law judge's report to the agency in the time allowed by this section. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the council and additional information on the proposed sites which is relevant to the agency's decision on intrinsic suitability. The rule-making and contested case procedures of chapter 14 shall not apply to this hearing. The report of the administrative law judge shall contain findings of fact, conclusions, and recommendations on the subject of the hearing. The agency shall make a final determination as to the intrinsic suitability of each proposed site and shall certify them accordingly within 90 days of the council's proposal of a site. The agency shall not be required to promulgate rules pursuant to chapter 14 on criteria and standards to govern its certification of intrinsic suitability under this section. No action of the agency shall be held invalid by reason of the agency's failure to notify any of the entities listed in this subdivision. In selecting candidate sites, the council shall prefer land which is capable of being returned to its existing use or the use anticipated in a plan of a metropolitan agency, county, or local unit of government use after closure of a disposal facility.

Sec. 18. 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. 19. 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. 20. 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 landspreading 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. 21. 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 33 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 33 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. 22. 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. 23. 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. 24. 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. 25. 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. 26. 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*. Prior to its adoption of standards and procedures for certifying need, the council may issue a temporary certificate of need for expansion of an existing waste disposal facility that would otherwise be closed due to reaching its permitted capacity, if neither the owner of the facility nor an affiliate of the owner owns another permitted waste disposal facility in the metropolitan area to use pending adoption of standards by the council. The temporary certificate of need is effective only until the council has adopted standards and procedures for certifying need and has either issued or denied issuance of a certificate of need for the facility in accordance with its standards and procedures. An affiliate means a corporation, partnership, sole proprietor, or other entity which controls, is controlled by, or is under common control with the owner. 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. 27. 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 to levy ad valorem taxes for debt service of the council's solid waste bonds upon all taxable property within the metropolitan area, without limitation of rate or amount and without affecting the amount or rate of taxes which may be levied by the council for other purposes or by any local government unit in the area. Each of the county auditors shall annually assess and extend upon the tax rolls in his county the portion of the taxes levied by the council in each year which is certified to him by the council. The principal amount of bonds issued pursuant to this section shall not exceed \$15,000,000.

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 for: (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. 28. 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. 29. 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. 30. 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. 31. 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. 32. 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) clauses (1) and (2), the landfill abatement (AND), resource recovery, and recycling must be included in the applicable county master plan or approved by the metropolitan council (AND). To qualify under clause (1), the city or town must certify, in the manner and form determined by the council, 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. 33. [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. 34. 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 subdivision 1, 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 subdivision 1, clause (2) is appropriated from the landfill contingency action fund to the commissioner of finance for transfer to the general fund.

Sec. 35. Laws 1984, chapter 644, section 81, subdivision 3, is amended to read:

Subd. 3. [FEE ADMINISTRATION.] The sum of \$75,000 is appropriated from the general fund to the commissioner of revenue for the purpose of administering section 73. This appropriation is available until June 30, 1985. This appropriation shall be reimbursed to the general fund (UNDER SECTION 73, SUBDIVISION 7. THE COMPLEMENT OF THE DEPARTMENT OF REVENUE IS INCREASED BY TWO POSITIONS), and the amount necessary to make the reimbursement is appropriated, one-half from the landfill abatement fund and one-half from the landfill contingency action fund, to the commissioner of finance for transfer to the general fund.

Sec. 36. [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 Minnesota Statutes 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. 37. [RECOMMENDATIONS ON FINANCIAL RESPONSIBILITY.]

By January 1, 1986, the legislative commission on waste management shall recommend to the legislature mechanisms that will enable owners and operators of solid waste land disposal facilities to comply with the requirements of the financial responsibility rules adopted under Minnesota Statutes section 116.07, subdivision 4h.

Sec. 38. [APPROPRIATION.]

Subdivision 1. [PURPOSES.] Until June 30, 1987, the balance in the metropolitan landfill abatement fund after the appropriations in Laws 1984, chapter 644, section 81, subdivisions 2 and 3 as amended; and Minnesota Statutes, section 473.844, subdivision 5, is appropriated to the pollution control agency for payment to the metropolitan council and may be used by the council for the following purposes:

<i>(a) Grants and loans for market development for reusable and recyclable waste materials</i>	<i>\$ 30,000</i>	<i>\$ 30,000</i>
<i>(b) Technical assistance and administration of grants, loans, and municipal cost recovery payments</i>	<i>\$ 15,000</i>	<i>\$ 15,000</i>
<i>(c) Solid waste management planning assistance in the metropolitan area</i>	<i>\$ 51,000</i>	<i>\$ 51,000</i>
<i>(d) Grants and loans for resource recovery and public education</i>	<i>\$204,000</i>	<i>\$204,000</i>

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.] If in any year the amount in the abatement fund is insufficient for the appropriations in this section, the appropriation in clause (d) is reduced accordingly.

Subd. 3. [WORK PROGRAM REQUIRED.] Each year, the council shall submit to the legislative commission on waste management, in the form determined by the commission, a budget and work program showing planned expenditures from the fund. The council may not spend the money until the commission has made its recommendations on the budget and work program. The recommendations are advisory only. The council shall report to the legislature by February 15 of each year on expenditures from the fund.

Sec. 39. [APPLICATION.]

Sections 18 to 33 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 40. [REPEALER.]

Minnesota Statutes 1984, section 473.843, subdivision 7, is repealed."

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.15, subdivision 2; 115A.81; 115A.84, subdivisions 3 and 4; 115A.86, subdivision 1; 115A.919; 116.07, subdivision 4h; 400.04, subdivision 1; 473.149, by adding a subdivision; 473.153, subdivisions 1, 2, 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; 473.844, subdivisions 2 and 5; and Laws 1984, chapter 644, section 81, subdivi-

sions 2 and 3; proposing coding for new law in Minnesota Statutes, chapters 115A and 473; repealing Minnesota Statutes 1984, section 473.843, subdivision 7."

The motion prevailed and the amendment was adopted.

Rose moved to amend S. F. No. 866, as amended, as follows:

Page 1, line 35, after "*recycling*" insert a comma and delete "*Recyclable*"

Page 1, line 36, delete "*materials includes*" and before "*paper*" insert "*including*"

Page 5, line 32, delete "*another*" and insert "*the*" before "*resource*"

Page 6, line 2, before "*county*" insert "*district or*"

Page 7, line 24, insert after the period "*This section does not apply if no person is willing to accept the recyclable materials.*"

Page 12, after line 7, insert:

"Sec. 22. Minnesota Statutes 1984, section 473.801, subdivision 1, is amended to read:

Subdivision 1. For the purposes of sections 473.801 to 473.845 and section 33 the terms defined in this section have the meanings given them."

Page 21, line 30, delete "*Each*"

Page 21, line 31, delete "*metropolitan*" and insert "*The*" before "*county*"

Renumber the sections in sequence.

Amend the title accordingly.

The motion prevailed and the amendment was adopted.

Rose and Anderson, R., moved to amend S. F. No. 866, as amended, as follows:

Page 22, after line 15, insert:

"Sec. 44. [PUBLIC WELFARE.]

Of the appropriations to the commissioner of administration for replacing the boiler emission control unit at the Fergus Falls

State Hospital in Laws 1983, chapter 344, section 12, subdivision 4, and Laws 1984, chapter 597, section 18, subdivision 3, paragraph (b), up to \$500,000 may be used for solid waste incineration equipment."

Renumber the remaining sections

The motion prevailed and the amendment was adopted.

Sparby, Solberg, Dyke, and Erickson moved to amend S. F. No. 866, as amended, as follows:

Page 22, after line 8, insert:

"Sec. 39. [SOLID WASTE MANAGEMENT.]

Subd. 1. [LONG-TERM CONTRACTS.] Murray, Nobles, Pipestone, and Rock counties may jointly negotiate and enter into contracts, for a term not to exceed 30 years, for the management of solid waste generated in the counties. This authority supplements other authority of the counties. Contracts made by joint negotiations shall be approved by resolution adopted by the county board of each county. The contract may only be dissolved, before the date specified in the contract, by resolution of the county board of all counties involved.

Subd. 2. [APPLICATION.] This section is effective in Murray, Nobles, Pipestone and Rock counties the day after compliance with Minnesota Statutes, section 645.021, subdivision 3.

Sec. 40. [JOINT POWERS AGREEMENT.] *Murray, Nobles, Pipestone, and Rock counties may enter into a joint powers agreement for the management of solid waste under Minnesota Statutes section 37. Other counties that enter into a joint powers agreement under Minnesota Statutes section 471.59 with Murray, Nobles, Pipestone, and Rock counties may enter contracts under Section 37 in the same manner as the counties in Section 37.*

Sec. 41. [PENNINGTON COUNTY; RESOURCE RECOVERY.]

Subd. 1. [LEASE OR SALE OF PROPERTY.] Pennington county may sell or lease any facilities or property or property rights to accomplish the purposes specified in Minnesota Statutes chapter 400. The property may be sold or leased in the manner provided by Minnesota Statutes section 400.14, or may be sold or leased in the manner and on the terms and conditions determined by the county board.

Subd. 2. [APPLICATION.] This section is effective in Pennington county the day after compliance with Minnesota Statutes, section 645.021, subdivision 3.

Sec. 42. [ITASCA COUNTY; GRANT, ADVANCE, OR LOAN FROM FEDERAL OR STATE GOVERNMENT.]

Itasca county may by ordinance accept from the government of the United States or the state of Minnesota grants, loans, or advances of money for energy improvements to heating facilities under Minnesota Statutes chapter 116J or sections 298.292 to 298.298, and may make agreements to repay any such loans or advances without submitting the proposal to a vote of the people."

Renumber the sections in sequence.

Amend the title accordingly.

The motion prevailed and the amendment was adopted.

Backlund moved to amend S. F. No. 866, as amended, as follows:

Page 16, line 13, delete everything after "*schedule*"

Page 16, delete lines 14-26

Page 16, line 27, delete "owner"

The motion prevailed and the amendment was adopted.

Gruenes and Nelson, D., moved to amend S. F. No. 866, as amended, as follows:

Page 3, before line 1, insert:

"Sec. 5. Minnesota Statutes 1984, section 115A.54, subdivision 2, is amended to read:

Subd. 2. [ADMINISTRATION; ASSURANCE OF FUNDS.] The board shall provide technical and financial assistance for the acquisition and betterment of the facilities and transfer stations from revenues derived from the issuance of bonds authorized by section 115A.58. Facilities for the incineration of solid waste without resource recovery are not eligible for assistance. (OF) Money appropriated for the purposes of the demonstration program (, AT LEAST 70 PERCENT SHALL BE DISTRIBUTED AS LOANS, AND THE REMAINDER SHALL) *may* be distributed as grants or loans. An individual project may receive assistance totaling up to 100 percent

of the capital cost of the project and grants up to 50 percent of the capital cost of the project. No grant or loan shall be disbursed to any recipient until the board has determined the total estimated capital cost of the project and ascertained that financing of the cost is assured by funds provided by the state, by an agency of the federal government within the amount of funds then appropriated to that agency and allocated by it to projects within the state, by any person, or by the appropriation of proceeds of bonds or other funds of the recipient to a fund for the construction of the project."

Page 23, after line 18, insert:

"Sec. 48. [EFFECTIVE DATE.]

Section 5 is effective July 1, 1985."

Renumber the sections in sequence.

Amend the title accordingly.

The motion prevailed and the amendment was adopted.

Pauly moved to amend S. F. No. 866, as amended, as follows:

Page 23, after line 15, insert:

"Sec. 40. Notwithstanding Laws 1984, chapter 644, section 83, a new mixed municipal solid waste disposal facility or capacity shall not be permitted in the metropolitan area without a certificate of need, as provided by Section 67. This section is effective the day following final enactment."

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

Ogren offered an amendment to S. F. No. 866, as amended.

POINT OF ORDER

Long raised a point of order pursuant to rule 3.9 that the Ogren amendment was not in order. The Speaker pro tempore Halberg ruled the Long point of order well taken and the Ogren amendment out of order.

S. F. No. 866, 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, disposal sites, local disposal fees, metropolitan sludge and sludge ash facilities, and metropolitan county ordinances; grant-

ing and clarifying the powers which may be exercised by a county located outside the metropolitan area if it enters into an agreement with a metropolitan county for solid waste or resource recovery purposes; defining terms; allocating and appropriating money from the metropolitan landfill contingency action and abatement funds; permitting Pennington county to dispose of certain property; permitting Itasca county to accept loans, advances, or grants from federal or state government; permitting certain counties to make joint contracts or agreements for solid waste management; providing for use of an appropriation for solid waste incineration equipment at the Fergus Falls State Hospital; amending Minnesota Statutes 1984, sections 115A.03, subdivision 27; 115A.84, subdivisions 3 and 4; 115A.919; 400.04, subdivision 1; 473.153, subdivisions 2, 5, 6b, and 7; 473.801, subdivision 1; 473.811, subdivisions 5 and 5a; 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, 116C, and 473.

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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Tomlinson	Uphus	Vanasek	Waltman	Wynia
Tompkins	Vaian	Vellenga	Welle	Zaffke
Tunheim	Valento	Voss	Wenzel	Spk. Jennings, D.

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

S. F. No. 719 was reported to the House.

Sparby moved to amend S. F. No. 719, as follows:

Page 1, line 24, after "state" insert ", specifically Marshall, Roseau and Beltrami counties,"

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

S. F. No. 719, 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; requiring removal of elk from the state; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 97.

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 123 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

Fjoslien

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

MOTION FOR RECONSIDERATION

Kahn moved that the vote whereby H. F. No. 849 was not passed earlier today be now reconsidered.

A roll call was requested and properly seconded.

The question was taken on the Kahn motion and the roll was called.

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

There were 68 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Forsythe	Levi	Pappas	Stanius
Backlund	Frederick	Long	Piper	Staten
Becklin	Greenfield	Marsh	Quist	Sviggum
Bennett	Gruenes	McDonald	Rees	Thorson
Boo	Hartle	McLaughlin	Rest	Tomlinson
Brandl	Heap	McPherson	Richter	Tompkins
Burger	Himle	Metzen	Rose	Valento
Carlson, D.	Jaros	Murphy	Scheid	Vellenga
Carlson, L.	Johnson	Nelson, D.	Schreiber	Waltman
Clark	Kahn	Nelson, K.	Seaberg	Welle
Cohen	Kelly	Norton	Segal	Wynia
Dimler	Kiffmeyer	Olsen, S.	Shaver	Zaffke
Dyke	Knickerbocker	Onnen	Sherman	
Ellingson	Knuth	Otis	Skoglund	

Those who voted in the negative were:

Anderson, G.	Carlson, J.	Frerichs	Kvam	Olson, E.
Battaglia	Clausnitzer	Gutknecht	Lieder	Omann
Beard	Dempsey	Hartinger	McEachern	Osthoff
Begich	DenOuden	Haukoos	Miller	Ozment
Blatz	Elioff	Jacobs	Minne	Pauly
Boerboom	Erickson	Kalis	Neuenschwander	Peterson
Brinkman	Fjoslien	Kostohryz	O'Connor	Piepho
Brown	Frederickson	Krueger	Ogren	Poppenhagen

Price	Riveness	Schoenfeld	Thiede	Vanasek
Quinn	Rodosovich	Simoneau	Tjornhom	Voss
Redalen	Sarna	Solberg	Tunheim	Wenzel
Rice	Schafer	Sparby	Uphus	

The motion prevailed.

H. F. No. 849 was reported to the House.

MOTION FOR RECONSIDERATION

Kahn moved that the action whereby H. F. No. 849 was given its third reading be now reconsidered. The motion prevailed.

Kiffmeyer moved to amend H. F. No. 849, the fourth engrossment, as follows:

Page 3, after line 4, insert:

“Sec. 3. Minnesota Statutes 1984, section 116.16, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] In this section and sections 116.17 and 116.18:

(1) Agency means the Minnesota pollution control agency created by this chapter;

(2) Municipality means any county, city, and town, the metropolitan waste control commission established in chapter 473 and the metropolitan council when acting under the provisions of that chapter or an Indian tribe or an authorized Indian tribal organization, and any other governmental subdivision of the state responsible by law for the prevention, control, and abatement of water pollution in any area of the state;

(3) Pollution control fund means the Minnesota state water pollution control fund created by subdivision 1;

(4) Bond account means the Minnesota state water pollution control bond account created in the state bond fund by section 116.17, subdivision 4;

(5) Terms defined in section 115.01 have the meanings therein given them;

(6) The eligible cost of any municipal project, except as otherwise provided in clauses (7) and (8), includes (a) preliminary planning to determine the economic, engineering, and environmental feasibility of the project; (b) engineering, architectural, legal, fiscal, economic, sociological, project administrative

costs of the agency and the municipality, and other investigations and studies; (c) surveys, designs, plans, working drawings, specifications, procedures, and other actions necessary to the planning, design, and construction of the project; (d) erection, building, acquisition, alteration, remodeling, improvement, and extension of disposal systems; (e) inspection and supervision of construction; and (f) all other expenses of the kinds enumerated in section 475.65.

(7) For state grant purposes hereunder, the eligible cost for grant applicants shall be the eligible cost as determined by the United States environmental protection agency under the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1314, et seq.

(8) Notwithstanding clause (7), for state grants under the state independent grants program, the eligible cost includes the acquisition of land for stabilization ponds, *the construction of collector sewers for totally unsewered statutory and home rule charter cities and towns described under section 368.01, subdivision 1 or subdivision 1a, that are in existence as of May 1, 1985,* and the provision of reserve capacity sufficient to serve the reasonable needs of the municipality for 20 years in the case of treatment works and 40 years in the case of sewer systems. Notwithstanding clause (7), for state grants under the state independent grants program, the eligible cost does not include (THE PROVISION OF COLLECTOR SEWERS AS DEFINED IN AGENCY RULES,) the provision of (SERVICE TO SEASONAL HOMES, OR) cost increases from contingencies that exceed three percent of as-bid costs or cost increases from unanticipated site conditions that exceed an additional two percent of as-bid costs."

Renumber the sections

Amend the title and correct internal references

The motion prevailed and the amendment was adopted.

Kahn moved to amend H. F. No. 849, the fourth engrossment, as amended, as follows:

Page 5, line 14, delete "*separated less than 75 percent of its*"

A roll call was requested and properly seconded.

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

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

There were 70 yeas and 55 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Greenfield	McPherson	Quist	Spasby
Backlund	Hartle	Metzen	Rees	Stanius
Becklin	Heap	Murphy	Rest	Staten
Bennett	Jaros	Nelson, D.	Rice	Thorson
Boo	Kahn	Nelson, K.	Richter	Tomlinson
Brandl	Kelly	Norton	Rodosovich	Tompkins
Burger	Kiffmeyer	Olson, E.	Sarna	Uphus
Carlson, D.	Knickerbocker	Omamm	Scheid	Vaiento
Carlson, L.	Knuth	Otis	Schreiber	Vanasek
Clark	Krueger	Pappas	Seaberg	Vellenga
Cohen	Levi	Pauly	Shaver	Voss
Dyke	Long	Peterson	Sherman	Welle
Ellingson	McKasy	Piper	Simoneau	Wenzel
Forsythe	McLaughlin	Price	Skoglund	Wynia

Those who voted in the negative were:

Anderson, G.	Erickson	Jennings, L.	Neuenschwander	Rose
Beard	Fjoslien	Johnson	O'Connor	Schafer
Begich	Frederick	Kalis	Ogren	Schoenfeld
Blatz	Frederickson	Kostohryz	Olsen, S.	Solberg
Boerboom	Frerichs	Kvam	Onnen	Sviggum
Brinkman	Gruenes	Lieder	Osthoff	Thiede
Brown	Gutknecht	Marsh	Ozment	Tjornhom
Carlson, J.	Hartinger	McDonald	Piepho	Valan
Dempsey	Haukoos	McEachern	Poppenhagen	Waltman
DenOuden	Himle	Miller	Redalen	Zaffke
Elioff	Jacobs	Minne	Riveness	Spk. Jennings, D.

The motion prevailed and the amendment was adopted.

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; increasing the cigarette tax rates; appropriating money; amending Minnesota Statutes 1984, sections 116.16, subdivision 1, and by adding a subdivision; 116.18, subdivisions 1, 3a, and by adding a subdivision; 297.02, by adding subdivisions; 297.13, by adding subdivisions; 297.22, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 86 and 116; repealing Minnesota Statutes 1984, section 116.18, subdivision 2.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 48 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Burger	Ellingson	Frerichs	Kahn
Becklin	Carlson, D.	Erickson	Greenfield	Knickerbocker
Bennett	Clark	Forsythe	Gruenes	Knuth
Boo	Dimler	Frederick	Heap	Marsh
Brandl	Dyke	Frederickson	Jennings, L.	McKasy

McLaughlin	Nelson, K.	Rose	Staten	Valento
McPherson	Omann	Schreiber	Sviggum	Waltman
Metzen	Onnen	Seaberg	Thiede	Wynia
Munger	Quist	Shaver	Tomlinson	
Murphy	Rees	Skoglund	Tunheim	

Those who voted in the negative were:

Anderson, G.	Gutknecht	McDonald	Piper	Sparby
Backlund	Halberg	McEachern	Poppenhagen	Stanius
Battaglia	Hartinger	Miller	Price	Thorson
Beard	Hartle	Minne	Quinn	Tjornhom
Begich	Haukoos	Nelson, D.	Redalen	Tompkins
Bishop	Himle	Neuenschwander	Rest	Uphus
Blatz	Jacobs	Norton	Rice	Valan
Boerboom	Jaros	O'Connor	Richter	Vanasek
Brinkman	Johnson	Ogren	Riveness	Vellenga
Brown	Kalis	Olsen, S.	Rodosovich	Voss
Carlson, J.	Kelly	Olson, E.	Sarna	Welle
Carlson, L.	Kiffmeyer	Osthoff	Schafer	Wenzel
Clausnitzer	Kostohryz	Otis	Scheid	Zaffke
Cohen	Krueger	Ozment	Schoenfeld	Spk. Jennings, D.
Dempsey	Kvam	Pappas	Segal	
DenOuden	Levi	Pauly	Sherman	
Elioff	Lieder	Peterson	Simoneau	
Fjoslien	Long	Piepho	Solberg	

The bill was not passed, as amended.

There being no objection the House recessed subject to the call of the Chair.

RECESS

RECONVENED

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

SPECIAL ORDERS, Continued

S. F. No. 1067 which was temporarily laid over earlier today was again reported to the House.

S. F. No. 1067, 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 third time 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 93 yeas and 0 nays as follows :

Those who voted in the affirmative were :

Backlund	Elioff	Marsh	Picpho	Stanius
Battaglia	Ellingson	McEachern	Piper	Sviggum
Beard	Fjoslien	McPherson	Poppenhagen	Thiede
Becklin	Forsythe	Metzen	Price	Thorson
Begich	Frederick	Miller	Quinn	Tjornhom
Bennett	Frederickson	Murphy	Quist	Tomlinson
Bishop	Gruenes	Nelson, D.	Redalen	Tompkins
Blatz	Halberg	Nelson, K.	Rees	Tunheim
Boo	Hartinger	Norton	Rest	Uphus
Brinkman	Hartle	O'Connor	Richter	Valan
Brown	Haukoos	Ogren	Riveness	Valento
Burger	Jacobs	Olson, E.	Rodosovich	Vanasek
Carlson, L.	Johnson	Omann	Rose	Voss
Clark	Kelly	Onnen	Sarna	Waltman
Cohen	Kiffmeyer	Osthoff	Schafer	Wenzel
Dempsey	Knickerbocker	Otis	Scheid	Wynia
DenOuden	Knuth	Pappas	Shaver	Spk. Jennings, D.
Dimler	Levi	Pauly	Sherman	
Dyke	Lieder	Peterson	Skoglund	

The bill was passed and its title agreed to.

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate :

Mr. Speaker :

I hereby announce 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. 98, A bill for an act relating to retirement ; expanding the availability of certain appropriations for actuarial services.

PATRICK E. FLAHAVER, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Knickerbocker moved that the House concur in the Senate amendments to H. F. No. 98 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 98, A bill for an act relating to retirement ; expanding the availability of certain appropriations for actuarial services ; authorizing amendments for the Duluth, Minneapolis, and St.

Paul teachers retirement fund associations; approving the rescission of exemption from modification of pension coverage for Faribault firefighters and police relief associations; providing lump sum payments to certain retired or disabled public employees; appropriating money; amending Laws 1979, chapter 109, section 1, as amended.

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.

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

There were 115 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Knickerbocker moved that the House refuse to concur in the Senate amendments to H. F. No. 440, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

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.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Bennett moved that the House concur in the Senate amendments to H. F. No. 1145 and that the bill be repassed as amended by the Senate. The motion prevailed.

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 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.

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

There were 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Carlson, D., moved that the House concur in the Senate amendments to H. F. No. 155 and that the bill be repassed as amended by the Senate. The motion prevailed.

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, 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.

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

There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 755, A bill for an act relating to horseracing; authorizing the legislative auditor to perform certain audits; authorizing the commission to adopt certain medication rules;

authorizing the attorney general to prosecute certain felonies; amending Minnesota Statutes 1984, sections 240.02, by adding a subdivision; 240.24; and 240.26, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Carlson, D., moved that the House concur in the Senate amendments to H. F. No. 755 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 755, A bill for an act relating to horseracing; authorizing the legislative auditor to perform certain audits; requiring the commission to adopt certain medication rules; authorizing the attorney general to prosecute certain felonies; amending Minnesota Statutes 1984, sections 240.02, by adding a subdivision; 240.24; and 240.26, 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.

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

There were 93 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Frederick	Krueger	Peterson	Sherman
Backlund	Frederickson	Levi	Piepho	Simoneau
Beard	Frerichs	Lieder	Piper	Solberg
Becklin	Greenfield	Marsh	Poppenhagen	Sparby
Begich	Gruenes	McDonald	Price	Stanius
Bennett	Gutknecht	McLaughlin	Quinn	Sviggum
Blatz	Hartinger	Munger	Quist	Thiede
Boerboom	Hartle	Murphy	Redalen	Thorson
Brinkman	Haukoos	Neuenschwander	Rees	Tjornhom
Brown	Heap	Norton	Rest	Tunheim
Burger	Jacobs	O'Connor	Richter	Uphus
Carlson, D.	Jaros	Ogren	Rodosovich	Valan
Carlson, L.	Jennings, L.	Olsen, S.	Rose	Valento
DenOuden	Johnson	Olson, E.	Sarna	Vanasek
Dimler	Kalis	Omann	Schafer	Waltman
Dyke	Kiffmeyer	Onnen	Scheid	Wenzel
Elioff	Knickerbocker	Osthoff	Schoenfeld	Spk. Jennings, D.
Erickson	Knuth	Otis	Seaberg	
Fjoslien	Kostohryz	Pauly	Shaver	

Those who voted in the negative were:

Battaglia	Kelly	Pappas	Skoglund	Voss
Brandl	Long	Riveness	Tomlinson	Welle
Clark	Nelson, D.	Segal	Vellenga	Wynia
Cohen				

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 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, subdivisions 1 and 4; 60B.46, by adding subdivisions; 60C.05, subdivision 1; 60C.18; and 61B.07, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Olsen, S., moved that the House concur in the Senate amendments to H. F. No. 857 and that the bill be repassed as amended by the Senate. The motion prevailed.

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; amending Minnesota Statutes 1984, sections 60B.44, subdivision 1; 60B.46, by adding subdivisions; and 60C.05, subdivision 1.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called.

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

There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Backlund	Brandl	Dimler	Gruenes	Kalis
Battaglia	Brinkman	Dyke	Gutknecht	Kelly
Beard	Brown	Elioff	Hartinger	Kiffmeyer
Becklin	Burger	Ellingson	Hartle	Knickerbocker
Begich	Carlson, D.	Fjoslien	Haukoos	Knuth
Bennett	Carlson, L.	Forsythe	Heap	Kostohryz
Bishop	Clark	Frederick	Jacobs	Krueger
Blatz	Clausnitzer	Frederickson	Jaros	Levi
Boerboom	Cohen	Frcrichs	Johnson	Lieder
Boo	DenOuden	Greenfield	Kahn	Long

Marsh	Ogren	Quinn	Segal	Tunheim
McDonald	Olsen, S.	Quist	Shaver	Uphus
McEachern	Olson, E.	Redalen	Sherman	Valan
McPherson	Omann	Rees	Simoneau	Valento
Metzen	Onnen	Rest	Skoglund	Vanasek
Miller	Osthoff	Richter	Solberg	Vellenga
Minne	Otis	Riveness	Sparby	Voss
Munger	Pappas	Rodosovich	Stanis	Waltman
Murphy	Pauly	Rose	Staten	Welle
Nelson, D.	Peterson	Sarna	Sviggum	Wenzel
Nelson, K.	Piepho	Schafer	Thiede	Wynia
Neuenschwander	Piper	Scheid	Thorson	Zaffke
Norton	Poppenhagen	Schoenfeld	Tjornhom	Spk. Jennings, D.
O'Connor	Price	Seaberg	Tomlinson	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker :

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested :

H. F. No. 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 subdivisions; 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.

PATRICK E. FLAHAVER, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Knuth moved that the House concur in the Senate amendments to H. F. No. 957 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 957, A bill for an act relating to agriculture; providing that local governments may enter agreements; providing for soil and water conservation; imposing a penalty; amending Minnesota Statutes 1984, sections 40.19, subdivisions 1, 2, 5, 6, 7, 8, 9, 11, 13, and by adding subdivisions; 40.20; 40.21; 40.22, subdivisions 1 and 2; 40.23; 40.25; 40.26; 40.28; Laws 1979, chapter 315, sections 1; and 2, as amended; proposing coding for new law in Minnesota Statutes, chapter 40; repealing Minnesota Statutes 1984, sections 40.19, subdivisions 3, 4, 10, 12, 14, and 15; and 40.24.

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.

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

There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1458, A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Valan moved that the House concur in the Senate amendments to H. F. No. 1458 and that the bill be repassed as amended by the Senate. The motion prevailed.

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 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.

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

There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 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 eco-

conomic 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Sparby moved that the House concur in the Senate amendments to H. F. No. 648 and that the bill be repassed as amended by the Senate. 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, 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.

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

There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Tompkins
Tunheim
Uphus

Valento
Vanasek
Vellenga

Voss
Waltman
Welle

Wenzel
Wynia

Zaffke
Spk. Jennings, D.

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Bishop moved that the House refuse to concur in the Senate amendments to H. F. No. 1227, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 440:

Knickerbocker, Sviggum, Gutknecht, Sarna and Simoneau.

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON 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.

May 17, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 968, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 968 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [136.311] [STATE UNIVERSITY PARKING RULES.]

Subdivision 1. [AUTHORITY.] Notwithstanding section 169.966, the state university board may authorize a state university to adopt and enforce rules about parking on property owned or leased by the university. The rules may enable a university to assess and collect a fine and a towing fee for a violation of a rule. Money collected under this section by a state university is annually appropriated to the university for parking lot maintenance, improvement, and rule enforcement. A state university, with the approval of the state university board, shall establish procedures to resolve a dispute arising from enforcement of a rule. The provisions of chapter 14 shall not apply to this section.

Sec. 2. 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 sought in any single action does not exceed \$2,000;

(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 of 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. 3. 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 sought in any single action does not exceed \$2,000;

(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 of 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. 4. 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 sought in any single action does not exceed \$2,000;

(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 of 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. 5. [136.89] [STATE UNIVERSITY NONPROFIT FOUNDATION PAYROLL DEDUCTIONS.]

Subdivision 1. [REQUEST; WARRANT.] The commissioner of finance, upon the written request of an employee of a state university or the state university board, may deduct each payroll period from the salary or wages of the employee the amount requested for payment to a nonprofit university foundation meeting the requirements in subdivision 2. The commissioner shall issue a warrant for the deducted amount to the nonprofit foundation.

Subd. 2. [FOUNDATION APPLICATION; APPROVAL.] A nonprofit foundation that desires to receive contributions through payroll deductions shall apply to the state university board for approval to participate in the payroll deduction plan. The board may approve the application for participation if the foundation:

(1) is tax exempt under section 501(c)3 of the Internal Revenue Code of 1954, as amended;

(2) qualifies for tax deductible contributions under section 170 of the Internal Revenue Code of 1954, as amended;

(3) secures funding solely for distribution to that state university; and

(4) has been incorporated according to chapter 317 for at least one calendar year prior to the date it applies to the state university board for approval.

Subd. 3. [SOLICITATION.] Efforts to secure payroll deductions authorized in subdivision 1 shall not interfere with, require a modification of, nor be conducted during the period of a payroll deduction fund drive for employees authorized by section 309.501.

Sec. 6. [STUDY OF NON-NEED SCHOLARSHIPS.]

The higher education coordinating board shall study the feasibility of post-secondary systems using direct appropriations for non-need scholarships. The study shall include consideration of the inequity of the distribution of funds and methods of alleviating the inequity. The board shall report its recommendations to the chairs of the house appropriations and senate finance committees by January 15, 1986."

Delete the title and insert:

"A bill for an act relating to education; authorizing post-secondary boards to award scholarships based on academic achievement; providing conciliation court with jurisdiction to determine actions brought by educational institutions to recover student loans; authorizing state universities to adopt and enforce

parking rules on their property; permitting payroll deductions for employees of state universities and the state university board for an eligible nonprofit university foundation; requiring HECE to study non-need scholarships; amending Minnesota Statutes 1984, sections 487.30, by adding a subdivision; 488A.12, subdivision 3; and 488A.29, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 136."

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

House Conferees: TED THORSON, BOB HAUKOOS and JIM BOERBOOM.

Senate Conferees: GENE WALDORF, TOM A. NELSON and PATRICIA LOUISE KRONEBUSCH.

Thorson moved that the report of the Conference Committee on H. F. No. 968 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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 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.

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

There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Quist	Sarna	Skoglund	Tomlinson	Waltman
Redalen	Schafer	Solberg	Tompkins	Welle
Rees	Scheid	Sparby	Tunheim	Wenzel
Rest	Schoenfeld	Stanius	Uphus	Wynia
Rice	Seaberg	Staten	Valan	Zaffke
Richter	Segal	Sviggum	Valent	Spk. Jennings, D.
Riveness	Shaver	Thiede	Vanasek	
Rodosevich	Sherman	Thorson	Vellenga	
Rose	Simoneau	Tjornhom	Voss	

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON 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.

May 17, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 1037, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

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

House Conferees: CHRIS TJORNHOM, ELTON R. REDALEN and JOEL JACOBS.

Senate Conferees: CONRAD M. VEGA, DONALD M. MOE and DENNIS R. FREDERICKSON.

Tjornhom moved that the report of the Conference Committee on H. F. No. 1037 be adopted and that the bill be repassed as amended by the Conference Committee. 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, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called.

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

There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON 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.

May 17, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 729, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 729 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 69.011, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] Unless the language or context clearly indicates that a different meaning is intended, the following words and terms shall for the purposes of this chapter and chapters 423, 424 and 424A have the meanings ascribed to them:

(a) “Commissioner” means the commissioner of revenue.

(b) “Municipality” means any home rule charter or statutory city, organized town or park district subject to chapter 398, and the *University of Minnesota*.

(c) “Minnesota Firetown Premium Report” means a form prescribed by the commissioner containing space for reporting by insurers of fire, lightning, sprinkler leakage and extended coverage premiums received upon risks located or to be performed in this state less return premiums and dividends.

(d) “Firetown” means the area serviced by any municipality having a qualified fire department or a qualified incorporated fire department having a subsidiary volunteer firefighters relief association.

(e) “Assessed Property Valuation” means latest available assessed value of all property in a taxing jurisdiction, whether the property is subject to taxation, or exempt from ad valorem taxation obtained from information which appears on abstracts filed with the commissioner of revenue or equalized by the state board of equalization.

(f) “Minnesota Aid to Police Premium Report” means a form prescribed by the commissioner for reporting by each fire and casualty insurer of all premiums received upon direct business received by it in this state, or by its agents for it, in cash or otherwise, during the preceding calendar year, with reference to insurance written for insuring against the perils contained in auto liability-bodily injury, auto liability-property damage, and auto physical damage as reported in the Minnesota business schedule of the fire and casualty insurance companies annual fi-

financial statement which each insurer is required to file with the commissioner in accordance with the governing laws or regulations less return premiums and dividends.

(g) "Peace officer" means any person :

(1) Whose primary source of income derived from wages is from direct employment by a municipality or county as a law enforcement officer on a full time basis of not less than 30 hours per week ;

(2) Who has been employed for a minimum of six months prior to December 31 preceding the date of the current year's certification pursuant to subdivision 2, clause (b) ;

(3) Who is sworn to enforce the general criminal laws of the state and local ordinances ;

(4) Who is licensed by the peace officers standards and training board and is authorized to arrest with a warrant; and

(5) Who is a member of a local police relief association to which section 69.77 applies or the public employees police and fire fund.

(h) "Full time equivalent number of peace officers providing contract service" means the integral or fractional number of peace officers which would be necessary to provide the contract service if all peace officers providing service were employed on a full time basis as defined by the employing unit and the municipality receiving the contract service.

(i) "Retirement benefits other than a service pension" means any disbursement authorized pursuant to section 424.05, subdivision 3, clauses (2), (3) and (4).

(j) "Municipal clerk, municipal clerk-treasurer or county auditor" means the person who was elected or appointed to the specified position or, in the absence of the person, another person who is designated by the applicable governing body. In a park district the clerk is the secretary of the board of park district commissioners. *In the case of the University of Minnesota, the clerk is that official designated by the board of regents.*

Sec. 2. Minnesota Statutes 1984, section 69.26, is amended to read:

69.26 [RELIEF ASSOCIATIONS SELF GOVERNING.]

Subdivision 1. Each relief association shall be organized, operated, and maintained in accordance with its own articles of

incorporation and bylaws, by firefighters, as defined in section 69.27, who are members of the fire departments. Each association shall have power to regulate its own management and its own affairs, and all additional corporate powers which may be necessary or useful; subject to the regulations and restrictions of the laws of this state pertaining to corporations not inconsistent herewith.

Subd. 2. Each relief association may provide for the participation of retired members of the fire departments in the governance of the association as each association deems appropriate. The bylaws of the associations may be amended to provide retired members the right to vote, to be elected to the board and to pay dues.

Sec. 3. Minnesota Statutes 1984, section 353.01, subdivision 2a, is amended to read:

Subd. 2a. [INCLUDED EMPLOYEES.] The following persons are included in the meaning of "public employee":

- (a) Elected or appointed officers and employees of elected officers.
- (b) District court reporters.
- (c) Officers and employees of the public employees retirement association.
- (d) Employees of the League of Minnesota Cities.
- (e) Officers and employees of public hospitals, owned or operated by or an integral part of, any governmental subdivision or governmental subdivisions.
- (f) Employees of a school district who receive separate salaries for driving their own buses.
- (g) Employees of the Association of Minnesota Counties.
- (h) Employees of the Metropolitan Inter-County Association.
- (i) Employees of the Minnesota Municipal Utilities Association.
- (j) Employees of the metropolitan airports commission if employment initially commences on or after July 1, 1979.
- (k) Employees of the Minneapolis employees retirement fund, if employment initially commences on or after July 1, 1979.

(l) Employees of the Range Association of Municipalities and Schools.

(m) Employees of the soil and water conservation districts.

(n) *Employees of a county historical society.*

Sec. 4. Minnesota Statutes 1984, section 353.34, is amended by adding a subdivision to read:

Subd. 3b. [DEFERRED ANNUITY; CERTAIN FORMER MUNICIPAL COURT JUDGES.] Any person who qualified for membership in the association solely because of service as a municipal court judge, whose service as a municipal court judge was terminated by Laws 1971, chapter 951, section 9, and who elected to leave his or her accumulated deductions in the fund to qualify for a deferred annuity, may receive a deferred early retirement annuity under section 353.30, subdivisions 1, 1a, 1b, or 1c, notwithstanding the law in effect on the date of his or her termination of public service.

Sec. 5. Minnesota Statutes 1984, section 423A.02, is amended to read:

423A.02 [LOCAL POLICE AND FIREFIGHTERS' RELIEF ASSOCIATION AMORTIZATION STATE AID.]

Subdivision 1. Any municipality in which is located a local police or salaried firefighters' relief association to which the provisions of section 69.77, apply, unless the municipality has adopted a municipal resolution retaining the local relief association pursuant to section 423A.01, subdivision 1, shall be entitled upon (ANNUAL) application (ON OR BEFORE THE DATE SPECIFIED) as required by the commissioner of finance to receive local police and salaried firefighters' relief association amortization state aid if the municipality and the appropriate relief association both comply with the applicable provisions of sections 69.031, subdivision 5, 69.051, subdivisions 1 and 3, and 69.77. The amount of (LOCAL POLICE AND SALARIED FIREFIGHTERS' RELIEF ASSOCIATION) amortization state aid to which a municipality is entitled annually shall be an amount equal to the level annual dollar amount required to amortize, by December 31, 2010, the unfunded accrued liability of the special fund of the appropriate relief association as reported in the (MOST RECENT) December 31, 1978, actuarial valuation of the relief association prepared pursuant to Minnesota Statutes (1978), sections 356.215 and 356.216, (AND FILED WITH THE COMMISSIONER OF COMMERCE ON THE DATE OF FINAL ENACTMENT OF LAWS 1980, CHAPTER 607,) reduced by the dollar amount required to pay the interest on the unfunded accrued liability of the special fund of the relief association for (THE) calendar year

(NEXT FOLLOWING THE DATE OF FINAL ENACTMENT OF LAWS 1980, CHAPTER 607,) 1981 set at the rate specified in Minnesota Statutes 1978, section 356.215, subdivision 4, clause (4). Payment of (LOCAL POLICE AND SALARIED FIREFIGHTERS' RELIEF ASSOCIATION) amortization state aid to municipalities shall be made directly to the municipalities involved in four equal installments on March 15, July 15, September 15 and November 15 annually. Upon receipt of (THE LOCAL POLICE AND SALARIED FIREFIGHTERS' RELIEF ASSOCIATION) amortization state aid, the municipal treasurer shall transmit the aid amount to the treasurer of the local relief association for immediate deposit in the special fund of the relief association. The commissioner of finance shall prescribe and periodically revise the form for and content of the (ANNUAL) application for the (LOCAL POLICE AND SALARIED FIREFIGHTERS' RELIEF ASSOCIATION) amortization state aid. The amounts required to pay the (LOCAL POLICE AND SALARIED FIREFIGHTERS' RELIEF ASSOCIATION) amortization state aid are hereby annually appropriated from the general fund to the commissioner of finance.

Subd. 2. Any municipality which has qualified for amortization state aid under subdivision 1 shall continue upon application to be entitled to receive amortization state aid and supplementary amortization state aid authorized by Laws 1984, chapter 564, section 48, after the local police or salaried firefighters' relief association has been consolidated into the public employees police and fire fund.

Sec. 6. [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, as 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. 7. Minnesota Statutes 1984, section 423A.15, is amended to read:

423A.15 [EFFECT OF PROVISIONS FOR EXISTING DISABILITY BENEFIT RECIPIENTS.]

The provisions of section 423A.06 shall apply to any member of any applicable local relief association in active service on or

after March 24, 1982. The provisions of section 423A.11 shall apply to any person receiving a disability benefit from a local relief association on or after March 24, 1982. The provisions of section 423A.12 shall apply to any person who returns to active employment as a police officer or firefighter, whichever is applicable, after receipt of a permanent disability benefit (ON OR AFTER MARCH 24, 1982). The provisions of section 423A.14 shall apply to any person who first commences receipt of a disability benefit after March 24, 1982.

Sec. 8. Minnesota Statutes 1984, section 424A.02, subdivision 6, is amended to read:

Subd. 6. [PAYMENT OF SERVICE PENSIONS; NONAS-SIGNABILITY.] The method of calculating service pensions shall be applied uniformly for all years of active service and credit shall be given for all years of active service, except as otherwise provided in this section. No service pension shall be paid to any person while the person remains an active member of the respective fire department, and no person who is receiving a service pension shall be entitled to receive any other benefits from the special fund of the relief association. No service pension or ancillary benefits paid or payable from the special fund of a relief association to any person receiving or entitled to receive a service pension or ancillary benefits shall be subject to garnishment, judgment, execution or other legal process, except as provided in section 518.611. No person entitled to a service pension or ancillary benefits from the special fund of a relief association may assign any service pension or ancillary benefit payments, nor shall the association have the authority to recognize any assignment or pay over any sum which has been assigned.

Sec. 9. Minnesota Statutes 1984, section 424A.02, subdivision 9, is amended to read:

Subd. 9. [LIMITATION ON ANCILLARY BENEFITS.] Any relief association may pay ancillary benefits which would constitute an authorized disbursement as specified in section 424A.05 subject to the following limitations:

(a) With respect to a relief association in which governing bylaws provide for a lump sum service pension to a retiring member, no ancillary benefit may be paid to any former member or paid to any person on behalf of any former member after the former member (1) terminates active service with the fire department and active membership in the relief association; and (2) commences receipt of a service pension as authorized pursuant to this section; and

(b) With respect to any relief association, no ancillary benefit paid or payable to any member, to any former member, or

to any person on behalf of any member or former member, may exceed in amount the total earned service pension of the member or former member. The total earned service pension (IS) shall be calculated using the service pension amount specified in the by-laws of the relief association and the years of service credited to the member or former member. The years of service (ARE) shall be determined as of (1) the date the member or former member became entitled to the ancillary benefit; or (2) the date the member or former member died entitling a survivor or the estate of the member or former member to an ancillary benefit. The (SURVIVOR) ancillary benefit (MAY) shall be calculated (1) without regard to whether the member or former member had attained the minimum amount of service and membership credit specified in the governing bylaws; and (2) without regard to the percentage amounts specified in subdivision 2; except that the bylaws of any relief association may provide for the payment of a survivor benefit in an amount not to exceed five times the yearly service pension amount specified in the bylaws on behalf of any member who dies before having performed five years of active service in the fire department with which the relief association is affiliated.

Sec. 10. Minnesota Statutes 1984, section 424A.02, is amended by adding a subdivision to read:

Subd. 12. [TRANSFER OF SERVICE CREDIT TO NEW DISTRICT.] Notwithstanding the requirements of subdivision 1 or any other law, a member of a fire department which is disbanded upon formation of a fire district to serve substantially the same geographic area, who serves as an active firefighter with the new district fire department, and is a member of the district firefighters' relief association shall be entitled to a non-forfeitable service pension from the new relief association upon completion of a combined total of 20 years active service in the disbanded and the new departments. The amount of the service pension shall be based upon years of service in the new department only, 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.

Sec. 11. Laws 1969, chapter 950, section 1, subdivision 1, as amended by Laws 1978, chapter 720, section 19, and Laws 1982, chapter 450, section 1, is amended to read:

Subdivision 1. [ELIGIBILITY FOR COVERAGE.] Any person who was employed by the county of Hennepin or its agencies, boards, commissions, authorities and committees prior to (THE EFFECTIVE DATE OF THIS ACT) April 14, 1982, as an employee or an officer in the classified service as defined in Laws 1965, Chapter 855, and amendatory and supplemental acts, or as an employee in the unclassified service, and who has served for five years as a county employee or an officer in the classified service, or as a county employee in the unclassified service, which

need not necessarily be continuous, and which shall include time served as a county employee prior to June 8, 1965, if the person is an employee in the classified service, shall be entitled to elect to (RETAIN OR) obtain (, WHICHEVER IS APPLICABLE,) coverage by the Hennepin county supplemental retirement program. The election to (RETAIN OR) obtain coverage may be exercised only once (. THE ELECTION TO RETAIN COVERAGE SHALL BE EXERCISED WITHIN 90 DAYS OF THE EFFECTIVE DATE OF THIS ACT. THE ELECTION TO OBTAIN COVERAGE) and shall be exercised within 30 days of the date on which the person first becomes entitled to elect to obtain coverage. *No person hired, rehired, or reinstated by the county as an employee in the classified or unclassified service on or after April 14, 1982, shall be eligible for coverage by the Hennepin county supplemental retirement program.*

Sec. 12. Laws 1969, chapter 950, section 4, as amended by Laws 1975, chapter 153, section 2, and Laws 1982, chapter 450, section 4, is amended to read:

Sec. 4. [SUPPLEMENTAL RETIREMENT BENEFITS; REDEMPTION OF SHARES.]

When requested to do so, in writing, on forms provided by the county, by a participant, surviving spouse, a guardian of a surviving child or an estate, whichever is applicable, the county of Hennepin shall redeem shares in the accounts of the Minnesota supplemental investment fund standing in a participant's share account record under the following circumstances and in accordance with the laws and regulations governing the Minnesota supplemental investment fund:

(1) A participant who (HAS REACHED THE AGE OF AT LEAST 58 YEARS AND WHO) is no longer employed by the county of Hennepin shall be entitled to receive the cash realized on the redemption of the shares to the credit of the participant's share account record of the person. The participant may (DIRECT) request the redemption of (NOT MORE THAN 20 PERCENT OF) *all or a portion of the shares in the participant's share account record of the person (IN ANY ONE YEAR), but may not (DIRECT) request more than one redemption in any one calendar (MONTH; PROVIDED, HOWEVER, THAT THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENNEPIN MAY, UPON APPLICATION, IN THEIR SOLE DISCRETION PERMIT GREATER WITHDRAWALS IN ANY ONE) year. If only a portion of the shares in the participant's share account record is requested to be redeemed the person may request to redeem not less than 20 percent of the shares in any one calendar year and the redemption must be completed in no more than five years. An election is irrevocable except that a participant may request an amendment of the election to redeem all of the person's remaining shares. All re-*

quests under this paragraph are subject to application to and approval of the Hennepin county board, in its sole discretion.

(2) (A PARTICIPANT WHO HAS TERMINATED EMPLOYMENT WITH THE COUNTY OF HENNEPIN ON ACCOUNT OF TOTAL AND PERMANENT DISABILITY SHALL BE ENTITLED TO RECEIVE THE CASH REALIZED ON THE REDEMPTION OF THE SHARES TO THE CREDIT OF THE PARTICIPANT'S SHARE ACCOUNT RECORD OF THE PERSON. THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENNEPIN SHALL MAKE THE INITIAL DETERMINATION OF WHETHER THE PARTICIPANT IS TOTALLY AND PERMANENTLY DISABLED, BUT ANY AGGRIEVED PARTY MAY COMMENCE AN ACTION IN THE DISTRICT COURT FOR HENNEPIN COUNTY FOR A REVIEW DE NOVO OF THE DECISION OF THE COUNTY BOARD. THE PROCEEDINGS IN DISTRICT COURT SHALL CONFORM TO THE MINNESOTA RULES OF CIVIL PROCEDURE. AN APPEAL MAY BE TAKEN TO THE SUPREME COURT FROM ANY FINAL ORDER OR DECISION OF THE DISTRICT COURT IN THE SAME MANNER AS IN OTHER CIVIL ACTIONS. THE PARTICIPANT MAY DIRECT THE REDEMPTION OF ALL OR A PORTION OF THE SHARES IN THE PARTICIPANT'S SHARE ACCOUNT RECORD OF THE PERSON, BUT IN NO EVENT MAY THE PARTICIPANT DIRECT MORE THAN ONE REDEMPTION IN EACH CALENDAR MONTH. IN THE EVENT THAT THE PERSON BECOMES NO LONGER TOTALLY AND PERMANENTLY DISABLED, THE PERSON SHALL OWE NO RESTITUTION TO THE COUNTY OR ANY FUND FOR A REDEMPTION DIRECTED PURSUANT TO THIS PARAGRAPH.)

(IF ONLY A PORTION OF THE SHARES IN THE PARTICIPANT'S SHARE ACCOUNT RECORD IS ELECTED TO BE REDEEMED, THE DISABLED PERSON MAY DIRECT THE REDEMPTION OF NOT MORE THAN 20 PERCENT OF THE SHARES IN ANY ONE YEAR; PROVIDED, HOWEVER, THAT THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENNEPIN MAY, UPON APPLICATION, IN THEIR SOLE DISCRETION PERMIT GREATER WITHDRAWALS IN ANY ONE YEAR.)

((3)) In the event of the death of a participant leaving a surviving spouse, the surviving spouse shall be entitled to receive the cash realized on the redemption of all or a portion of the shares in the participant's share account record of the deceased spouse, but in no event may the spouse (DIRECT) *request* more than one redemption in each calendar (MONTH) *year*. If only a portion of the shares in the participant's share account record is (ELECTED) *requested* to be redeemed, the surviving spouse may (DIRECT) *request* the redemption of not (MORE) *less* than 20 percent of the shares in any one *calendar year* (; PROVIDED, HOWEVER, THAT THE BOARD OF COMMISSION-

ERS OF HENNEPIN COUNTY MAY, UPON APPLICATION, IN THEIR SOLE DISCRETION PERMIT GREATER WITHDRAWALS IN ANY ONE YEAR). *Redemption must be completed in no more than five years. An election is irrevocable except that the surviving spouse may request an amendment of the election to redeem all of the participant's remaining shares. All requests under this paragraph are subject to application to and approval of the Hennepin county board, in their sole discretion.* Upon the death of the surviving spouse, any shares remaining in the participant's share account record shall be redeemed by the county of Hennepin and the cash realized therefrom distributed to the estate of the surviving spouse.

((4)) (3) In the event of the death of a participant leaving no surviving spouse, but leaving a minor surviving child or minor surviving children, the guardianship estate of the minor child or the guardianship estates of the minor children shall be entitled to receive the cash realized on the redemption of all shares to the credit of the participant's share account record of the deceased participant. In the event of minor surviving children, the cash realized shall be paid in equal shares to the guardianship estates of the minor surviving children.

((5)) (4) In the event of the death of a participant leaving no surviving spouse and no minor surviving children, the estate of the deceased participant shall be entitled to receive the cash realized on the redemption of all shares to the credit of the participant's share account record of the deceased participant.

((6) A PARTICIPANT WHO HAS TERMINATED EMPLOYMENT WITH THE COUNTY OF HENNEPIN, WHO DOES NOT QUALIFY PURSUANT TO THE PROVISIONS OF PARAGRAPHS (1) THROUGH (5) AND WHO BECAME A PARTICIPANT IN THE HENNEPIN COUNTY SUPPLEMENTAL RETIREMENT PROGRAM PRIOR TO OR AFTER THE EFFECTIVE DATE OF THIS ACT AND WHO PREVIOUSLY HAD NOT REDEEMED ANY SHARES IN THE PROGRAM SHALL BE ENTITLED TO RECEIVE THE TOTAL AMOUNT OF THE CASH REALIZED ON THE REDEMPTION OF ALL SHARES TO THE CREDIT OF THE PARTICIPANT'S SHARE ACCOUNT RECORD.)

Sec. 13. Laws 1983, chapter 100, section 1, is amended to read:

Section 1. [WITHDRAWAL FROM PARTICIPATION.]

Notwithstanding Laws 1982, chapter 450, or any other law to the contrary, a Hennepin county employee (CURRENTLY) participating in the Hennepin county supplemental retirement program pursuant to Laws 1982, chapter 450 may (, WITHIN A PERIOD OF 180 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION), *in the event of an unforeseeable emergency*, apply to the county to discontinue participation in the

program. Employees who are no longer participating in the program may apply for the redemption of all shares credited to their share account record. *Applications are subject to approval of the Hennepin county board of commissioners in its sole discretion. For the purposes of this section, the term "unforeseeable emergency" shall mean a severe financial hardship to the participant resulting from a sudden and unexpected illness or accident of the participant or a person dependent upon the participant, loss of participant's property due to casualty, or other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the participant. Applications based on foreseeable expenditures normally budgetable shall not be approved.* A participant exercising the option provided by this section shall be ineligible for further participation in the supplemental retirement program.

Sec. 14. Laws 1981, chapter 68, section 42, subdivision 1, is amended to read:

Sec. 42. [THIEF RIVER FALLS POLICE; SURVIVOR BENEFITS.]

Subdivision 1. [BENEFITS.] Notwithstanding Minnesota Statutes, section 423.58, when a service pensioner, disability pensioner, deferred pensioner, or an active member of the Thief River Falls police relief association dies, leaving a surviving spouse, one or more surviving children, or both, the surviving spouse and child or children shall be entitled to a pension or pensions as follows:

(1) To the surviving spouse a pension in an amount not to exceed (\$250) \$300 per month payable for life; provided, however, that if the surviving spouse shall remarry, the pension shall terminate as of the date of remarriage.

(2) To the child or children, until the child reaches the age of 18 years, a monthly benefit in an amount not to exceed \$125 per month. Payments for the benefit of any qualified dependent child under the age of 18 years shall be made to the surviving parent or if none, to the legal guardian of the child. The maximum monthly benefit for any one family shall not exceed \$750. If the member shall die under circumstances which entitle his surviving spouse and dependent children to receive benefits under the workers' compensation law, the amounts so received by them shall not be deducted from the benefits payable under this section.

(3) *Pensions payable to a surviving spouse pursuant to paragraph (1) shall be adjusted annually on January 1, 1986, and January 1 of each year thereafter in proportion to salary increases paid to active patrolmen by the city during the preceding calendar year, to a maximum of three and one-half percent in any calendar year. In no event shall the pension of a surviving spouse exceed \$600 per month.*

Sec. 15. Laws 1982, chapter 574, section 3, subdivision 9, is amended to read:

Subd. 9. [PREVAILING PAY.] "Prevailing pay" means the monthly basic salary and the maximum holiday pay, multiplied by the maximum percentage of longevity. Monthly basic salary, maximum holiday pay, and the percentage of longevity are determined in accordance with the unit employment contract of the police department in effect from time to time or, in the case of police officers not covered by the unit employment contract, by other contracts in effect from time to time. No pension shall be reduced by reason of the employment of a successor at a lower prevailing pay. 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.

Sec. 16. Laws 1982, chapter 574, section 5, is amended to read:

Sec. 5. [VIRGINIA POLICE; BENEFIT CHANGES FOR PARTICIPANTS.]

If the bylaws so authorize, the following changes shall be effective:

(a) The service pension payable to persons who retired from the police department on or before January 12, 1966, shall be supplemented by (\$50) \$100 per month.

(b) For any participant who terminated employment after 20 or more years of service, the amount of the monthly service pension payable after the participant has attained the age of at least 50 years shall be equal to one-half of the prevailing pay of a police officer of the rank and position held by the participant for a period of at least six months prior to termination of service, or to the rank and position most analogous thereto, payable by the police department in each month during which the retired participant receives a service pension.

(c) The amount of a monthly disability pension shall be equal to one-half of the prevailing pay of a police officer of the rank and position held by the participant for a period of at least six months prior to his or her disability or the rank and position most analogous thereto, payable by the police department in each month during the period of the participant's disability, subject to any integration of benefits.

(d) The benefit paid to the surviving spouse of a participant who died on or before January 11, 1967, shall be increased by (\$25) \$50 per month, until the surviving spouse's death or remarriage.

(e) The benefit paid to a surviving child shall be increased to \$50 per child per month, subject to any limitation placed on the total amount of survivor's benefits.

Sec. 17. Laws 1984, chapter 564, section 48, is amended to read:

Sec. 48. [(ANNUAL APPROPRIATION) SUPPLEMENTARY AMORTIZATION STATE AID.]

There is appropriated and transferred from the general fund to the commissioner of finance, \$1,000,000 annually for distribution among those (LOCAL POLICE AND SALARIED FIREFIGHTERS RELIEF ASSOCIATIONS) *municipalities* that receive amortization state aid according to Minnesota Statutes, section 423A.02. Distribution shall be made according to that proportion the unfunded accrued liability of each relief association bears to the total unfunded accrued liabilities of all relief associations as reported in the (MOST RECENT) *December 31, 1983*, actuarial valuations of the relief associations that receive amortization state aid according to section 423A.02. Moneys shall be distributed (TO THE RELIEF ASSOCIATIONS) at the same time fire and police department state aid is distributed according to section 69.021.

Sec. 18. Laws 1984, chapter 574, section 18, is amended to read:

Sec. 18. [BUHL POLICE RETIREMENT BENEFITS.]

Notwithstanding the limitation contained in Minnesota Statutes, section 423.55 or any other law, the bylaws of the Buhl police relief association may be amended to provide for the payment of (A) *an annual* service pension equal to (65) 85 percent of the (MONTHLY) base pay of a member (AT) *for the 12-month period immediately preceding* the time of retirement from the police department. All other provisions of section 423.55 shall apply to the extent not inconsistent with this section.

In addition, the bylaws of the Buhl police relief association may be amended to provide for the recalculation of the service pension payable to a current retiree. The increased service pension may be equal to 85 percent of the total pay of the retired member for the 12-month period immediately preceding the time of retirement from the police department.

Sec. 19. [EVELETH POLICE AND FIREFIGHTERS; BENEFIT INCREASE.]

Notwithstanding any general or special law to the contrary, in addition to other benefits payable, retirement benefits payable to retired police officers and firefighters and the surviving spouses thereof by the Eveleth police and fire trust fund may

be increased by \$25 per month. Increases may be made retro-active to January 1, 1985.

Sec. 20. [NEW ULM POLICE RELIEF ASSOCIATION.]

Subdivision 1. [BENEFIT INCREASE FOR RETIREES.] The New Ulm police relief association is authorized to pay any retired member of the association a supplemental benefit of \$80 per month from the date the retired member is eligible to receive benefits from the association until the member reaches the age of 65 years. This benefit shall be available to only those members retiring after the effective date of this section.

Subd. 2. [FINANCING.] The cost of the additional benefit provided by subdivision 1 will be paid by a 0.75 percent increase in the payroll deduction of the covered payroll of members of the New Ulm police relief association. Any cost of the additional retirement benefits not covered by the increase in payroll deduction shall be reimbursed to the association by the city of New Ulm.

Sec. 21. [STEVENS COUNTY MEMORIAL HOSPITAL EMPLOYEES.]

Subdivision 1. [REFUND OF CONTRIBUTIONS.] A member of the public employees retirement association who was employed by the Stevens county memorial hospital on the date the hospital was taken over by a private corporation or organization shall be paid a refund of accumulated employee and employer contributions made by or on behalf of the employee to the association, plus interest thereon at the rate of six percent per annum. If an employee has previously received a refund of employee contributions, only the employer contributions plus the total interest shall be refunded. No employer additional contributions are to be refunded.

Subd. 2. [DEFERRED ANNUITY.] If an employee described in subdivision 1 had at least five years of allowable service credit, the employee may elect to receive, in lieu of the refund, a deferred annuity pursuant to Minnesota Statutes, section 353.34, subdivision 3, notwithstanding the length of service requirements contained therein. An employee eligible for a deferred annuity who has previously received a refund of employee contributions may reinstate his or her eligibility for a deferred annuity by repaying the amount refunded, including any interest received, to the association.

Subd. 3. [DEADLINE.] Refunds shall be paid or options exercised and repayments of refunds made prior to July 1, 1986.

Sec. 22. [CITY OF ST. PAUL MODEL CITIES HEALTH CENTER PROJECT EMPLOYEES.]

Subdivision 1. [REFUND OF CONTRIBUTIONS.] A member of the public employees retirement association who is employed by the city of St. Paul and assigned to the model cities health center project on the date the project is taken over by a private corporation or organization must, upon the employee's request, be paid a refund of accumulated employee and employer contributions made by or on behalf of the employee to the association, plus interest at the rate of six percent per year. If an employee has previously received a refund of employee contributions, only the employer contributions plus the total interest may be refunded. No employer additional contributions are to be refunded.

Subd. 2. [DEFERRED ANNUITY.] If an employee described in subdivision 1 had at least five years of allowable service credit, the employee may elect to receive, instead of the refund, a deferred annuity under Minnesota Statutes, section 353.34, subdivision 3, notwithstanding the length of service requirements contained in that subdivision. An employee eligible for a deferred annuity who has previously received a refund of employee contributions may reinstate his or her eligibility for a deferred annuity by repaying the amount refunded, including any interest received, to the association.

Subd. 3. [DEADLINE.] Refunds must be paid or options exercised and repayments of refunds made within one year of the date the model cities health center project is taken over by a private corporation or organization.

Sec. 23. [OWATONNA CITY HOSPITAL.]

Refunds authorized by Laws 1984, chapter 574, section 31, may be paid prior to July 1, 1985.

Sec. 24. [TEMPORARY PROVISION; COUNTY HISTORICAL SOCIETY EMPLOYEES.]

Section 3 applies to county historical society employees first employed on or after July 1, 1985. Employees first employed prior to July 1, 1985, may elect membership effective commencing on that date by filing notice of their election with the board of trustees of the association prior to September 1, 1985. Elected coverage shall not be retroactive for service prior to July 1, 1985, and no purchase of prior service credit shall be allowed.

Sec. 25. [MOORHEAD POLICE AND FIREFIGHTERS; RETIREMENT COVERAGE FOR ACTIVE MEMBERS.]

Subdivision 1. [TRANSFER OF COVERAGE.] Notwithstanding any other law, deferred recipients or active police officers and firefighters employed by the police and fire departments of the city of Moorhead on the effective date of sections

25 to 31 who receive their pension and retirement coverage from either the Moorhead police or firefighters relief association cease to be members of their respective association, and cease to accrue service credits, rights, or benefits from their respective relief association on August 1, 1985. On August 1, 1985, active police officers and firefighters employed by the city of Moorhead who meet the requirements of Minnesota Statutes, section 353.64, become members of the public employees police and fire fund established pursuant to Minnesota Statutes, sections 353.63 to 353.68. Their service before August 1, 1985, as police officers and firefighters with the city of Moorhead must be credited as allowable service by the public employees police and fire fund for purposes of Minnesota Statutes, section 353.01, subdivision 16.

Subd. 2. [CALCULATION OF LIABILITY.] The liability for service before August 1, 1985, to be transferred to the police and fire fund must be calculated by the actuary for the police and fire fund based on the following data for each active police officer and firefighter: date of birth, date of entry into service, dates of breaks in service, and salaries for each of the highest five successive years of service. The liability must be calculated as of August 1, 1985, as if each police officer and firefighter were a member of the police and fire fund from the original date of entry into service under the laws governing the police and fire fund on January 1, 1985. The actuary of the police and fire fund shall calculate this liability before the approval of sections 25 to 31 by the city of Moorhead.

The legislative commission on pensions and retirement must approve the calculations of liabilities upon the recommendation of its actuary. The actuary for the police and fire fund shall furnish documents, data, and materials requested by the commission and its actuary.

The city of Moorhead shall pay a required portion of the calculated liability to the police and fire fund. The required portion shall be an amount equal to the percentage which the assets of the police and fire fund bear to the accrued liability of the fund as determined in the June 30, 1984, valuation of the fund.

The required portion of the liability for the service of the police officers and firefighters before August 1, 1985, must be added to the liability of the police and fire fund. The city of Moorhead shall certify the records upon which the liability calculations are performed and shall amortize the amount of that added liability as provided in section 27, subdivision 2.

Sec. 26. [RETIREMENT COVERAGE FOR CURRENT RECIPIENTS OF BENEFITS.]

Current recipients of retirement benefits, disability benefits, or survivor benefits paid by either relief association shall re-

ceive future benefits from the police and fire fund with future adjustments from the Minnesota postretirement investment fund, called the postretirement fund in sections 27 to 30, pursuant to Minnesota Statutes, section 11A.18.

The relief association shall obtain estimates of reserves for current or deferred benefit recipients from the actuary of the police and fire fund. The estimates must be of the reserves necessary to support a benefit in an amount equal to that received by each recipient in July 1985, plus future adjustments from the postretirement fund, assuming the recipient was retiring at his or her attained age as of July 31, 1985, from the police and fire fund on that date. The calculation must be made using the interest assumption of the postretirement fund and the applicable police and fire fund mortality table. For recipients with eligible spouses, the reserves must include the right of the spouse to receive a surviving spouse benefit as provided by the laws and the bylaws governing the relief association as of January 1, 1985.

The relief association shall compile a list of recipients to receive future benefit adjustments from the postretirement fund, called the postfund recipients and the corresponding required reserves for those recipients. The relief association shall provide the board of the public employees retirement association with the list so that the board can pay the August 1985 payments.

The accrued liability as of July 31, 1985, for all postfund recipients must be added to the liability of the police and fire fund and ceases to be the liability of each relief association. The police and fire fund shall transfer the required reserves for the postfund recipients to the postretirement fund by July 31, 1985.

The required reserves for the January 1, 1986, increase determined using the interest assumption of the postretirement fund and the applicable police and fire fund mortality table shall be transferred by the police and fire fund to the postretirement fund on January 1, 1986. If any assets remain in either the Moorhead police relief association or in the special fund of the Moorhead firefighters relief association after the transfer of assets for the postfund recipients, those assets must be transferred to the public employees retirement association to reduce the unfunded accrued liability resulting from transfer of the liability of the active employees. If the assets transferred for the postfund recipients are insufficient, the city shall finance the remaining unfunded accrued liability as provided in section 27, subdivision 3.

Future adjustments, pursuant to Minnesota Statutes, section 11A.18, must be calculated on the annuity or benefit amount payable by either relief association in July 1985. For the purposes of determining and paying the January 1, 1986, adjust-

ment from the postretirement fund, the adjustment must be calculated as though June 30, 1984, were the effective date of retirement for each postfund recipient.

Sec. 27. [FINANCIAL REQUIREMENTS FOR CITY OF MOORHEAD.]

Subdivision 1. [RECEIPT OF STATE AID.] Amortization state aid, fire state aid, or other money received by the city for pension purposes must be allocated by the city among the financial requirements of this section.

Subd. 2. [FINANCIAL REQUIREMENTS OF POLICE AND FIRE FUND MEMBERS.] The city of Moorhead shall make the employer contribution to the police and fire fund on behalf of all active police officers and firefighters employed by the police and fire departments as required in Minnesota Statutes, section 353.65, subdivision 3.

In addition, the city shall make an additional contribution to the police and fire fund to amortize the unfunded accrued liability incurred by the police and fire fund as a result of the crediting of service before August 1, 1985. The additional contribution must be the level annual dollar amount that is required to amortize by the year 2010 the unfunded accrued liability incurred as a result of the consolidation, using an interest assumption of eight percent. The additional contribution is payable at the beginning of each fiscal year, commencing July 1, 1986. Upon request of the city of Moorhead, the board may permit the city to make payments according to a different schedule.

Subd. 3. [FINANCIAL REQUIREMENTS FOR POST-FUND RECIPIENTS.] The city of Moorhead shall amortize the unfunded accrued liability incurred by the police and fire fund as a result of the transfer of reserves by the police and fire fund to the postretirement fund for the postfund recipients. That liability, if any, calculated by the police and fire fund actuary as provided in section 26, must be amortized and paid in the same manner as the unfunded liability incurred as a result of the consolidation, as provided in subdivision 2, except that the amortization period must be equal to the average life expectancy of the postfund recipients as of August 1, 1985. The actuary of the police and fire fund shall determine the period of amortization based on the mortality tables applicable to the police and fire fund.

Subd. 4. [LEVY AUTHORITY.] The city of Moorhead shall levy to provide for the financial requirements of subdivisions 2 and 3. Notwithstanding any other law, any levy required to provide the necessary financing is not included in any limitation as to rate or amount set by charter and is a special levy for purposes of Minnesota Statutes, section 275.50, subdivision 5, clause (o).

Sec. 28. [TERMINATION OF RELIEF ASSOCIATIONS.]

Subdivision 1. [TRANSFER OF ASSETS.] All assets of the special fund of the Moorhead firefighters relief association and all assets of the Moorhead police relief association must be transferred to the public employees retirement association as provided in section 26. The transfer of assets must include any accounts receivable, regardless of source. Accounts payable on August 1, 1985, must also be transferred to the public employees retirement association. The public employees retirement association is the successor in interest with respect to all claims by or against either relief association or the city of Moorhead arising from operation of the relief association, except (1) any claim against either relief association or any person connected with it in a fiduciary capacity, based on any acts by that person which were not performed in good faith and which constituted a breach of the person's obligation as a fiduciary, or (2) any judicial proceeding arising from the passage of sections 25 to 31. As a successor in interest, the public employees retirement association may assert any applicable defense in any judicial proceeding which either relief association or the city of Moorhead would otherwise have been entitled to assert.

Subd. 2. [TRANSFER OF RECORDS.] Before August 1, 1985, or as soon as possible, each relief association shall transfer to the police and fire fund original copies of all records and documents in its possession relating to the relief association and any of its members. The city of Moorhead shall provide from time to time whatever additional relevant information the board may request.

Subd. 3. [TERMINATION OF SPECIAL FUND.] Upon the transfer of the assets, liabilities, and records of the Moorhead firefighters relief association to the public employees retirement association, the Moorhead firefighters are no longer authorized to retain a special fund within their relief association, and the special fund ceases to exist as a legal entity. Firefighters employed by the Moorhead fire department may retain the name "Moorhead firefighters relief association" as the name of their general fund.

Subd. 4. [TERMINATION OF RELIEF ASSOCIATION.] Upon the transfer of the assets, liabilities, and records of the Moorhead police relief association to the public employees retirement association, the Moorhead police relief association ceases to exist as a legal entity.

Sec. 29. [REVIEW OF PORTFOLIO BY STATE BOARD OF INVESTMENT.]

Before the transfer of assets to the public employees retirement association, the state board of investment may review the existing portfolio of the relief associations and require the liquidation of any assets deemed inappropriate for transfer. All assets must be transferred at market value.

Sec. 30. [SAVING CLAUSE.]

Notwithstanding any other law, any person receiving a benefit from either relief association on or before the effective date of sections 25 to 31, who is working for a state or local unit of government on that date, and who has retirement coverage for that employment from either the Minnesota state retirement system or the public employees retirement association retains benefits accrued for that employment and is entitled to accrue future benefits for it despite the transfer of service credit for service as a Moorhead police officer or firefighter to the police and fire fund.

Sec. 31. [REPEALER OF MOORHEAD SPECIAL LAWS.]

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, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, and 43; Laws 1980, chapter 600, section 16; Laws 1981, chapter 224, section 236; and Laws 1982, chapter 578, article 3, section 18, are repealed.

Sec. 32. 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. 33. 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. 34. [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. 35. [VESTED RIGHTS.]

No provision of sections 32 to 35 shall be construed as reducing or impairing benefits for members vested prior to the effective date of sections 32 to 35.

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. 36. [ALBERT LEA POLICE AND FIREFIGHTERS; REINSTATEMENT OF SURVIVORS' BENEFITS.]

Notwithstanding any law to the contrary, the Albert Lea police and firefighters relief associations are entitled to amend their bylaws to provide for the reinstatement of benefits to a surviving spouse who had remarried. The surviving spouse benefit may be

reinstated upon application following termination of the remarriage for any reason. The reapplying person shall not be entitled to retroactive payments prior to the time of reapplication.

Sec. 37. Laws 1965, chapter 592, section 4, as added by Laws 1969, chapter 644, section 2, and amended by Laws 1975, chapter 229, section 3, is amended to read:

Sec. 4. [SURVIVORS' AND FUNERAL BENEFITS.] The association may pay *survivors* benefits to the surviving spouse and children under 18 years of age of deceased members of the association *and funeral benefits* in the manner and amounts prescribed by its bylaws, subject to the provisions of this section, *or as provided in Minnesota Statutes, chapter 424A. The (WIDOW) surviving spouse or estate of a member who dies (BEFORE HIS RETIREMENT FROM THE FIRE DEPARTMENT SHALL) may receive a funeral benefit of (NOT TO EXCEED) at least \$1,350 payable in a lump sum upon the member's death (AND MONTHLY PAYMENTS OF \$135 FROM THE DEATH OF THE MEMBER UNTIL THE WIDOW'S DEATH OR REMARRIAGE). The (WIDOW) surviving spouse of a member who dies either before or following (HIS) retirement from the fire department shall receive monthly payments of (NOT TO EXCEED) at least \$135 from the death of the member until the (WIDOW'S) surviving spouse's death or remarriage. Each child of a deceased member of the association shall receive monthly payments from the death of the member until the child attains 18 years of age in the amount of (NOT TO EXCEED) at least \$27 per month. The total amount paid to the children of any member shall not exceed (\$135 PER MONTH) five times the monthly amount payable to one child.*

Sec. 38. [EFFECTIVE DATE.]

Sections 2, 4 to 10, 17, 21 to 23, and 32 are effective the day following final enactment. Section 10 is retroactive to January 1, 1985. Section 1 is effective May 31, 1985. Sections 3 and 24 are effective July 1, 1985. Sections 4 and 5 are effective January 1, 1986. Sections 11 to 13 are effective on approval by the Hennepin county board. Section 14 is effective retroactive to January 1, 1985, on approval by the Thief River Falls city council. Sections 15 and 16 are effective retroactive to January 1, 1985, on approval by the Virginia city council. Section 18 is effective on approval by the Buhl city council. Section 19 is effective retroactive to January 1, 1985, on approval by the Eveleth city council. Section 20 is effective on approval by the New Ulm city council. Sections 25 to 31 are effective on approval by the Moorhead city council. Sections 32 to 35 are effective on approval by the St. Louis Park city council. Section 36 is effective on approval by the Albert Lea city council. All local approvals must comply with Minnesota Statutes, section 645.021."

Delete the title and insert:

“A bill for an act relating to retirement; public plans generally; amending Minnesota Statutes 1984, sections 69.011, subdivision 1; 69.26; 353.01, subdivision 2a; 353.34, by adding a subdivision; 423A.02; 423A.15; 424A.02, subdivisions 6 and 9, and by adding a subdivision; and Laws 1965, chapter 592, section 4, as amended; Laws 1969, chapters 576, sections 3, subdivision 1; and 4, subdivision 1; 950, sections 1, subdivision 1, as amended; and 4, as amended; Laws 1981, chapter 68, section 42, subdivision 1; Laws 1982, chapter 574, sections 3, subdivision 9; and 5; Laws 1983, chapter 100, section 1; and Laws 1984, chapters 564, section 48; and 574, section 18; proposing coding for new law in Minnesota Statutes, chapter 423A; 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.”

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

House Conferees: LINDA SCHEID, GERALD C. KNICKERBOCKER, GIL GUTKNECHT, STEVE SVIGGUM and JOHN SARNA.

Senate Conferees: LAWRENCE J. POGEMILLER, DARRIL WEGSCHEID, EARL W. RENNEKE, ALLAN H. SPEAR and DONALD M. MOE.

Scheid moved that the report of the Conference Committee on H. F. No. 729 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called.

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

There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 264

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 dogs 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.

May 20, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 264, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 264 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [346.50] [DOGS; IDENTIFICATION.]

An owner or custodian of a dog who permits the dog to be uncontrolled off the owner's or custodian's premises shall have the 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, abdomen, or ear of the dog through which the owner can be promptly identified using information from official dog registries, city or county registries, veterinary hospital registries, or driver's license records;*

(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 or custodian of a dog which does not have an appropriate anti-rabies vaccination and which bites or otherwise exposes a person to rabies virus may be penalized under section 4.

Sec. 3. [346.52] [LOCAL PROGRAMS.]

Sections 1 to 5 do not prohibit or restrict a local governmental unit from imposing an identification or rabies control program with more restrictive provisions or prohibiting dogs from running uncontrolled.

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 who receive animals shall check for identification on each animal, identify the owner by the iden-

tification whenever possible, and promptly notify the owner of the location of the animal by the most expedient means.

Sec. 6. Minnesota Statutes 1984, section 609.205, is amended to read:

609.205 [MANSLAUGHTER IN THE SECOND DEGREE.]

(WHOEVER) *A person who 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) the person to have vicious propensities or to have caused great or substantial bodily harm in the past, to (GO AT LARGE) run uncontrolled off the owner's premises, or negligently failing to keep it properly confined (, AND THE VICTIM WAS NOT AT FAULT).*

If proven by a preponderance of the evidence, it shall be an affirmative defense to criminal liability under clause (4) that the victim provoked the animal to cause the victim's death.

Sec. 7. [609.226] [HARM CAUSED BY A DOG.]

A person who causes great or substantial bodily harm to another by negligently or intentionally permitting any dog to run uncontrolled off the owner's premises, or negligently failing to keep it properly confined is guilty of a petty misdemeanor. A person who is convicted of a second or subsequent violation of this section involving the same dog is guilty of a gross misdemeanor.

If proven by a preponderance of the evidence, it shall be an affirmative defense to liability under this section that the victim provoked the dog to cause the victim's bodily harm.

Sec. 8. [609.227] [DANGEROUS ANIMALS DESTROYED.]

When a person has been convicted of a crime under section 609.205, clause (4), or of a gross misdemeanor violation of section 7, the court may order that the animal which caused the death or injury be seized by the appropriate local law enforcement agency and killed in a proper and humane manner. The owner of the animal shall pay the cost of killing the animal. This section shall not preempt local ordinances with more restrictive provisions.

Sec. 9. [EFFECTIVE DATE.]

Sections 1 to 5 are effective August 1, 1985. Sections 6 to 8 are effective August 1, 1985, and apply to crimes committed on or after that date."

Amend the title as follows:

Page 1, line 5, delete "dogs" and insert "animals"

Page 1, line 6, delete "destruction" and insert "killing"

Page 1, line 8, delete "609.25" and insert "609.205"

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

House Conferees: JIM HEAP, GIL GUTKNECHT and RANDY C. KELLY.

Senate Conferees: JIM RAMSTAD, GENE MERRIAM and ERIC D. PETTY.

Heap moved that the report of the Conference Committee on H. F. No. 264 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 264, 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 dogs 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.

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.

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

There were 87 yeas and 32 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Ellingson	Long	Pappas	Simoneau
Backlund	Frederickson	Marsh	Pauly	Skoglund
Battaglia	Greenfield	McDonald	Peterson	Solberg
Beard	Gutknecht	McEachern	Piper	Stanius
Begich	Halberg	Metzen	Price	Staten
Bennett	Haukoos	Minne	Quinn	Tjornhom
Bishop	Heap	Munger	Rees	Tomlinson
Blatz	Jacobs	Murphy	Rest	Tunheim
Boo	Jaros	Nelson, D.	Rice	Valento
Brandl	Johnson	Nelson, K.	Riveness	Vanasek
Brown	Kahn	Neuenschwander	Rodosovich	Vellenga
Burger	Kelly	Norton	Rose	Voss
Carlson, L.	Knickerbocker	O'Connor	Sarna	Welle
Clark	Knuth	Olsen, S.	Scheid	Wynia
Clausnitzer	Kostohryz	Onnen	Seaberg	Spk. Jennings, D.
Cohen	Krueger	Osthoff	Segal	
Dimler	Levi	Otis	Shaver	
Elioff	Lieder	Ozment	Sherman	

Those who voted in the negative were :

Becklin	Frederick	Ogren	Schafer	Uphus
Brinkman	Frerichs	Olson, E.	Schoenfeld	Waltman
Carlson, D.	Hartle	Omann	Sparby	Wenzel
DenOuden	Kalis	Poppenhagen	Sviggum	Zaffke
Dyke	Kiffmeyer	Quist	Thiede	
Erickson	McPherson	Redalen	Thorson	
Fjoslien	Miller	Richter	Tompkins	

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON 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.

May 17, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 848, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 848 be further amended as follows:

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 that appropriate social services will be provided 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 dependency, neglect, neglected and in foster care,*

or delinquency petition that contains allegations of child abuse over any other case except those delinquency matters where a child is being held in a secure detention facility. As used in this subdivision, "child abuse" has the meaning given it in section 22, 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, neglect, or neglected and in foster care proceeding the court may, on its own motion or the motion of any party, take the testimony of a child witness informally when it is in the child's best interests to do so. Informal procedures that may be used by the court include taking the testimony of a child witness outside the courtroom. The court may also require counsel for any party to the proceeding to submit questions to the court before the child's testimony is taken, and to 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 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 or neglect of the child 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 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) 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 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, neglect, neglected and in foster care, 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) Except as provided in paragraph (b), a child who is held in detention because he or she is alleged to be a victim of child abuse as defined in section 22, subdivision 2, may not be given mental health treatment specifically for the effects of the alleged abuse until the court finds that there is probable cause to believe the abuse has occurred.

(b) A child described in paragraph (a) may be given mental health treatment prior to a probable cause finding of child abuse if the treatment is either agreed to by the child's parent or guardian in writing, or ordered by the court according to the standard contained in 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 260.135, 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 60 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;

(b) Transfer legal custody to one of the following:

(1) a child placing agency; or

(2) the county welfare board.

In placing a child whose custody has been transferred under this paragraph, the agency and board shall follow the order of preference stated in section 260.181, subdivision 3;

(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 is based on a diagnosis made by a treatment professional, the court may order that the diagnosing professional not provide the treatment to the child if it finds that such an order is in the child's best interests.*

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. [SERVICE OF ORDER.] Any person who provides services to a child under a disposition order, or who is sub-

ject to the conditions of a disposition order shall be served with a copy of the order in the manner provided in the rules for juvenile courts.

Sec. 13. 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 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 of the child* by another, not otherwise admissible by statute or rule of evidence, is admissible in evidence if:

(a) 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) 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) 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. 14. Minnesota Statutes 1984, section 609.341, is amended by adding a subdivision to read:

Subd. 15. [SIGNIFICANT RELATIONSHIP.] "*Significant relationship*" means a situation in which the actor is:

(1) *the complainant's parent, stepparent, or guardian;*

(2) *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*

(3) *an adult who jointly resides intermittently or regularly in the same dwelling as the complainant and who is not the complainant's spouse.*

Sec. 15. Minnesota Statutes 1984, section 609.342, is amended to read:

609.342 [CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE.]

Subdivision 1. [CRIME DEFINED.] A person is guilty of criminal sexual conduct in the first degree (AND MAY BE SENTENCED TO IMPRISONMENT FOR NOT MORE THAN 20 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$35,000, OR BOTH,) if he engages in sexual penetration with another person and if any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; (OR)

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to cause the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; (OR)

(c) Circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another; (OR)

(d) The actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit; (OR)

(e) The actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) The actor uses force or coercion to accomplish sexual penetration; or

(ii) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless; (OR)

(f) The actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) An accomplice uses force or coercion to cause the complainant to submit; or

(ii) An accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(g) *The actor has a significant relationship to the complainant and the complainant was under 16 years of age at the time of the sexual penetration. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or*

(h) *The actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the sexual penetration, and:*

(i) *the actor or an accomplice used force or coercion to accomplish the penetration;*

(ii) *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;*

(iii) *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;*

(iv) *the complainant suffered personal injury; or*

(v) *the sexual abuse involved multiple acts committed over an extended period of time.*

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

Subd. 2. [PENALTY.] A person convicted under subdivision 1 may be sentenced to imprisonment for not more than 20 years or to a payment of a fine of not more than \$35,000, or both.

Subd. 3. [STAY.] Except when imprisonment is required under section 609.346, if a person is convicted under subdivision 1, clause (g), 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; and*

(b) *a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.*

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

- (1) *incarceration in a local jail or workhouse; and*
- (2) *a requirement that the offender complete a treatment program.*

Sec. 16. Minnesota Statutes 1984, section 609.343, is amended to read:

609.343 [CRIMINAL SEXUAL CONDUCT IN THE SECOND DEGREE.]

Subdivision 1. [CRIME DEFINED.] A person is guilty of criminal sexual conduct in the second degree (AND MAY BE SENTENCED TO IMPRISONMENT FOR NOT MORE THAN 15 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$30,000, OR BOTH,) if he engages in sexual contact with another person and if any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced; (OR)

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to cause the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; (OR)

(c) Circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another; (OR)

(d) The actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the dangerous weapon to cause the complainant to submit; (OR)

(e) The actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) The actor uses force or coercion to accomplish the sexual contact; or

(ii) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless; (OR)

(f) The actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) An accomplice uses force or coercion to cause the complainant to submit; or

(ii) An accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(g) *The actor has a significant relationship to the complainant and the complainant was under 16 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or*

(h) *The actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the sexual contact, and:*

(i) *the actor or an accomplice used force or coercion to accomplish the contact;*

(ii) *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;*

(iii) *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;*

(iv) *the complainant suffered personal injury; or*

(v) *the sexual abuse involved multiple acts committed over an extended period of time.*

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

Subd. 2. [PENALTY.] A person convicted under subdivision 1 may be sentenced to imprisonment for not more than 15 years or to a payment of a fine of not more than \$30,000, or both.

Subd. 3. [STAY.] Except when imprisonment is required under section 609.346, if a person is convicted under subdivision

1, clause (g), 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; and

(b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation;

(1) incarceration in a local jail or workhouse; and

(2) a requirement that the offender complete a treatment program.

Sec. 17. Minnesota Statutes 1984, section 609.344, is amended to read:

609.344 [CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE.]

Subdivision 1. [CRIME DEFINED.] A person is guilty of criminal sexual conduct in the third degree (AND MAY BE SENTENCED TO IMPRISONMENT FOR NOT MORE THAN TEN YEARS, OR TO PAYMENT OF A FINE OF NOT MORE THAN \$20,000, OR BOTH,) if he engages in sexual penetration with another person and any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant shall be a defense; (OR)

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 24 months older than the complainant. In any such case it shall be an affirmative defense, which must be proved by a preponderance of the evidence, that the actor believes the complainant to be 16 years of age or older. If the actor in such a case is no more than 48 months but more than 24 months older than the complainant, he may be sentenced to imprisonment for not more than five years. Consent by the complainant is not a defense; (OR)

(c) The actor uses force or coercion to accomplish the penetration; (OR)

(d) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless; (OR)

(e) The complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to cause the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(f) *The actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual penetration. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or*

(g) *The actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual penetration, and:*

(i) *the actor or an accomplice used force or coercion to accomplish the penetration;*

(ii) *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;*

(iii) *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;*

(iv) *the complainant suffered personal injury; or*

(v) *the sexual abuse involved multiple acts committed over an extended period of time.*

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

Subd. 2. [PENALTY.] *A person convicted under subdivision 1 may be sentenced to imprisonment for not more than ten years or to a payment of a fine of not more than \$20,000, or both.*

Subd. 3. [STAY.] *Except when imprisonment is required under section 609.346, if a person is convicted under subdivision 1, clause (f), 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; and*

(b) *a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.*

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

- (1) incarceration in a local jail or workhouse; and*
- (2) a requirement that the offender complete a treatment program.*

Sec. 18. Minnesota Statutes 1984, section 609.345, is amended to read:

609.345 [CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE.]

Subdivision 1. [CRIME DEFINED.] A person is guilty of criminal sexual conduct in the fourth degree (AND MAY BE SENTENCED TO IMPRISONMENT FOR NOT MORE THAN FIVE YEARS, OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH,) if he engages in sexual contact with another person and if any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age or consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced; (OR)

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant or in a position of authority over the complainant and uses this authority to cause the complainant to submit. In any such case, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor believes the complainant to be 16 years of age or older; (OR)

(c) The actor uses force or coercion to accomplish the sexual contact; (OR)

(d) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless; (OR)

(e) The complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to cause the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(f) *The actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or*

(g) *The actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual contact, and:*

(i) *the actor or an accomplice used force or coercion to accomplish the contact;*

(ii) *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;*

(iii) *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;*

(iv) *the complainant suffered personal injury; or*

(v) *the sexual abuse involved multiple acts committed over an extended period of time.*

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

Subd. 2. [PENALTY.] *A person convicted under subdivision 1 may be sentenced to imprisonment for not more than five years or to a payment of a fine of not more than \$10,000, or both.*

Subd. 3. [STAY.] *Except when imprisonment is required under section 609.346, if a person is convicted under subdivision 1, clause (f), 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; and*

(b) *a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.*

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

(1) *incarceration in a local jail or workhouse; and*

(2) *a requirement that the offender complete a treatment program.*

Sec. 19. 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. *In conducting investigations and assessments pursuant to this section, the notice required by section 13.04, subdivision 2, need not be provided to a minor under the age of 10 who is the alleged victim of abuse or neglect.* 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. 20. Minnesota Statutes 1984, section 626.556, is amended by adding a subdivision to read:

Subd. 11a. [DISCLOSURE OF INFORMATION NOT REQUIRED IN CERTAIN CASES.] When interviewing a minor under subdivision 10, an individual does not include the parent or guardian of the minor for purposes of section 13.04, subdivision 2, when the parent or guardian is the alleged perpetrator of the abuse or neglect.

Sec. 21. [626.559] [INTERVIEWS WITH CHILD ABUSE VICTIMS.]

Subdivision 1. [POLICY.] It is the policy of this state to encourage adequate and accurate documentation of the number and content of interviews conducted with alleged child abuse victims during the course of a child abuse assessment, criminal investigation, or prosecution, and to discourage interviews that are unnecessary, duplicative, or otherwise not in the best interests of the child.

Subd. 2. [DEFINITIONS.] As used in this section:

(a) "child abuse" means physical or sexual abuse as defined in section 626.556, subdivision 2;

(b) "government employee" means an employee of a state or local agency, and any person acting as an agent of a state or local agency;

(c) "interview" means a statement of an alleged child abuse victim which is given or made to a government employee during the course of a child abuse assessment, criminal investigation, or prosecution; and

(d) "record" means an audio or videotape recording of an interview, or a written record of an interview.

Subd. 3. [RECORD REQUIRED.] Whenever an interview is conducted, the interviewer must make a record of the interview. The record must contain the following information:

(1) the date, time, place, and duration of the interview;

- (2) *the identity of the persons present at the interview; and*
- (3) *if the record is in writing, a summary of the information obtained during the interview.*

The records shall be maintained by the interviewer in accordance with applicable provisions of section 626.556, subdivision 11 and chapter 13.

Subd. 4. [GUIDELINES ON TAPE RECORDING OF INTERVIEWS.] Every county attorney's office shall be responsible for developing written guidelines on the tape recording of interviews by government employees who conduct child abuse assessments, criminal investigations, or prosecutions. The guidelines are public data as defined in section 13.02, subdivision 14.

Sec. 22. 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;*

(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, 609.377, 609.378, or 617.246, or section 609.224 if the minor victim is a family or household member of the defendant.

Sec. 23. [631.046] [AUTHORIZING PRESENCE OF PARENT FOR MINOR PROSECUTING WITNESS.]

Notwithstanding any other law, a prosecuting witness under 18 years of age in a case involving child abuse as defined in section 22, subdivision 2, may choose to have in attendance a parent, guardian, or other supportive person, whether or not a witness, at the omnibus hearing or at the trial, during testimony of the prosecuting witness. If the person so chosen is also a prosecuting witness, the prosecution shall present on noticed motion, evidence that the person's attendance is both desired by the prosecuting witness for support and will be helpful to the prosecuting witness. Upon that showing the court shall grant the request unless information presented by the defendant or noticed by the court establishes that the support person's attendance during the testimony of the prosecuting witness would pose a substantial risk of influencing or affecting the content of that testimony.

Sec. 24. [REPEALER.]

Minnesota Statutes 1984, sections 609.364, 609.3641, 609.3642, 609.3643, and 609.3644, are repealed."

Delete the title and insert:

"A bill for an act relating to children and families; providing judicial procedures to protect the welfare of alleged child abuse victims and their families; requiring juvenile and criminal courts to give docket priority to child abuse cases; providing for the examination of child witnesses; clarifying the admissibility of certain out-of-court statements; merging the crimes of "intrafamilial sexual abuse" and "criminal sexual conduct" and limiting the discretion of courts to stay sentences of familial sexual abuse defendants; requiring recordkeeping and tape recording guidelines with respect to interviews with child abuse victims; eliminating certain notice requirements; 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; 595.02, subdivision 3; 609.341, by adding a subdivision; 609.342; 609.343; 609.344; 609.345; 626.556, subdivision 11, and by adding a subdivision; and 630.36; proposing coding for new law in Minnesota Statutes, chapters 626 and 631; repealing Minnesota Statutes 1984, sections 609.364 to 609.3644."

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

House Conferees: KATHLEEN BLATZ, DON VALENTO, ARTHUR W. SEABERG, RANDY C. KELLY and KATHLEEN VELLENGA.

Senate Conferees: EMBER D. REICHGOTT, ERIC D. PETTY, ALLAN H. SPEAR, FRITZ KNAAK and DONALD A. STORM.

Blatz moved that the report of the Conference Committee on H. F. No. 848 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called.

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

There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Cohen	Hartle	Marsh	Omann
Backlund	DenOuden	Haukoos	McDonald	Onnen
Battaglia	Dimler	Jacobs	McEachern	Osthoff
Beard	Dyke	Jaros	McPherson	Otis
Becklin	Elioff	Johnson	Matzen	Ozment
Begich	Ellingson	Kahn	Minne	Pappas
Bennett	Erickson	Kalis	Munger	Pauly
Blatz	Fjoslien	Kelly	Murphy	Peterson
Brandl	Frederick	Kiffmeyer	Nelson, D.	Piepho
Brinkman	Frederickson	Knickerbocker	Nelson, K.	Piper
Brown	Frerichs	Knuth	Neuenschwander	Poppenhagen
Burger	Greenfield	Kostohryz	Norton	Price
Carlson, D.	Gruenes	Krueger	O'Connor	Quinn
Carlson, L.	Gutknecht	Levi	Ogren	Quist
Clark	Halberg	Lieder	Olsen, S.	Redalen
Clausnitzer	Hartinger	Long	Olsen, E.	Rees

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

The bill was repassed, as amended by Conference, and its title agreed to.

SPECIAL ORDERS

S. F. No. 930 which was temporarily laid over earlier today was again reported to the House.

The Speaker called Halberg to the Chair.

Carlson, D., moved to amend S. F. No. 930, the unofficial engrossment, as follows:

Page 18, delete lines 23 to 32

Renumber the sections accordingly

Amend the title as follows:

Page 1, line 34, delete "171.21"

The motion prevailed and the amendment was adopted.

S. F. No. 930, 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; 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; 171.321, subdivision 2; and 297B.12.

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 68 yeas and 61 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

S. F. No. 19 was reported to the House.

Lieder moved to amend S. F. No. 19, as follows:

Page 1, line 14, delete "*or a y-shaped*"

The motion prevailed and the amendment was adopted.

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 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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

H. F. No. 1175 was reported to the House.

Kiffmeyer moved to amend H. F. No. 1175, the second engrossment, as follows:

Page 2, line 10, change semicolon to colon

Page 2, line 6, delete "such"

Page 7, line 4, add comma after "shall"

Page 7, line 8, delete everything after the semicolon

Page 7, line 8, after the semicolon insert "and shall immediately secure an independent medical review of the infant's medi-

cal charts and records and, if necessary, seek a court order for an independent medical examination of the infant. If the review or examination leads to a conclusion of medical neglect, the agency shall intervene on behalf of the infant by initiating legal proceedings under Section 260.131 and by filing an expedited motion to prevent the withholding of medically indicated treatment."

Page 7, delete lines 9, 10 and 11

Amend the title as follows :

Page 1, line 3, after the semicolon insert "providing for intervention by commissioner of human services after a report of medical neglect;"

Page 1, line 6, after line "2," insert "and"

A roll call was requested and properly seconded.

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

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

There were 103 yeas and 18 nays as follows :

Those who voted in the affirmative were:

Anderson, G.	Elioff	Krueger	Pauly	Stanius
Backlund	Ellingson	Kvam	Peterson	Sviggum
Battaglia	Erickson	Levi	Piepho	Thiede
Beard	Fjoslien	Lieder	Poppenhagen	Thorson
Becklin	Forsythe	Marsh	Price	Tjornhom
Begich	Frederick	McDonald	Quinn	Tompkins
Bennett	Frederickson	McEachern	Quist	Tunheim
Blatz	Frerichs	McKasy	Redalen	Uphus
Boerboom	Gruenes	McPherson	Rees	Valan
Brandl	Gutknecht	Metzen	Rest	Valento
Brinkman	Halberg	Miller	Richter	Vanasek
Brown	Hartinger	Murphy	Rose	Vellenga
Burger	Hartle	Nelson, D.	Sarna	Voss
Carlson, D.	Haukoos	Neuenschwander	Schafer	Waltman
Carlson, J.	Heap	O'Connor	Scheid	Welle
Carlson, L.	Himle	Ogren	Schoenfeld	Wenzel
Clausnitzer	Jacobs	Olsen, S.	Schreiber	Wynia
Dempsey	Johnson	Omann	Seaberg	Zaffke
DenOuden	Kalis	Onnen	Shaver	Spk. Jennings, D.
Dimler	Kiffmeyer	Osthoff	Sherman	
Dyke	Knickerbocker	Ozment	Sparby	

Those who voted in the negative were:

Boo	Jennings, L.	McLaughlin	Pappas	Skoglund
Cohen	Kahn	Minne	Piper	Staten
Greenfield	Kostohryz	Munger	Segal	Tomlinson
Jaros	Long	Norton		

The motion prevailed and the amendment was adopted.

Kahn moved to amend H. F. No. 1175, the second engrossment, as amended, as follows:

Page 7, after line 11, insert:

"Subd. 10d. [DUTY TO INFORM.] Upon a finding of medical neglect and a decision that the infant be treated, the court shall issue an order acknowledging the financial burden imposed on the hospital and the family of the infant and requiring the local agency to inform the family of all resources available to alleviate the burden, including but not limited to the following programs: medical assistance, general assistance medical care, the catastrophic health expense protection program, the comprehensive health insurance plan, and the county program for treatment at the University of Minnesota hospitals under chapter 158."

Amend the title as follows:

Page 1, line 5, before the semicolon insert "and to inform families of available resources"

Page 1, line 7, delete "a" and insert "two" and delete "subdivision" and insert "subdivisions"

A roll call was requested and properly seconded.

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

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

There were 31 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Beard	Greenfield	McLaughlin	Osthoff	Skoglund
Brandl	Jaros	Munger	Pappas	Staten
Carlson, L.	Jennings, L.	Nelson, K.	Piper	Tomlinson
Clark	Kahn	Norton	Price	Vellenga
Cohen	Levi	Ogren	Rest	Welle
Ellingson	Long	Olson, E.	Segal	Wynia
Forsythe				

Those who voted in the negative were:

Anderson, G.	Boerboom	DenOuden	Frederickson	Haukoos
Anderson, R.	Brinkman	Dimler	Frerichs	Heap
Backlund	Brown	Dyke	Gruenes	Himle
Battaglia	Burger	Elioff	Gutknecht	Jacobs
Begich	Carlson, D.	Erickson	Halberg	Johnson
Bennett	Carlson, J.	Fjoslien	Hartinger	Kalis
Blatz	Dempsey	Frederick	Hartle	Kiffmeyer

Knickerbocker	Neuenschwander	Quinn	Schreiber	Tunheim
Kostohryz	O'Connor	Quist	Shaver	Uphus
Krueger	Olsen, S.	Redalen	Sherman	Valan
Lieder	Omann	Rees	Sparby	Valento
Marsh	Onnen	Richter	Stanius	Vanasek
McDonald	Ozment	Rodosovich	Sviggum	Voss
McEachern	Pauly	Rose	Thiede	Waltman
McKasy	Peterson	Sarna	Thorson	Wenzel
McPherson	Piepho	Schafer	Tjornhom	Zaffke
Miller	Poppenhagen	Schoenfeld	Tompkins	Spk. Jennings, D.

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

H. F. No. 1175, A bill for an act relating to children; expanding the definition of a medically neglected child; providing for intervention by commissioner of human services after a report of medical neglect; 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, subdivisions 2, and 10, and by adding a subdivision.

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 124 yeas and 5 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Greenfield Jaros Kahn McLaughlin Segal

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

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 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 Senate has appointed as such Committee Messrs. Dahl, Nelson, Merriam, Ms. Berglin and Mr. Petty.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 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 Senate has appointed as such Committee Messrs. Diessner, Petty, Knutson, Mrs. Lantry and Ms. Berglin.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 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 Senate has appointed as such Committee Messrs. Merriam; Peterson, C. C., and Knaak.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 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.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Wegscheid, Petty and Kroening.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Blatz 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 Senate on the disagreeing votes of the two houses on S. F. No. 230. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 1159, 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.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Luther, Freeman, Pogemiller, Petty 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

Heap 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. 1159. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1070, A bill for an act relating to corrections; authorizing the commissioner of corrections to do background studies on personnel employed by certain licensed facilities; requiring the commissioner of corrections to establish a program to prevent sexual exploitation by psychotherapists; extending the sexual exploitation task force; creating an advisory task force to study the regulation of psychotherapists; amending Minnesota Statutes 1984, section 241.021, by adding a subdivision; Laws 1984, chapter 631, section 1, subdivisions 1 and 4; proposing coding for new law in Minnesota Statutes, chapter 241.

PATRICK E. FLAHAVEN, Secretary of the Senate

Ozment moved that the House refuse to concur in the Senate amendments to H. F. No. 1070, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 1249, 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; appropriating money; 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; 240.14, subdivision 1; 240.15, subdivisions 5 and 6; 240.16, subdivisions 1 and 6; 240.18; 240.22; 240.24; 240.25, subdivisions 1 and 4; 240.29; 541.20; and 541.21; repealing Minnesota Statutes 1984, section 624.02.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Purfeerst, Dieterich and Sieloff.

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

Kostohryz 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. 1249. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1070:

Ozment, Blatz and Knuth.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1227:

Bishop, Blatz and Vanasek.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 472:

Dempsey, Schreiber and Himle.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 230:

Blatz, Metzen and Valan.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1159:

Heap, Marsh, Seaberg, Frerichs and Simoneau.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1249:

Redalen, Kostohryz and Omann.

SPECIAL ORDERS

S. F. No. 565 was reported to the House.

There being no objection S. F. No. 565 was temporarily laid over on Special Orders.

The Speaker resumed the Chair.

H. F. No. 815, A bill for an act relating to elections; authorizing absentee voting by electronic voting system; permitting identifying numbers on certain ballots; amending Minnesota Statutes 1984, sections 203B.08, subdivision 1a; and 206.84, 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.

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

There were 32 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dimler	Hartle	Piepho	Tompkins
Backlund	Dyke	Haukoos	Poppenhagen	Uphus
Blatz	Fjoslien	Himle	Rees	Valan
Burger	Forsythe	Jacobs	Richter	Spk. Jennings, D.
Carlson, J.	Frederick	Levi	Schreiber	
Clausnitzer	Frederickson	Olsen, S.	Thiede	
Dempsey	Hartinger	Omann	Tjornhom	

Those who voted in the negative were:

Anderson, G.	Erickson	McLaughlin	Peterson	Solberg
Battaglia	Frerichs	McPherson	Piper	Sparby
Beard	Greenfield	Metzen	Price	Stanius
Becklin	Gruenes	Minne	Quist	Sviggum
Begich	Heap	Munger	Rest	Thorson
Bennett	Jaros	Murphy	Rice	Tomlinson
Bishop	Jennings, L.	Nelson, D.	Riveness	Tunheim
Brandl	Kahn	Nelson, K.	Rodosovich	Valento
Brinkman	Kalis	Neuenschwander	Rose	Vanasek
Brown	Kelly	Norton	Sarna	Vellenga
Carlson, D.	Knuth	O'Connor	Schafer	Voss
Carlson, L.	Kostohryz	Ogren	Scheid	Waltman
Clark	Krueger	Olson, E.	Schoenfeld	Welle
Cohen	Lieder	Osthoff	Seaberg	Wenzel
DenOuden	Long	Otis	Segal	Wynia
Elioff	Marsh	Ozment	Sherman	Zaffke
Ellingson	McEachern	Pappas	Skoglund	

The bill was not passed.

S. F. No. 565 which was temporarily laid over earlier today was again reported to the House.

S. F. No. 565, 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 third time 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 107 yeas and 11 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dyke	Krueger	Osthoff	Segal
Anderson, R.	Etioff	Kvam	Otis	Shaver
Backlund	Ellingson	Levi	Skzment	Skoglund
Battaglia	Fjoslien	Lieder	Pappas	Solberg
Beard	Forsythe	Long	Peterson	Stanius
Becklin	Frederick	Marsh	Piepho	Sviggum
Begich	Frederickson	McEachern	Piper	Thorson
Bennett	Greenfield	McKasy	Poppenhagen	Tjornhom
Bishop	Hartinger	McLaughlin	Price	Tomlinson
Boo	Hartle	McPherson	Quinn	Tompkins
Brandl	Haukoos	Metzen	Rees	Tunheim
Brinkman	Heap	Minne	Rest	Valan
Brown	Himle	Munger	Rice	Valento
Burger	Jacobs	Murphy	Riveness	Vanasek
Carlson, D.	Jaros	Nelson, D.	Rodosovich	Vellenga
Carlson, J.	Jennings, L.	Nelson, K.	Rose	Welle
Carlson, L.	Johnson	Neuenschwander	Sarna	Wenzel
Clark	Kalis	Norton	Schafer	Wynia
Clausnitzer	Kelly	O'Connor	Scheid	Spk. Jennings, D.
Cohen	Kiffmeyer	Ogren	Schoenfeld	
Dempsey	Knuth	Olsen, S.	Schreiber	
Dimler	Kostohryz	Onnen	Seaberg	

Those who voted in the negative were:

Erickson	Olson, E.	Redalen	Uphus	Waltman
Frerichs	Omann	Sparby	Voss	Zaffke
Gruenes				

The bill was passed and its title agreed to.

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON 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.

May 20, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 242, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 242 be further amended as follows:

Page 3, after line 23, insert:

"Sec. 2. [STUDY; PROTECTION FOR PURCHASERS OF AGRICULTURAL VEHICLES.]

The consumer services unit of the office of the attorney general shall study the need for and applicability of consumer protection legislation for purchasers of farm trucks, farm tractors, and implements of husbandry similar to the protection afforded purchasers of new motor vehicles under Minnesota Statutes, section 325F.665. The results of the study and any recommendations must be submitted to the committee on agriculture in the house and the committee of agriculture and natural resources in the senate by November 1, 1985. The attorney general shall use existing staff and funds to complete the report.

The committees shall make recommendations to the legislature by January 1, 1986."

Page 3, line 25, after the period insert "Section 2 is effective the day following final enactment."

Renumber the remaining section

Amend the title as follows:

Page 1, line 4, after the semicolon insert "requiring a study of protection for purchasers of agricultural vehicles;"

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

House Conferees: TONY BENNETT and MARCUS MARSH.

Senate Conferees: GREGORY L. DAHL and DORAN L. ISACKSON.

Bennett moved that the report of the Conference Committee on H. F. No. 242 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called.

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

There were 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Lieder	Otis	Shaver
Anderson, R.	Fjoslien	Long	Ozment	Skoglund
Backlund	Forsythe	Marsh	Pappas	Solberg
Battaglia	Frederick	McDonald	Peterson	Sparby
Beard	Frederickson	McEachern	Piepho	Stanius
Becklin	Frerichs	McKasy	Piper	Staten
Begich	Greenfield	McLaughlin	Poppenhagen	Sviggum
Bennett	Gruenes	McPherson	Price	Thorson
Boo	Hartinger	Metzen	Quinn	Tjornhom
Brandl	Hartle	Miller	Quist	Tomlinson
Brinkman	Haukoos	Minne	Redalen	Tompkins
Brown	Himle	Munger	Rees	Tunheim
Burger	Jacobs	Murphy	Rest	Uphus
Carlson, D.	Jaros	Nelson, D.	Rice	Valan
Carlson, J.	Jennings, L.	Nelson, K.	Richter	Valento
Carlson, L.	Johnson	Neuenschwander	Riveness	Vanasek
Clark	Kahn	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	Schoenfeld	Wynia
Elioff	Krueger	Onnen	Seaberg	Zaffke
Ellingson	Levi	Osthoff	Segal	Spk. Jennings, D.

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON 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.

May 18, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 213, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 213 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 13.46, subdivision 3, is amended to read:

Subd. 3. [INVESTIGATIVE DATA.] Data on persons, including data on vendors of services *and data on licensees*, that is collected, maintained, used, or disseminated by the welfare system in an investigation, authorized by statute and relating to the enforcement of rules or law, is confidential data on individuals pursuant to section 13.02, subdivision 3, or protected non-public data not on individuals pursuant to section 13.02, subdivision 13, and shall not be disclosed except:

- (a) pursuant to section 13.05;
- (b) pursuant to statute or valid court order;
- (c) to a party named in a civil or criminal proceeding, administrative or judicial, for preparation of defense; *or*
- (d) *to provide the notices required and permitted by sections 3, 4, and 6.*

The data referred to in this subdivision shall be classified as public data upon its submission to an administrative law judge or court in an administrative or judicial proceeding.

Sec. 2. Minnesota Statutes 1984, section 13.46, subdivision 4, is amended to read:

Subd. 4. [LICENSING DATA.] All data collected, maintained, used, or disseminated by the welfare system pertaining to

persons licensed or registered under the authority of the commissioner of human services, except for personal and personal financial data about applicants and licensees under the family day care program and the family foster care program *and data generated in the course of licensing investigations that are in response to a complaint of a rule or statutory violation*, are public data. Personal and personal financial data on family day care program and family foster care program applicants and licensees are private data pursuant to section 13.02, subdivision 12. *Data generated in the course of licensing investigations that are in response to a complaint of a rule or statutory violation are investigative data pursuant to section 13.46, subdivision 3.*

Sec. 3. Minnesota Statutes 1984, section 626.556, subdivision 10b, is amended to read:

Subd. 10b. [DUTIES OF COMMISSIONER; NEGLECT OR ABUSE IN A FACILITY.] (a) 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 local welfare agency may interview any children who are or have been in the care of a facility under investigation and their parents, guardians, or legal custodians.*

(b) *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; the nature of the alleged neglect, physical abuse, or sexual abuse; that the agency is conducting an investigation; any protective or corrective measures being taken pending the outcome of the investigation; and that a written memorandum will be provided when the investigation is completed. If reasonable efforts to reach the parent, guardian, or legal custodian of a child in an out-of-home placement have failed, the child may be interviewed if there is reason to believe the interview is necessary to protect the child or other children in the facility. The commissioner or local agency must provide the information required in this subdivision to the parent, guardian, or legal custodian of a child interviewed without parental notification as soon as possible after the interview.*

Sec. 4. Minnesota Statutes 1984, section 626.556, is amended by adding a subdivision to read:

Subd. 10c. [NOTIFICATION OF NEGLECT OR ABUSE IN A FACILITY.] (a) When a report is received that alleges neglect, physical abuse, or sexual abuse of a child while in the care of a facility required to be licensed pursuant to sections 245.781 to 245.812, the commissioner or 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; the nature of the alleged neglect, physical abuse, or sexual abuse; that the agency is conducting an investigation; any protective or corrective measures being taken pending the outcome of the investigation; and that a written memorandum will be provided when the investigation is completed.

(b) The commissioner or local welfare agency may also provide the information in paragraph (a) to the parent, guardian, or legal custodian of any other child in the facility if the investigative agency knows or has reason to believe the alleged neglect, physical abuse, or sexual abuse has occurred. In determining whether to exercise this authority, the commissioner or local welfare agency shall consider the seriousness of the alleged neglect, physical abuse, or sexual abuse; the number of children allegedly neglected, physically abused, or sexually abused; the number of alleged perpetrators; and the length of the investigation. The facility shall be notified whenever this discretion is exercised.

(c) When the commissioner or local welfare agency has completed its investigation, every parent, guardian, or legal custodian notified of the investigation by the commissioner or local welfare agency shall be provided with the following information in a written memorandum: the name of the facility investigated; the nature of the alleged neglect, physical abuse, or sexual abuse; the investigator's name; a summary of the investigation findings; a statement whether the report was found to be substantiated, inconclusive, or false; and the protective or corrective measures that are being or will be taken. The memorandum 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 shall also provide the written memorandum to the parent, guardian, or legal custodian of each child in the facility if the report is substantiated. The commissioner or local welfare agency may also provide the written memorandum to the parent, guardian, or legal custodian of any other child in the facility if the investigation is inconclusive. The facility shall be notified whenever this discretionary authority is exercised.

Sec. 5. Minnesota Statutes 1984, section 626.556, subdivision 11, is amended to read:

Subd. 11. [RECORDS.] All records *concerning individuals* 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 sections 3 and 4*. 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.

Notwithstanding section 138.163, 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) *false*, 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. 6. Minnesota Statutes 1984, section 626.557, is amended by adding a subdivision to read:

Subd. 10a. [NOTIFICATION OF NEGLECT OR ABUSE IN A FACILITY.] (a) When a report is received that alleges neglect, physical abuse, or sexual abuse of a vulnerable adult while in the care of a facility required to be licensed under section 144A.02 or sections 245.781 to 245.812, the local welfare agency investigating the report shall notify the guardian or conservator of the person of a vulnerable adult under guardianship or conservatorship of the person who is alleged to have been abused or neglected. The local welfare agency shall notify the person, if any, designated to be notified in case of an emergency by a vulnerable adult not under guardianship or conservatorship of the person who is alleged to have been abused or neglected, unless consent is denied by the vulnerable adult. The notice shall contain the following information: 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; the nature of the alleged abuse or neglect; that the agency is conducting an investigation; any protective or corrective measures being taken pending the outcome of the investigation; and that a written memorandum will be provided when the investigation is completed.

(b) In a case of alleged neglect, physical abuse, or sexual abuse of a vulnerable adult while in the care of a facility required to be licensed under sections 245.781 to 245.812, the local welfare agency may also provide the information in paragraph (a) to the guardian or conservator of the person of any other vulnerable adult in the facility who is under guardianship or conservatorship of the person, to any other vulnerable adult in the facility who is not under guardianship or conservatorship of the person, and to the person, if any, designated to be notified in case of an emergency by any other vulnerable adult in the facility who is not under guardianship or conservatorship of the person, unless consent is denied by the vulnerable adult, if the investigative agency knows or has reason to believe the alleged neglect, physical abuse, or sexual abuse has occurred.

(c) When the investigation required under subdivision 10 is completed, the local welfare agency shall provide a written memorandum containing the following information to every guardian or conservator of the person or other person notified by the agency of the investigation under paragraph (a) or (b): the name of the facility investigated; the nature of the alleged neglect, physical abuse, or sexual abuse; the investigator's name; a summary of the investigative findings; a statement of whether the report was found to be substantiated, inconclusive, or false; and the protective or corrective measures that are being or will be taken. The memorandum shall be written in a manner that protects the identity of the reporter and the alleged victim 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.

(d) In a case of neglect, physical abuse, or sexual abuse of a vulnerable adult while in the care of a facility required to be li-

censed under sections 245.781 to 245.812, the local welfare agency may also provide the written memorandum to the guardian or conservator of the person of any other vulnerable adult in the facility who is under guardianship or conservatorship of the person, to any other vulnerable adult in the facility who is not under guardianship or conservatorship of the person, and to the person, if any, designated to be notified in case of an emergency by any other vulnerable adult in the facility who is not under guardianship or conservatorship of the person, unless consent is denied by the vulnerable adult, if the report is substantiated or if the investigation is inconclusive and the report is a second or subsequent report of neglect, physical abuse, or sexual abuse of a vulnerable adult while in the care of the facility.

(e) In determining whether to exercise the discretionary authority granted under paragraphs (b) and (d), the local welfare agency shall consider the seriousness and extent of the alleged neglect, physical abuse, or sexual abuse and the impact of notification on the residents of the facility. The facility shall be notified whenever this discretion is exercised.

(f) Where federal law specifically prohibits the disclosure of patient identifying information, the local welfare agency shall not provide any notice under paragraph (a) or (b) or any memorandum under paragraph (c) or (d) unless the vulnerable adult has consented to disclosure in a manner which conforms to federal requirements.

Sec. 7. Minnesota Statutes 1984, section 626.557, subdivision 12, is amended to read:

Subd. 12. [RECORDS.] (a) 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. *Notwithstanding section 13.46, subdivision 3, the investigation memorandum shall be accessible to the public pursuant to section 13.03 and a copy shall be provided to any public agency which referred the matter to the licensing agency for investigation. 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, inconclusive, or false; 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.

(b) 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) *are found 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) *are found to be (UNSUBSTANTIATED) inconclusive* 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) *are found 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 13.46, subdivisions 3 and 4; 626.556, subdivisions 10b, 11, and by adding a subdivision; and 626.557, subdivision 12, and by adding a subdivision."

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

House Conferees: BRAD STANIUS, KEN NELSON and DON VALENTO.

Senate Conferees: ALLAN H. SPEAR, JIM RAMSTAD and GENE MERRIAM.

Stanius moved that the report of the Conference Committee on H. F. No. 213 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called.

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

There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by Conference, and its title agreed to.

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 719, 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; requiring the removal of elk from the state; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 97.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Stumpf, Langseth and Belanger.

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

Rose 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. 719. 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. 719:

Rose, Sparby and Redalen.

SPECIAL ORDERS

S. F. No. 1118, A bill for an act relating to agriculture; requiring lender's response for an agricultural production input lien 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 third time 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 125 yeas and 0 nays as follows :

Those who voted in the affirmative were :

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

The bill was passed and its title agreed to.

H. F. No. 628 was reported to the House.

Rose moved to amend H. F. No. 628, the second engrossment, as follows :

Page 14, line 28, delete "\$3,000,000" and insert "\$2,000,000"

Page 14, line 31, delete "\$10,000,000" and insert "\$6,700,000"

Page 14, line 36, delete "\$2,000,000" and insert "\$1,300,000"

The motion prevailed and the amendment was adopted.

Voss moved to amend H. F. No. 628, the second engrossment, as amended, as follows :

Page 15, line 11, delete "\$5,680,000" and insert "\$3,680,000"

Page 15, line 14, delete "\$9,320,000" and insert "\$6,320,000"

The motion prevailed and the amendment was adopted.

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, by adding a subdivision; 98.52, by adding a subdivision; 290.431; and 296.421, subdivisions 4 and 5; Laws 1985, chapter 4, section 10; proposing coding for new law in Minnesota Statutes, chapters 40, 84, and 88.

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 120 yeas and 3 nays as follows :

Those who voted in the affirmative were :

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

Those who voted in the negative were :

Brandl	Carlson, J.	Rice
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The bill was passed, as amended, and its title agreed to.

S. F. No. 567 was reported to the House.

Halberg moved to amend S. F. No. 567, as follows :

Page 2, line 13, after the first "of" insert "the"

Page 2, line 24, strike "vendor" and insert "seller" in both places

Page 6, line 26, delete "sections 287.02; and" and insert "section"

Page 6, line 27, delete "are" and insert "is"

Page 6, line 29, delete "act" and insert "article"

Delete page 6, line 32 to page 11, line 26

Amend the title as follows:

Page 1, line 11, delete "47.20, subdivision"

Page 1, line 12, delete "15;" and after "3," and insert "and" and delete "and 6,"

Page 1, line 13, delete everything after "subdivisions;"

Page 1, line 14, delete everything before "repealing"

Page 1, line 15, delete "sections 287.02; and" and insert "section"

Page 1, line 16, after "2" delete everything before the period

The motion prevailed and the amendment was adopted.

Bishop moved to amend S. F. No. 567, as amended, as follows:

Page 11, after line 26, insert:

"ARTICLE 3

Section 1. Minnesota Statutes 1984, section 287.10, is amended to read:

287.10 [PREPAYMENT OF TAX; EVIDENCE; NOTICE.]

No (SUCH) mortgage (, NO) or papers relating to its foreclosure (NOR ANY), assignment, or satisfaction (THEREOF,) shall be recorded or registered unless the tax (SHALL HAVE) has been paid (; NOR SHALL ANY SUCH). No document (,) or any record (THEREOF,) of the mortgage may be received in evidence in any court, or (HAVE ANY VALIDITY AS) is valid notice (OR OTHERWISE; BUT), unless the tax has been paid.

If the tax (BE) was paid, no error in computation or ascertainment of the amount (THEREOF) shall affect the validity of (SUCH) the mortgage or the record or foreclosure (THEREOF). *This section does not apply to a mortgage exempt from taxation under section 287.04 or 287.05, subdivision 1.*

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Amend the title as follows:

Page 1, line 10, after "provisions;" insert "clarifying the application of the mortgage registry tax;"

Page 1, line 12, after "15;" insert "287.10;"

The motion prevailed and the amendment was adopted.

S. F. No. 567, A bill for an act relating to real property; changing notice period required for cancellation of contract for deed; designating vendor's attorney as an agent; eliminating the mortgage registration tax on contracts for deed; 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; amending Minnesota Statutes 1984, sections 47.20, subdivision 15; 559.21, subdivisions 3, 4, and 6, and by adding subdivisions; 580.031; 583.02; 583.03; 583.04; 583.05; 583.07; and 583.10; repealing Minnesota Statutes 1984, sections 287.02; and 559.21, subdivisions 1, 1a, and 2; and Laws 1983, chapter 215, section 16, as amended.

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 116 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Becklin	Boo	Carlson, D.	Cohen
Anderson, R.	Begich	Brandl	Carlson, J.	Dempsey
Backlund	Bennett	Brinkman	Carlson, L.	DenOuden
Battaglia	Bishop	Brown	Clark	Dyke
Beard	Blatz	Burger	Clausnitzer	Elioff

Ellingson	Kelly	Nelson, D.	Rest	Thiede
Fjostion	Knuth	Nelson, K.	Rice	Thorson
Forsythe	Kostohryz	Norton	Richter	Tjornhom
Frederick	Krueger	Ogren	Riveness	Tomlinson
Frederickson	Kvam	Olson, S.	Rodosovich	Tompkins
Frerichs	Levi	Olson, E.	Rose	Tunheim
Greenfield	Lieder	Omann	Schafer	Valan
Gruenes	Long	Onnen	Scheid	Valento
Halberg	Marsh	Osthoff	Schoenfeld	Vanasek
Hartinger	McDonald	Otis	Seaberg	Vellenga
Hartle	McEachern	Ozment	Segal	Voss
Haukoos	McKasy	Peterson	Shaver	Wenzel
Heap	McLaughlin	Piepho	Sherman	Wynia
Himle	McPherson	Piper	Skoglund	Zaffke
Jacobs	Metzen	Poppenhagen	Soiberg	Spk. Jennings, D.
Jaros	Miller	Price	Sparby	
Jennings, L.	Minne	Quinn	Stanius	
Kahn	Munger	Redalen	Staten	
Kalis	Murphy	Rees	Sviggum	

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

Backlund was excused while in conference.

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON 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.

May 20, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 315, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 315 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 161.14, subdivision 6, is amended to read:

Subd. 6. [VETERANS' EVERGREEN MEMORIAL DRIVE.]

(a) That portion of road No. 185, known as trunk highway No. 23 in St. Louis, Pine and Carlton Counties, is hereby named and designated "*Veterans' Evergreen Memorial Drive*" in memory of (WORLD WAR) veterans of St. Louis, Pine, and Carlton counties.

(b) *The commissioner shall install a bronze plaque with an inscription to read, "In grateful memory of all men and women from Carlton, Pine, and St. Louis Counties who served in World War I, World War II, Korea, Vietnam, and all future conflicts."*

Sec. 2. Minnesota Statutes 1984, section 368.85, subdivision 6, is amended to read:

Subd. 6. [TAX LEVY.] (IT SHALL THEREAFTER BE THE DUTY OF) The town board *shall* annually (TO) *thereafter* levy a tax in (SUCH) an amount as (MAY BE) necessary (BUT NOT EXCEEDING ONE AND TWO-THIRDS MILLS) on (THE DOLLAR OF) the assessed valuation of all property located within (SUCH) *the* special fire protection district to (BE USED FOR THE PURPOSE OF PROVIDING) *provide* fire protection for (SUCH SPECIAL FIRE PROTECTION) *the* district (, BUT THIS LIMIT SHALL NOT APPLY TO A SPECIAL FIRE PROTECTION DISTRICT ABUTTING A CITY OF THE FIRST OR SECOND CLASS, OR FOR THE PAYMENT OF A DEFICIT FROM A PRIOR FIRE CONTRACT). (SUCH) *The* tax, with a certified copy of the resolution establishing the district, shall be certified by the town board to the county auditor who shall (THEREUPON) spread the (AUTHORIZED) tax against the property located within (SUCH SPECIAL FIRE PROTECTION) *the* district (, AND). The (SAME) *tax* shall be collected as other taxes.

Sec. 3. [ROSEVILLE; PORT AUTHORITY.]

The governing body of the city of Roseville may exercise all the powers of a port authority provided by Minnesota Statutes, chapter 458.

Sec. 4. [WHITE BEAR LAKE; PORT AUTHORITY.]

The governing body of the city of White Bear Lake may exercise all the powers of a port authority provided by Minnesota Statutes, chapter 458.

Sec. 5. [DIVISIONS.]

Subdivision 1. For the purpose of this act the terms defined in this section have the following meanings.

Subd. 2. "City" means the cities of Sartell, Sauk Rapids, St. Cloud, Isle, Mora, Becker and Waite Park.

Subd. 3. "Special services" means all services rendered or contracted for by the city, including, but not limited to:

(a) the repair, maintenance, operation, and construction of any improvements authorized by Minnesota Statutes, section 429.021;

(b) parking services rendered or contracted for by the city; and

(c) any other service provided to the public by the city that is authorized by law or charter provision. Special services do not include any service that is ordinarily provided throughout the city from general fund revenues of the city unless an increased level of the service is provided in the special service district.

Subd. 4. "Special service district" means a defined area within the city where special services are rendered and the costs of the special services are paid from revenues collected from taxes and service charges imposed within that area.

Subd. 5. "Assessed value" means the assessed value as most recently certified by the commissioner of revenue before the effective date of the ordinance or resolution adopted pursuant to section 6 or 7.

Subd. 6. "Land area" means the land area in the district which is subject to property taxation.

Sec. 6. [ESTABLISHMENT OF SPECIAL SERVICE DISTRICT.]

Subdivision 1. [ORDINANCE.] The governing body of the city may adopt an ordinance establishing a special service district. Only property which is zoned for commercial, business, or industrial use under a municipal zoning ordinance may be included in a district. The ordinance shall describe with particularity the area within the city to be included in the district and the special services to be furnished in the district. The ordinance may not be adopted until after a public hearing has been held on the question. Notice of the hearing shall include:

(a) the time and place of hearing;

(b) a map showing the boundaries of the proposed district; and

(c) a statement that all persons owning property in the proposed district will be given opportunity to be heard at the hearing.

Subd. 2. [NOTICE.] Notice of the hearing shall be given by publication in two issues of the official newspaper of the city. The two publications shall be a week apart and the hearing shall be held at least three days after the last publication. Not less than ten days before the hearing, notice shall also be mailed to the owner of each parcel within the area proposed to be included in the district. For the purpose of giving mailed notice, owners shall be those shown on the records of the county auditor. Other records may be used to supply the necessary information. For properties which are tax exempt or subject to taxation on a gross earnings basis in lieu of property tax and are not listed on the records of the county auditor, the owners shall be ascertained by any practicable means and mailed notice given them. At the public hearing any person affected by the proposed district may be heard orally in respect to any issues relevant to the proposed district. The hearing may be adjourned from time to time and the ordinance establishing the district may be adopted at any time within six months after the date of the conclusion of the hearing by a vote of the majority of the governing body of the city.

Sec. 7. [TAXING AUTHORITY; NOTICE AND HEARING REQUIREMENTS.]

Subdivision 1. [TAXES; HEARING.] Ad valorem taxes may be levied on taxable nonhomestead property or service charges may be imposed by the city within the special service district at a rate or amount sufficient to produce the revenues required to provide special services within the district. To determine the appropriate mill rate, nonhomestead taxable property or value shall be determined without regard to captured or original assessed value under Minnesota Statutes, section 273.76 or to the distribution or contribution value under Minnesota Statutes, section 473F.08. Taxes and service charges shall not be imposed to finance a special service if the service is ordinarily provided by the city from its general fund revenues unless the service is provided in the district at an increased level, in which case only an amount to pay for the increased level may be imposed. A service charge shall not be imposed on the receipts from the sale of intoxicating liquor, food, or lodging. Before the levy of taxes or imposition of service charges in a district, for each calendar year, notice shall be given and hearing shall be held pursuant to section 6 and notice shall also be mailed to any individual or business organization subject to a service charge. For purposes of this section the notice shall also include:

(a) A statement that all interested persons will be given an opportunity to be heard at the hearing regarding a proposed tax levy or service charge.

(b) The estimated cost of improvements to be paid for in whole or in part by taxes or service charges imposed pursuant

to this section, the estimated cost of operating and maintaining the improvements during the first year after completion of the improvements, the proposed method and source of financing the improvements and the annual cost of operating and maintaining the improvements.

(c) The proposed rate or amount of taxes to be extended or the proposed service charge to be imposed in the district during the calendar year and the nature and character of special services to be rendered in the district during the calendar year.

(d) A statement that the petition requirements of section 12 have either been met or do not apply to the proposed taxes or service charge.

Within six months of the public hearing, the city may adopt a resolution levying a tax or imposing a service charge within the district not exceeding the amount or rate expressed in the notice issued pursuant to this section.

Subd. 2. [EXEMPTION OF CERTAIN PROPERTIES FROM TAXES.] *Property exempted from taxation by Minnesota Statutes, section 272.02, is exempt from any ad valorem taxes imposed pursuant to this act.*

Subd. 3. [LEVY LIMIT EXEMPTION.] *Taxes and service charges imposed pursuant to this act shall not be included in the calculation of levies or limits on levies provided by other law or home rule charter provision.*

Subd. 4. [EXCLUSION FROM HOMESTEAD CREDIT.] *Taxes levied under this section shall not be reduced pursuant to Minnesota Statutes, section 273.13, subdivision 6, 7, 7d, or 14a.*

Sec. 8. [ENLARGEMENT OF SPECIAL SERVICE DISTRICTS.]

Boundaries of a special service district may be enlarged only after hearing and notice as provided in sections 6 and 7. Notice shall be served in the original district and in the area proposed to be added to the district. Property added to the district shall be subject to all taxes levied and service charges imposed within the district after the property becomes a part of the district. The petition requirement in section 12 and the veto power in section 13 shall only apply to owners, individuals, and business organizations in the area proposed to be added to the district.

Sec. 9. [COLLECTION OF TAXES.]

Ad valorem taxes levied within a special service district shall be collected and paid over as other ad valorem taxes, but shall be spread only upon the assessed value of property described in

the ordinance. Service charges imposed shall be collected as provided by ordinance. Taxes collected pursuant to this act shall not be included in computations under Minnesota Statutes, section 273.76, chapter 473F, or any other law that applies to general ad valorem levies.

Sec. 10. [BONDS.]

At any time after a contract for the construction of all or part of an improvement authorized pursuant to this act has been entered into or the work has been ordered done by day labor, the governing body of the city may issue obligations, including certificates of indebtedness, in the amount it deems necessary to defray in whole or in part the expense incurred and estimated to be incurred in making the improvement, including every item of cost from inception to completion and all fees and expenses incurred in connection with the improvement or the financing. The obligations shall be payable primarily out of the proceeds of the tax levied pursuant to section 7, or from any other special assessment or nontax revenues available to be pledged for their payment under charter or other statutory authority, or from any two or more of such sources. The governing body may, by resolution adopted prior to the sale of obligations, pledge the full faith, credit, and taxing power of the municipality to assure payment of the principal and interest if the proceeds of the tax levy in the district are insufficient to pay the principal and interest. The amount of any taxes that are required to be levied outside of the territory of the special services district or taken from the general funds of the municipality to pay principal and interest on the obligations shall be reimbursed to the municipality from taxes levied within the special services district. The obligations shall be issued in accordance with Minnesota Statutes, chapter 475, except that an election shall not be required, and the amount of the obligations shall not be included in determining the net debt of the city under the provisions of any law or charter limiting debt.

Sec. 11. [ADVISORY BOARD.]

The governing body of the city may create and appoint an advisory board for each special service district in the city to advise the governing body in connection with the construction, maintenance, and operation of improvements, and the furnishing of special services in a district. The advisory board shall make recommendations to the governing body on the requests and complaints of owners, occupants, and users of property within the district and members of the public. Before the adoption of any proposal by the governing body to provide services or impose taxes or service charges within the district, the advisory board of the district shall have an opportunity to review and comment upon the proposal.

Sec. 12. [PETITION REQUIRED.]

No action may be taken pursuant to section 6 unless owners of 15 percent or more of the land area of the proposed special service district and owners of 15 percent or more of the assessed value of the proposed district file a petition requesting a public hearing on the proposed action with the city clerk. No action may be taken pursuant to section 7 to impose an ad valorem tax unless owners of 15 percent or more of the land area subject to a proposed tax and owners of 15 percent or more of the assessed value subject to a proposed tax file a petition requesting a public hearing on the proposed action with the city clerk. No action may be taken pursuant to section 7 to impose a service charge unless 15 percent or more of the individual or business organizations subject to the proposed service charge file a petition requesting a public hearing on the proposed action with the city clerk. If the boundaries of a proposed district are changed or the land area or assessed value subject to a tax or the individuals or business organizations subject to a service charge are changed after the public hearing, a petition meeting the requirements of this section must be filed with the city clerk before the ordinance establishing the district or resolution imposing the tax or service charge may become effective.

Sec. 13. [VETO POWER OF OWNERS.]

Subdivision 1. [NOTICE OF RIGHT TO FILE OBJECTIONS.] Except as provided in section 14, the effective date of any ordinance or resolution adopted pursuant to sections 6 and 7 shall be at least 45 days after it is adopted. Within five days after adoption of the ordinance or resolution, a copy of the ordinance or resolution shall be mailed to the owner of each parcel included in the special service district and any individual or business organization subject to a service charge in the same manner that notice is mailed pursuant to section 6. The mailing shall include a notice that owners subject to a tax and individuals and business organizations subject to a service charge have a right to veto the ordinance or resolution by filing the required number of objections with the city clerk before the effective date of the ordinance or resolution.

Subd. 2. [REQUIREMENT FOR VETO.] If owners of 35 percent of the land area in the district or owners of 35 percent of the assessed value in the district file an objection to the ordinance adopted by the city pursuant to section 6 with the city clerk before the effective date of the ordinance, the ordinance shall not become effective. If owners of 35 percent of the land area subject to a tax or owners of 35 percent of the assessed value subject to a tax file an objection to the resolution adopted levying an ad valorem tax pursuant to section 7 with the city clerk before the effective date of the resolution, the resolution shall not become effective. If 35 percent of individuals and business organizations subject to a service charge file an objection to the resolution adopted imposing a service charge

pursuant to section 7 with the city clerk before the effective date of the resolution, the resolution shall not become effective.

Sec. 14. [EXCLUSION FROM PETITION REQUIREMENTS AND VETO POWER.]

The petition requirement of section 12 and the right of owners and those subject to a service charge to veto a resolution in section 13 do not apply to second or subsequent years' applications of a tax or service charge which is authorized to be in effect for more than one year pursuant to a resolution which has met the petition requirements of section 12 and which has not been vetoed under section 13 for the first year's application. A resolution levying a tax or imposing a service charge for more than one year shall not be adopted unless the notice of public hearing required by section 7 and the notice mailed with the adopted resolution pursuant to section 13 include the following information:

(a) In the case of improvements, the maximum rate or amount of taxes to be levied or the maximum service charge to be imposed in any year and the maximum number of years the taxes will be levied or service charges imposed to pay for the improvement.

(b) In the case of operating and maintenance services, the maximum rate or amount of taxes to be levied or the maximum service charge to be imposed in any year and the maximum number of years, or a statement that the tax will be imposed for an indefinite number of years, the taxes will be levied or service charges imposed to pay for operation and maintenance services.

The resolution may provide that the maximum amount of tax to be levied or maximum service charge to be imposed in any year will increase or decrease from the maximum amount authorized in the preceding year based on an indicator of increased cost or a percentage amount established by the resolution.

Sec. 15. [LOCAL APPROVAL.]

Section 3 is effective for the city of Roseville the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Roseville.

Section 4 is effective for the city of White Bear Lake the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of White Bear Lake.

Sec. 16. [EFFECTIVE DATE.]

Sections 5 to 14 are effective the day following final enactment."

Delete the title and insert:

“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; granting the city of Roseville and the city of White Bear Lake located in Ramsey county the powers of a port authority; permitting the establishment of special service districts in the cities of Sartell, Sauk Rapids, St. Cloud, Isle, Mora, Becker, and Waite Park; amending Minnesota Statutes 1984, sections 161.14, subdivision 6; and 368.85, subdivision 6.”

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

House Conferees: LYNN H. BECKLIN, PAUL ANDERS OGREN and DOUGLAS W. CARLSON.

Senate Conferees: BETTY A. ADKINS, FLORIAN CHMIELEWSKI and JIM GUSTAFSON.

Becklin moved that the report of the Conference Committee on H. F. No. 315 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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 by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called.

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

There were 115 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Becklin	Blatz	Brown	Clark
Anderson, R.	Begich	Boo	Carlson, D.	Clausnitzer
Battaglia	Bennett	Brandl	Carlson, J.	Cohen
Beard	Bishop	Brinkman	Carlson, L.	DenOuden

Dyke	Kalis	Nelson, D.	Rees	Swiggum
Elioff	Kelly	Nelson, K.	Rest	Thiede
Ellingson	Kiffmeyer	Neuenschwander	Rice	Thorson
Erickson	Knuth	Norton	Richter	Tjornhom
Fjoslien	Kostohryz	O'Connor	Riveness	Tomlinson
Forsythe	Krueger	Ogren	Rodosovich	Tompkins
Frederick	Levi	Olson, E.	Rose	Tunheim
Frederickson	Lieder	Omamm	Schafer	Uphus
Greenfield	Long	Otis	Scheid	Valan
Gruenes	Marsh	Ozment	Schoenfeld	Valento
Halberg	McDonald	Pappas	Seaberg	Vanasek
Hartinger	McEachern	Peterson	Segal	Vellenga
Hartle	McLaughlin	Piepho	Shaver	Voss
Haukoos	McPherson	Piper	Sherman	Waltman
Heap	Metzen	Poppenhagen	Skoglund	Welle
Jacobs	Miller	Price	Solberg	Wenzel
Jaros	Minn	Quinn	Sparby	Wynia
Jennings, L.	Munger	Quist	Stanius	Zaffke
Kahn	Murphy	Redalen	Staten	Spk. Jennings, D.

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON 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.

May 20, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 186, report that we have agreed upon the items in dispute and recommend as follows:

That the House concur in the Senate amendment and that H. F. No. 186 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [245.50] [INTERSTATE CONTRACTS FOR MENTAL HEALTH SERVICES.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given them.

(a) “*Bordering state*” means Iowa, North Dakota, South Dakota, or Wisconsin.

(b) "Agency or facility" means a public or private hospital, mental health center, or other person or organization authorized by a state to provide mental health services.

Subd. 2. [AUTHORITY.] Unless prohibited by another law and subject to the exceptions listed in subdivision 3, a county board may contract with an agency or facility in a bordering state for mental health services for residents of Minnesota, and a Minnesota mental health agency or facility may contract to provide services to residents of bordering states. A person who receives services in another state under this section is subject to the laws of the state in which services are provided. A person who will receive services in another state under this section must be informed of the consequences of receiving services in another state, including the implications of the differences in state laws.

Subd. 3. [EXCEPTIONS.] A contract may not be entered into under this section for services to persons who:

(1) are serving a sentence after conviction of a criminal offense;

(2) are on probation or parole;

(3) are the subject of a presentence investigation;

(4) have been committed involuntarily; or

(5) will be receiving treatment for chemical dependency.

Subd. 4. [CONTRACTS.] Contracts entered into under this section must, at a minimum:

(1) describe the services to be provided;

(2) establish responsibility for the costs of services;

(3) establish responsibility for the costs of transporting individuals receiving services under this section;

(4) specify the duration of the contract;

(5) specify the means of terminating the contract;

(6) specify the terms and conditions for refusal to admit or retain an individual; and

(7) identify the goals to be accomplished by the placement of an individual under this section.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

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

House Conferees: TIM SHERMAN, DOMINIC J. ELIOFF and DAVE GRUENES.

Senate Conferees: DON B. SAMUELSON, PATRICIA LOUISE KRONEBUSCH and RONALD R. DICKLICH.

Sherman moved that the report of the Conference Committee on H. F. No. 186 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called.

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

There were 109 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were :

Greenfield Ogren Rodosovich

The bill was repassed, as amended by Conference, and its title agreed to.

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate :

Mr. Speaker :

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on :

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 and their families; requiring juvenile and criminal courts to give docket priority to child abuse cases; providing for the examination of child witnesses; clarifying the admissibility of certain out-of-court statements; merging the crimes of "intrafamilial sexual abuse" and "criminal sexual conduct" and limiting the discretion of courts to stay sentences of familial sexual abuse defendants; requiring recordkeeping and tape recording guidelines with respect to interviews with child abuse victims; eliminating certain notice requirements; 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; 595.02, subdivision 3; 609.341, by adding a subdivision; 609.342; 609.343; 609.344; 609.345; 626.556, subdivision 11, and by adding a subdivision; and 630.36; proposing coding for new law in Minnesota Statutes, chapters 626 and 631; repealing Minnesota Statutes 1984, sections 609.364 to 609.3644.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 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 Senate has appointed as such Committee Messrs. Moe, D. M.; Wegscheid; Pogemiller; Spear and Renneke.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 83, A bill for an act relating to courts; authorizing the chief judge in Hennepin and Ramsey counties to extend the principal assignment of certain juvenile court judges.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 633, A bill for an act relating to traffic regulations; providing for a temporary definition of school bus; providing for book racks and "MN" designation on school buses; amending Minnesota Statutes 1984, section 169.44, by adding subdivisions.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

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 Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

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 Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 558, A bill for an act relating to metropolitan government; permitting the city of Bloomington and the transportation department to contract for a highway improvement; providing conditions for the disposal of certain sports facilities property; 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, sections 473.556, subdivision 6; and 473.704, by adding a subdivision.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 35.

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. 35

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.

May 18, 1985

The Honorable Jerome H. Hughes
President of the Senate

The Honorable David M. Jennings
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 35, 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. 35 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 626.52, is amended to read:

626.52 [(PHYSICIANS AND OTHER AIDERS TO HEALING TO REPORT INJURIES FROM FIREARMS) *REPORTING OF SUSPICIOUS WOUNDS BY HEALTH PROFESSIONALS.*]

Subdivision 1. [DEFINITION.] As used in subdivision 2, “health professional” means a physician, surgeon, person authorized to engage in the practice of healing, superintendent or manager of a hospital, nurse, or pharmacist.

Subd. 2. [HEALTH PROFESSIONALS REQUIRED TO REPORT.] (EVERY PHYSICIAN, EVERY SURGEON, EVERY PERSON AUTHORIZED TO ENGAGE IN THE PRACTICE OF HEALING, EVERY SUPERINTENDENT OR MANAGER OF A HOSPITAL, EVERY NURSE AND EVERY PHARMACIST, WHETHER SUCH PHYSICIANS, SUR-

GEONS, PERSONS ENGAGED IN THE PRACTICE OF HEALING, SUPERINTENDENT OR MANAGER OF ANY HOSPITAL, NURSE AND PHARMACIST BE LICENSED OR NOT,) *A health professional shall immediately report, as provided under section 626.53, to the (PROPER) local police (AUTHORITIES, AS HEREIN DEFINED,) department or county sheriff all bullet wounds, gunshot wounds, powder burns, or any other injury arising from, or caused by the discharge of any gun, pistol, or any other firearm, which wound he is called upon to treat, dress, or bandage.*

A health professional shall report to the proper police authorities any wound that the reporter has reasonable cause to believe has been inflicted on a perpetrator of a crime by a dangerous weapon other than a firearm as defined under section 609.02, subdivision 6.

Sec. 2. Minnesota Statutes 1984, section 626.55, is amended to read:

626.55 [PENALTY.]

Subdivision 1. Any person who violates any provision of sections 626.52 to 626.55 is guilty of a gross misdemeanor.

Subd. 2. Any person reporting in good faith and exercising due care shall have immunity from any liability, civil or criminal, that otherwise might result by reason of his actions pursuant to this section. No cause of action may be brought against any person for not making a report pursuant to this section."

Amend the title as follows:

Page 1, line 4, delete "section" and insert "sections"

Page 1, line 5, before the period, insert "; and 626.55"

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

Senate Conferees: A. W. "BILL" DIESSNER, RANDOLPH W. PETERSON and GENE MERRIAM.

House Conferees: TONY BENNETT, DENNIS OZMENT and PETER RODSOVICH.

Bennett moved that the report of the Conference Committee on S. F. No. 35 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 35, A bill for an act relating to crimes; requiring health professionals to report suspicious wounds to law en-

forcement authorities; amending Minnesota Statutes 1984, section 626.52.

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.

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

There were 117 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 862.

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. 862

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.

May 17, 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. 862, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 862 be further amended as follows:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1984, section 485.01, is amended to read:

485.01 [APPOINTMENT; BOND; DUTIES.]

A clerk of the district court for each county within the judicial district, *who shall be known as the court administrator*, shall be appointed by a majority of the district court judges in the district, after consultation with the county court judges of the county court district affected. The clerk, before entering upon the duties of his office, shall give bond to the state, to be approved by the chief judge of the judicial district, in a penal sum of not less than \$1,000 nor more than \$10,000 conditioned for the faithful discharge of his official duties. The bond, with his oath of office, shall be filed for record with the county recorder. The clerk shall perform all duties assigned him by law and by the rules of the court. He shall not practice as an attorney in the court of which he is the clerk.

The duties, functions, and responsibilities which have been and may be required by statute or law to be performed by the clerk of district court shall be performed by the court administrator.

Sec. 2. Minnesota Statutes 1984, section 486.05, subdivision 1, is amended to read:

Subdivision 1. In all judicial districts a salary range for court reporters shall be established annually by the judicial district administrator with the approval of a majority of judges of the district. The salary for each court reporter shall be set within that range annually by the district administrator after consultation with the chief judge. Nothing (HEREIN SHALL CHANGE) *in this subdivision changes the manner by which court reporters are paid, the proportions among the various counties of a judicial district by which the funds are allocated or any statutory provisions related to court reporter compensation other than the manner of setting salary. Each county shall be required by order to pay a specified amount (THEREOF) of the salary in monthly installments, which shall be (SUCH) the proportion of the whole salary as the population in each county bears to the total population in the district (AS SET FORTH) in the most recent federal census. (IT IS PROVIDED, HOWEVER, THAT IN THE EVENT) If a judge is temporarily transferred to hold court in (SOME) a county (OTHER THAN IN HIS) outside of the judge's judicial district then (, AND IN THAT EVENT, THE SAID) that county shall pay (THAT) a part of the monthly salary of the judge's reporter (AS THAT) equal to the part of the month worked by (SAID) the reporter in (SAID) the county. (EACH REPORTER SHALL HAVE AND MAINTAIN HIS RESIDENCE IN THE DISTRICT IN WHICH HE IS APPOINTED.)* The reporter, in addition to (HIS) a salary, shall be paid (SUCH SUMS AS HE SHALL ACCRUE AS) necessary mileage, traveling, and hotel expenses *incurred in the discharge of official duties while absent from the (CITY IN WHICH HE RESIDES IN THE DISCHARGE OF HIS OFFICIAL DUTIES) district where the judge the reporter serves is assigned (, SUCH). The expenses are to be paid by the county for which the (SAME) expenses were incurred upon presentation of a verified itemized statement (THEREOF) approved by the judge; and the auditor of (SUCH) the county, upon presentation of (SUCH) the approved statement, shall issue (HIS) a warrant (IN) for payment (THEREOF).*

This subdivision supersedes all laws (NOW IN FORCE) relating to the salary of district court reporters inconsistent (HEREWITH RELATING TO ANY AND ALL COUNTIES ARE HEREBY REPEALED AND SUPERSEDED) with this subdivision, except the manner of setting salary (AS HEREIN-BEFORE SET FORTH SHALL) in this subdivision does not apply to the second and fourth judicial districts."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon insert "providing that clerks of district court shall be known as court administrators; eliminating certain mileage expenses that court reporters may

claim for reimbursement; eliminating the requirement that court reporters reside in the district of their appointment;”

Page 1, line 5, after “sections” insert “485.01; 486.05, subdivision 1;”

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

Senate Conferees: JAMES C. PEHLER, GENE MERRIAM, LAWRENCE J. POGEMILLER, DEAN E. JOHNSON and MICHAEL O. FREEMAN.

House Conferees: BERT J. MCKASY, CHARLES C. HALBERG, TERRY DEMPSEY and GARY L. SCHAFER.

McKasy moved that the report of the Conference Committee on S. F. No. 862 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 862, 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 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.

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

There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 295.

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. 295

A bill for an act relating to counties; authorizing a special levy for county agricultural society and park and recreation purposes for Hubbard county; authorizing a special levy for support of the Clearwater county hospital; authorizing a special levy for tourism and agriculture promotion in Cass county; requiring a reverse referendum under certain circumstances; increasing the amount of loans available to certain counties for design and construction costs of district heating and qualified energy improvements; allowing municipalities to accelerate repayment of principal of energy loans; authorizing county regulation of pawnbrokers, second-hand, and junk dealers; designating Hubbard county as a fiscal agent; amending Minnesota Statutes 1984, section 116J.36, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 471.

May 20, 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. 295, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 295 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [SPECIAL LEVY AUTHORITY.]

Hubbard county may levy a property tax in an amount not to exceed \$45,000 annually to construct, maintain, or operate public park or other recreational facilities or programs. The tax authorized by this section shall be disregarded in the calculation of any levy limitations under Minnesota Statutes, chapter 275.

Sec. 2. [REVERSE REFERENDUM.]

If the Hubbard county board intends to exercise the authority provided by section 1 in subsequent years, it shall pass a resolution stating the fact before January 1, 1986. Thereafter, the resolution shall be published for two successive weeks in the official newspaper of the county or, if there is no official newspaper, in a newspaper of general circulation in the county, together with a notice fixing a date for a public hearing on the matter. The hearing shall be held not less than two weeks nor more than four weeks after the first publication of the resolution. Following the public hearing, the county may determine to take no further action or, in the alternative, adopt a resolution confirming its intention to exercise the authority. That resolution shall also be published in the official newspaper of the county or, if there is no official newspaper, in a newspaper of general circulation in the county. If within 30 days thereafter a petition signed by voters equal in number to five percent of the votes cast in the county in the last general election requesting a vote on the proposed resolution is filed with the county auditor, the resolution shall not be effective until it has been submitted to the voters at a general or special election and a majority of votes cast on the question of approving the resolution are in the affirmative. The commissioner of revenue shall prepare a suggested form of question to be presented at the election. The referendum must be held at a special or general election prior to December 1, 1986.

Sec. 3. [APPROPRIATION.]

Hubbard county may levy a property tax not greater than \$20,000 annually and disburse its proceeds to operate county agricultural fairs and maintain buildings and grounds used for county agricultural fairs. This section supersedes any inconsistent provision of Minnesota Statutes, sections 38.17, 375.18, subdivision 8, or other law. The tax provided by this act shall be disregarded in the calculation of any other levy or limit on levies provided by Minnesota Statutes, sections 275.50 to 275.56 or other law. The authority allowed by this section is provided at

the request of the board of county commissioners of Hubbard county.

Sec. 4. [REVERSE REFERENDUM.]

If the Hubbard county board proposes to exercise the authority provided by section 3, it shall pass a resolution stating the fact before January 1, 1986. Thereafter, the resolution shall be published for two successive weeks in the official newspaper of the county or, if there is no official newspaper, in a newspaper of general circulation in the county, together with a notice fixing a date for a public hearing on the matter. The hearing shall be held not less than two weeks nor more than four weeks after the first publication of the resolution. Following the public hearing, the county may determine to take no further action or, in the alternative, adopt a resolution confirming its intention to exercise the authority. That resolution shall also be published in the official newspaper of the county or, if there is no official newspaper, in a newspaper of general circulation in the county. If within 30 days thereafter a petition signed by voters equal in number to five percent of the votes cast in the county in the last general election requesting a vote on the proposed resolution is filed with the clerk, the resolution shall not be effective until it has been submitted to the voters at a general or special election and a majority of votes cast on the question of approving the resolution are in the affirmative. The commissioner of revenue shall prepare a suggested form of question to be presented at the election. The referendum must be held at a special or general election prior to October 1, 1986.

Sec. 5. [CLEARWATER COUNTY; SPECIAL LEVY FOR COUNTY HOSPITAL COSTS.]

Subdivision 1. Clearwater county may levy a property tax in an amount authorized by the county board, not to exceed a levy of three mills, in excess of any limitation imposed by Minnesota Statutes, sections 275.50 to 275.56, or any other law, for the purpose of funding the operation of the county hospital.

Subd. 2. [REVERSE REFERENDUM.] *If the Clearwater county board proposes to increase the levy of the county pursuant to subdivision 1, it shall pass a resolution stating that fact. Thereafter, the resolution shall be published for two successive weeks in the official newspaper of the county or if there is no official newspaper, in a newspaper of general circulation in the county, together with a notice fixing a date for a public hearing on the matter. The hearing shall be held not less than two weeks nor more than four weeks after the first publication of the resolution. Following the public hearing, the county may determine to take no further action or, in the alternative, adopt a resolution confirming its intention to exercise the authority. That resolution shall also be published in the official newspaper*

of the county or if there is no official newspaper, in a newspaper of general circulation in the county. If within 30 days thereafter a petition signed by voters equal in number to five percent of the votes cast in the county in the last general election requesting a referendum on the proposed resolution is filed with the county auditor the resolution shall not be effective until it has been submitted to the voters at a general or special election and a majority of votes cast on the question of approving the resolution are in the affirmative. The commissioner of revenue shall prepare a suggested form of question to be presented at the referendum. The referendum must be held at a special or general election prior to October 1, 1985.

Sec. 6. [CASS COUNTY; TOURISM AND AGRICULTURE PROMOTION.]

Subdivision 1. The Cass county board may annually levy a tax of a total amount of not more than \$70,000 on taxable property in the county and disburse the proceeds of the levy to promote tourism and agriculture in the county. A levy under this section shall be disregarded in the calculation of any other levies or limits on levies provided by Minnesota Statutes, sections 275.50 to 275.56 or other law.

Subd. 2. [REVERSE REFERENDUM.] If the Cass county board proposes to increase the levy of the county pursuant to subdivision 1, it shall pass a resolution stating that fact. Thereafter, the resolution shall be published for two successive weeks in the official newspaper of the county or if there is no official newspaper, in a newspaper of general circulation in the county, together with a notice fixing a date for a public hearing on the matter. The hearing shall be held not less than two weeks nor more than four weeks after the first publication of the resolution. Following the public hearing, the county may determine to take no further action or, in the alternative, adopt a resolution confirming its intention to exercise the authority. That resolution shall also be published in the official newspaper of the county or if there is no official newspaper, in a newspaper of general circulation in the county. If within 30 days thereafter a petition signed by voters equal in number to five percent of the votes cast in the county in the last general election requesting a referendum on the proposed resolution is filed with the county auditor the resolution shall not be effective until it has been submitted to the voters at a general or special election and a majority of votes cast on the question of approving the resolution are in the affirmative. The commissioner of revenue shall prepare a suggested form of question to be presented at the referendum. The referendum must be held at a special or general election prior to October 1, 1985.

Sec. 7. [LOCAL APPROVAL.]

Sections 1, 2, 3, and 4 are effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the

Hubbard county board. Section 5 is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the Clearwater county board for taxes levied in 1985, 1986, 1987, and 1988. Section 6 is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the Cass county board.

Sec. 8. Minnesota Statutes 1984, section 116J.36, subdivision 6, is amended to read:

Subd. 6. [LOANS, DISTRICT HEATING AND QUALIFIED ENERGY IMPROVEMENTS.] Upon the recommendation of the authority pursuant to subdivision 8, the commissioner of finance shall make loans to municipalities on the following terms:

(a) In the case of loans for design costs, the maximum amount of the loan shall be limited by the provisions of this clause. For cities of the first class and counties containing a city of the first class, individually or through the exercise of joint powers agreements, the amount of the loan shall not exceed 40 percent of the design costs. *For counties containing one city of the first class not exceeding 100,000 inhabitants, the amount of the loan for that portion of the county excluding the city of the first class shall not exceed 80 percent of the design costs.* For cities of the second, third and fourth class, and other municipalities, the amount of the loan shall not exceed 90 percent of the design costs;

(b) In the case of loans for construction costs, a municipality must demonstrate that all design activities have been completed; that the project or improvement is economically and technologically feasible; that the district heating system or qualified energy improvement will be constructed, and that it has made adequate provisions to assure proper and efficient operation and maintenance of the project or improvement. For cities of the first class and counties containing a city of the first class, individually or through the exercise of joint powers agreements, the amount of the loan shall be up to 50 percent of the construction costs. *For counties containing one city of the first class not exceeding 100,000 inhabitants, the amount of the loan for that portion of the county excluding the city of the first class shall not exceed 80 percent of the construction costs.* For cities of the second class, the amount of the loan shall be up to 80 percent of the construction costs. For cities of the third or fourth class, and other municipalities, the amount of the loan shall be up to 90 percent of the construction costs.

(c) A loan made pursuant to this section is repayable over a period of not more than 20 years from the date the loan is made. Interest shall accrue from the date of the loan at a rate of interest assigned at the date of loan commitment, but the first payment of interest shall not be due until one year after the loan was

made. Principal payments shall begin (IN THE SIXTH YEAR) *not more than five years* after (THE) receipt of the loan on a (25-YEAR) level payment schedule (WITH THE). *The loan may be amortized in accordance with repayment schedules not exceeding 25 years in length. Any outstanding balance of the principal (TO BE RETIRED WITH THE PAYMENT DUE 20 YEARS AFTER RECEIPT OF THE LOAN) at the end of the repayment period must be repaid along with the final scheduled payment.* Interest attributable to the first year of deferred payment shall be amortized in equal periodic payments over the remainder of the term of the loan. For each loan, the initial deposit to the state bond fund required by section 16A.65, subdivision 1, shall be made by the commissioner of finance, and no loan may be refused solely because the municipality does not provide the initial deposit.

(d) The authority may also pledge a segregated portion of the energy development fund to guarantee or insure bonds and notes, or the interest rate thereon, issued by the commissioner of finance on behalf of the state of Minnesota for purposes of section 116J.36 or 116J.37.

Sec. 9. [471.924] [COUNTY REGULATION OF PAWN-BROKERS, SECOND-HAND AND JUNK DEALERS.]

Subdivision 1. [AUTHORITY.] For the purpose of promoting the health, safety, morals, and general welfare of its residents, any county in the state may regulate the activities of pawnbrokers, second-hand and junk dealers.

Subd. 2. [IMPLEMENTATION.] The purposes and objectives of the authority granted by this section shall be furthered by the adoption and passage of county-wide regulations or ordinance provisions.

Sec. 10. [471.925] [DEFINITIONS.]

For purposes of sections 9 to 14, the following terms have the meanings given them:

(1) "pawnbroker" means a person who loans money on deposit or pledge of personal property, or other valuable thing, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price, or who loans money secured by chattel mortgage or personal property, taking possession of the property or any part thereof so mortgaged; and

(2) "second-hand goods" or "junk dealer" means a person engaged in the business of buying second-hand goods of any kind, including but not limited to coins, gold, silver, jewelry, metals,

guns, and wrecked or dismantled motor vehicles or motor vehicles intended to be wrecked or dismantled, but not including used goods and merchandise taken as part or full payment for new goods and merchandise.

Sec. 11. [471.926] [RELATION TO OTHER COUNTY AUTHORITY.]

Any ordinance adopted by a county pursuant to sections 9 to 14 shall complement and be in addition to any other authority granted to a county pursuant to state statute or rule.

Sec. 12. [471.927] [COOPERATION WITH MUNICIPALITIES.]

The governing body of any municipality may continue to exercise the authority to regulate pawnbrokers and second-hand or junk dealers as provided by law, but may contract with the county board of commissioners for administration and enforcement of county-wide regulations or ordinance provisions within the borders of the municipality.

Sec. 13. [471.928] [RECORDING.]

Any ordinance adopted pursuant to sections 9 to 14 must be filed with the county recorder. The county auditor shall file a certified copy of the ordinance for record.

Sec. 14. [471.929] [ENFORCEMENT.]

The duties of enforcing an ordinance adopted pursuant to this section shall be imposed by the county board upon the county sheriff's department.

Sec. 15. [HUBBARD COUNTY FISCAL AGENT.]

The Hubbard county board may serve as the fiscal agent to receive money from the state for the Viking Epic Drama Amphitheater economic development project. The Hubbard county board shall establish the procedures and payment schedules necessary to make any required repayments to the state.

Sec. 16. [STEARNS COUNTY AGGREGATE MATERIAL.]

The Stearns county board may by resolution exempt from the tax imposed pursuant to Minnesota Statutes, section 293.75, any crushed granite rock used only for railroad ballast purposes produced in Stearns county which is transported by railroad and which is not transported on or used on any roads, streets, or highways.

Sec. 17. [EFFECTIVE DATE.]

Section 16 is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the Stearns county board."

Amend the title as follows:

Page 1, line 15, after the semicolon insert "exempting certain aggregate material in Stearns county from the aggregate tax;"

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

Senate Conferees: GERALD L. WILLET, RONALD R. DICKLICH and JAMES C. PEHLER.

House Conferees: MAURICE J. ZAFFKE, BERNARD J. BRINKMAN and MARCUS MARSH.

Zaffke moved that the report of the Conference Committee on S. F. No. 295 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 295, A bill for an act relating to counties; authorizing a special levy for county agricultural society and park and recreation purposes for Hubbard county; authorizing a special levy for support of the Clearwater county hospital; authorizing a special levy for tourism and agriculture promotion in Cass county; requiring a reverse referendum under certain circumstances; increasing the amount of loans available to certain counties for design and construction costs of district heating and qualified energy improvements; allowing municipalities to accelerate repayment of principal of energy loans; authorizing county regulation of pawnbrokers, second-hand, and junk dealers; designating Hubbard county as a fiscal agent; amending Minnesota Statutes 1984, section 116J.36, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 471.

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.

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

There were 118 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

McEachern Metzen Sarna

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 196.

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. 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 dis-

position 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.

May 20, 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. 196, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 196 be further amended as follows:

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 518.552, is amended to read:

518.552 [MAINTENANCE.]

Subdivision 1. In a proceeding for dissolution of marriage or legal separation, or in a proceeding for maintenance following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse and which has since acquired jurisdiction, the court may grant a maintenance order for either spouse if it finds that the spouse seeking maintenance:

(a) Lacks sufficient property, including marital property apportioned to (HIM) *the spouse*, to provide for (HIS) reason-

able needs of the spouse considering the standard of living established during the marriage, especially (DURING), but not limited to, a period of training or education, (AND) or

(b) Is unable to (ADEQUATELY SUPPORT HIMSELF) provide adequate self-support, after considering the standard of living established during the marriage and all relevant circumstances, through appropriate employment, or is the custodian of a child whose condition or circumstances make it appropriate that the custodian not be required to seek employment outside the home.

Subd. 2. The maintenance order shall be in amounts and for periods of time, either temporary or permanent, as the court deems just, without regard to marital misconduct, and after considering all relevant factors including:

(a) The financial resources of the party seeking maintenance, including marital property apportioned to (HIM) the party, and (HIS) the party's ability to meet his or her needs independently, including the extent to which a provision for support of a child living with the party includes a sum for that party as custodian;

(b) The time necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment, and the probability, given the (SPOUSE'S) party's age and skills, of completing education or training and becoming fully or partially self-supporting;

(c) The standard of living established during the marriage;

(d) The duration of the marriage and, in the case of a homemaker, the length of absence from employment and the extent to which any education, skills, or experience have become outmoded and earning capacity has become permanently diminished;

(e) The loss of earnings, seniority, retirement benefits, and other employment opportunities foregone by the spouse seeking spousal maintenance;

(f) The age, and the physical and emotional condition of the spouse seeking maintenance;

((F)) (g) The ability of the spouse from whom maintenance is sought to meet his needs while meeting those of the spouse seeking maintenance; and

((G)) (h) The contribution of each party in the acquisition, preservation, depreciation, or appreciation in the amount or value of the marital property, as well as the contribution of a

spouse as a homemaker or in furtherance of the other party's employment or business.

Subd. 3. Nothing in this section shall be construed to favor a temporary award of maintenance over a permanent award, where the factors under subdivision 2 justify a permanent award.

Where there is some uncertainty as to the necessity of a permanent award, the court shall order a permanent award leaving its order open for later modification.

Sec. 3. Minnesota Statutes 1984, section 518.64, subdivision 2, is amended to read:

Subd. 2. [MODIFICATION.] The terms of a decree respecting maintenance or support may be modified upon a showing of one or more of the following: (1) substantially increased or decreased earnings of a party; (2) substantially increased or decreased need of a party; (3) receipt of assistance under sections 256.72 to 256.87; or (4) a change in the cost-of-living for either party as measured by the federal bureau of statistics, any of which makes the terms unreasonable and unfair. *On a motion for modification of maintenance, the court shall apply, in addition to all other relevant factors, the factors for an award of maintenance under section 518.552 that exist at the time of the motion.* On a motion for modification of support, the court shall take into consideration the needs of the children and the financial circumstances of each party's spouse, if any. A modification which decreases support or maintenance may be made retroactive only upon a showing that any failure to pay in accord with the terms of the original order was not willful. A modification which increases support or maintenance shall not be made retroactive if the obligor has substantially complied with the previous order. Except for an award of the right of occupancy of the homestead, provided in section 518.63, all divisions of real and personal property provided by section 518.58 shall be final, and may be revoked or modified only where the court finds the existence of conditions that justify reopening a judgment under the laws of this state. The court may impose a lien or charge on the divided property at any time while the property, or subsequently acquired property, is owned by the parties or either of them, for the payment of maintenance or support money, or may sequester the property as is provided by section 518.24.

Sec. 4. 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. 5. 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. 6. 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.

(j) "*Practice of social services,*" for the purposes of subdivision 3, includes but is not limited to employee assistance counseling.

Sec. 7. 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 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 receiving a report, shall immediately notify the local welfare agency *orally and in writing*. The local welfare agency, upon 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 receiving a report, shall immediately notify the local welfare agency *orally and in writing*. *The local welfare agency, upon receiving a report, shall immediately 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.*

(e) For purposes of this subdivision, "immediately" means as soon as possible but in no event longer than 24 hours.

Sec. 8. 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, PARTICIPATING 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 who 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. 9. Minnesota Statutes 1984, section 626.556, subdivision 4a, is amended to read:

Subd. 4a. [RETRALIATION 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. 10. 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. 11. 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. 12. 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 subject to disciplinary action in keeping with the agency's existing policy or collective bargaining agreement on discipline of employees. 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 subject to disciplinary action in keeping with the agency's existing policy or collective bargaining agreement on discipline of employees.

Sec. 13. 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. 14. 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, 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. *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 au-

thority 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. 15. 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. Any person conducting an investigation or assessment under this section who intentionally discloses the identity of a reporter prior to the completion of the investigation or assessment is guilty of a misdemeanor.* 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 of intent to interview which was received by a school under subdivision 10, paragraph (c), 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 children and families; requiring the county attorney to prosecute failure to report child abuse or neglect; clarifying factors to consider in awarding maintenance in marriage dissolution actions; 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; 518.552; 518.64, subdivision 2; 609.379; and 626.556, subdivisions 1, 2, 3, 4, 4a, 5, 6, 9, 10, 11, and by adding a subdivision."

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

Senate Conferees: EMBER D. REICHGOTT, LAWRENCE J. POGEMILLER and FRITZ KNAAK.

House Conferees: CONNIE LEVI, KATHLEEN A. BLATZ and LEE GREENFIELD.

Levi moved that the report of the Conference Committee on S. F. No. 196 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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 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.

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

There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker :

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on :

S. F. No. 863.

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. 863

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.

May 20, 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. 863, 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. 863 be further amended as follows:

Page 11, line 19, delete "*defrauding*" and insert "*inducing*" and delete "*extend credit*" and insert "*issue a financial transaction card*"

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

Senate Conferees: EMBER D. REICHGOTT, WILLIAM P. LUTHER and JIM RAMSTAD.

House Conferees: ARTHUR W. SEABERG, MARCUS M. MARSH and JOEL JACOBS.

Seaberg moved that the report of the Conference Committee on S. F. No. 863 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 863, 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 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.

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

There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1176.

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. 1176

A bill for an act relating to children; requiring a new job classification in child protection; requiring continuing education; providing for a joint training program; requiring a report to the legislature; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 626.

May 17, 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. 1176, 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. 1176 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [626.559] [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 in-service 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 public policy goals of the state as set forth in section 260.011 and the role of the assessment or investigation in meeting these goals;

(2) the special duties of child protection workers and law enforcement officers under section 626.556;

(3) the appropriate methods for directing and managing affiliated professionals who may be utilized in providing protective services and strengthening family ties;

(4) *the appropriate methods for interviewing alleged victims of child abuse and other minors in the course of performing an assessment or an investigation;*

(5) *the dynamics of child abuse and neglect within family systems and the appropriate methods for interviewing parents in the course of the assessment or investigation;*

(6) *the legal, evidentiary considerations that may be relevant to the conduct of an assessment or an investigation;*

(7) *the circumstances under which it is appropriate to remove the alleged abuser or the alleged victim from the home;*

(8) *the protective social services that are available to protect alleged victims from further abuse, to prevent child abuse, and to preserve the family unit; and*

(9) *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.*

Sec. 2. [APPROPRIATIONS.]

Subdivision 1. [COMMISSIONER OF HUMAN SERVICES.] *\$53,400 is appropriated from the general fund to the commissioner of human services for purposes of section 1 to be available for the fiscal year ending June 30, 1986.*

Subd. 2. [COMMISSIONER OF PUBLIC SAFETY.] *\$156,000 is appropriated from the general fund to the commissioner of public safety for purposes of section 1, \$78,000 to be available for the fiscal year ending June 30, 1986, and \$78,000 to be available for the fiscal year ending June 30, 1987.*

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective July 1, 1985."

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

Senate Conferees: GENE MERRIAM, ERIC D. PETTY and WILLIAM V. BELANGER, JR.

House Conferees: KATHLEEN BLATZ, KATHLEEN VELLENGA and RALPH R. KIFFMEYER.

Blatz moved that the report of the Conference Committee on S. F. No. 1176 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1176, A bill for an act relating to children; requiring a new job classification in child protection; requiring continuing education; providing for a joint training program; requiring a report to the legislature; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 626.

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.

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

There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 647.

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. 647

A bill for an act relating to education; Minnesota Educational Computing Corporation; removing some limits on its powers; providing for compliance with certain bidding laws for management computing services; amending Minnesota Statutes 1984, sections 119.04, subdivision 2; 119.05, subdivision 2; and 119.07.

May 17, 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. 647, 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. 647 be further amended as follows:

Page 1, line 23, strike "within the limits"

Page 1, strike line 24

Page 1, line 25, strike "subdivision 1, who" and insert "*at not to exceed 95 percent of the salary of the governor as provided by section 15A.081, subdivision 6. The chief officer*"

Page 2, line 26, reinstate the stricken language

Page 2, line 27, before the period insert "*except for administrative microcomputer software products developed by the corporation*"

Page 2, lines 27 to 31, delete the new language

Amend the title as follows:

Page 1, line 5, before "amending" insert "limiting the salary of the chief officer;"

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

Senate Conferees: JAMES C. PEHLER, GEN OLSON and DONALD M. MOE.

House Conferees: WENDELL O. ERICKSON, DANIEL J. KNUTH and DEAN HARTLE.

Erickson moved that the report of the Conference Committee on S. F. No. 647 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 647, A bill for an act relating to education; Minnesota Educational Computing Corporation; removing some limits on its powers; providing for compliance with certain bidding laws for management computing services; amending Minnesota Statutes 1984, sections 119.04, subdivision 2; 119.05, subdivision 2; and 119.07.

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.

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

There were 69 yeas and 51 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Elioff	Kiffmeyer	Pauly	Stanius
Backlund	Erickson	Knickerbocker	Poppenhagen	Sviggum
Battaglia	Frederick	Knuth	Quist	Thorson
Becklin	Frederickson	Levi	Redalen	Tomlinson
Bennett	Gruenes	Lieder	Rodosovich	Tompkins
Blatz	Gutknecht	Marsh	Rose	Uphus
Boerboom	Halberg	McDonald	Schafer	Valan
Boo	Hartinger	Munger	Seaberg	Valento
Brandl	Hartle	Nelson, D.	Segal	Vanasek
Brinkman	Heap	Neuenschwander	Shaver	Vellenga
Carlson, D.	Jacobs	Olsen, S.	Sherman	Welle
Carlson, J.	Jaros	Olson, E.	Simoneau	Wynia
Clausnitzer	Johnson	Ozment	Skoglund	Spk. Jennings, D.
Dyke	Kelly	Pappas	Solberg	

Those who voted in the negative were:

Anderson, G.	Greenfield	Miller	Peterson	Sparby
Beard	Haukoos	Minne	Piepho	Thiede
Begich	Jennings, L.	Murphy	Piper	Tjornhom
Burger	Kahn	Nelson, K.	Price	Tunheim
Carlson, L.	Kalis	Norton	Quinn	Voss
Clark	Kostohryz	O'Connor	Rees	Waltman
Cohen	Krueger	Ogren	Rest	Wenzel
DenOuden	Long	Omann	Richter	
Ellingson	McEachern	Onnen	Sarna	
Fjoslien	McPherson	Osthoff	Scheid	
Frerichs	Metzen	Otis	Schoenfeld	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 251.

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. 251

A bill for an act relating to nursing homes; establishing an educational program for resident and family advisory councils; authorizing a surcharge on license fees; requiring evaluation and a report to the legislature by the Minnesota board on aging; appropriating money; amending Minnesota Statutes 1984,

sections 256B.421, subdivision 8; and 256B.431, subdivision 2b; proposing coding for new law in Minnesota Statutes, chapter 144A.

May 17, 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. 251, 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. 251 be further amended as follows:

Page 2, line 6, delete "\$1" and insert "\$1.73"

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

Senate Conferees: LINDA BERGLIN, DUANE D. BENSON and MARILYN M. LANTRY.

House Conferees: BEN BOO, DALE A. CLAUSNITZER and LEE GREENFIELD.

Boo moved that the report of the Conference Committee on S. F. No. 251 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 251, A bill for an act relating to nursing homes; establishing an educational program for resident and family advisory councils; authorizing a surcharge on license fees; requiring evaluation and a report to the legislature by the Minnesota board on aging; appropriating money; amending Minnesota Statutes 1984, sections 256B.421, subdivision 8; and 256B.431, subdivision 2b; proposing coding for new law in Minnesota Statutes, chapter 144A.

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.

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

There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 650.

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. 650

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, subdivisions 3 and 4.

May 20, 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. 650, 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. 650 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 609.855, subdivision 4, is amended to read:

Subd. 4. [PENALTY.] Whoever violates subdivision 1, 2, or 3 may be sentenced as follows:

(a) To imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the violation was accompanied by force or violence or a communication of a threat of force or violence; or

(b) To (THE PENALTY IMPOSED IN SECTION 169.89, SUBDIVISION 2) *imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both*, if the violation was not accompanied by force or violence or a communication of a threat of force or violence.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1985, and applies to crimes committed on or after that date.”

Amend the title as follows:

Page 1, line 6, delete “subdivisions 3 and” and insert “subdivision”

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

Senate Conferees: LAWRENCE J. POGEMILLER, FRITZ KNAAK and WILLIAM P. LUTHER.

House Conferees: DON VALENTO, GARY L. SCHAFER and MARCUS MARSH.

Valento moved that the report of the Conference Committee on S. F. No. 650 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 650, 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, subdivisions 3 and 4.

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.

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

There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by Conference, and its title agreed to.

The Speaker called Halberg to the Chair.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 459.

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. 459

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; 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, sections 257.34, subdivision 1; 525.13; 525.145; and 525.703; 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.

May 16, 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. 459, 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. 459 be further amended as follows:

Page 6, line 9, after the period, insert "*Nothing in this section shall cause any life insurance, accident insurance, joint annuity, or pension or profit sharing plan payable to a person other than the surviving spouse to be included in the augmented estate.*"

Page 6, line 25, delete everything after the comma

Page 6, delete lines 26 to 34

Page 6, line 35, delete "*by the decedent,*"

Page 7, line 5, after the period, insert "*The augmented estate does not include the proceeds of life insurance payable upon the death of the decedent, in lump sum or in the form of an annuity,*

accident insurance, joint annuity or pension or profit sharing plan, nor does it include premiums paid therefor by the decedent or any other person."

Page 7, line 13, delete everything after "death"

Page 7, line 14, delete "spouse," and insert "of the kind described in clause (2)(i) of this section"

Page 7, line 16, after the period, insert "All other property owned by the surviving spouse as of the decedent's death, or previously transferred by the surviving spouse, is presumed not to have been derived from the decedent except to the extent that an interested party establishes that it was derived from the decedent."

Page 7, delete lines 17 to 36

Page 8, delete lines 1 to 36

Page 9, delete line 1

Page 15, lines 21 and 22, delete "(1) is not a relative of the ward or conservatee, and (2)"

Page 15, line 25, after "abuse" delete the comma and insert "or" and delete ", or exploitation"

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

Senate Conferees: ALLAN H. SPEAR, GENE MERRIAM and RON SIELOFF.

House Conferees: ROBERT E. VANASEK, DAVID T. BISHOP and ARTHUR W. SEABERG.

Vanasek moved that the report of the Conference Committee on S. F. No. 459 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 459, 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; 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, sections 257.34, subdivision 1; 525.13; 525.145; and 525.703; proposing coding for new law in Minnesota Statutes, chap-

ter 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 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.

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

There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Krueger	Otis	Simoneau
Anderson, R.	Erickson	Levi	Ozment	Skoglund
Backlund	Fjoslien	Lieder	Pappas	Solberg
Battaglia	Forsythe	Long	Pauly	Sparby
Beard	Frederick	Marsh	Peterson	Stanius
Becklin	Frederickson	McDonald	Piepho	Staten
Begich	Frerichs	McEachern	Piper	Sviggum
Bennett	Greenfield	McLaughlin	Poppenhagen	Thiede
Bishop	Gruenes	McPherson	Price	Thorson
Blatz	Gutknecht	Metzen	Quinn	Tjornhom
Boerboom	Halberg	Miller	Quist	Tomlinson
Boo	Hartinger	Minne	Redalen	Tompkins
Brandl	Hartle	Munger	Rees	Tunheim
Brinkman	Haukoos	Murphy	Rest	Uphus
Brown	Jacobs	Nelson, D.	Rice	Valan
Burger	Jaros	Nelson, K.	Riveness	Valento
Carlson, D.	Jennings, L.	Neuenschwander	Rodosovich	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.	Seaberg	Wenzel
Dimler	Knickerbocker	Omann	Segal	Wynia
Dyke	Knuth	Onnen	Shaver	Spk. Jennings, D.
Elioff	Kostohryz	Osthoff	Sherman	

The bill was repassed, as amended by Conference, and its title agreed to.

SPECIAL ORDERS

H. F. No. 1645 was reported to the House and given its third reading.

MOTION FOR RECONSIDERATION

Ogren moved that the action whereby H. F. No. 1645 was given its third reading be now reconsidered. The motion prevailed.

Ogren moved to amend H. F. No. 1645, the first engrossment, as follows:

Page 14, line 7 to page 15, line 22, delete section 4 from the bill

Renumber the sections in sequence

Correct the internal references

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

H. F. No. 1645, A bill for an act relating to economic development; creating a special enterprise zone for a large manufacturing facility; providing for the taxation of the facility; authorizing the issuance of bonds; providing assistance to locate a large manufacturing facility in the state; appropriating money; amending Minnesota Statutes 1984, sections 273.1312, subdivisions 3 and 4; and 273.1314, subdivisions 3, 4, 6, 7, 8, 9, and by adding a subdivision.

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 82 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Cohen	Levi	Osthoff	Segal
Anderson, R.	Elioff	Lieder	Otis	Sherman
Backlund	Ellingson	Long	Ozment	Simoneau
Battaglia	Erickson	McEachern	Pappas	Skoglund
Beard	Forsythe	McLaughlin	Pauly	Solberg
Becklin	Greenfield	Metzen	Peterson	Sparby
Begich	Harteringer	Minne	Piper	Staten
Bennett	Heap	Munger	Price	Tompkins
Bishop	Jacobs	Murphy	Quinn	Tunheim
Boo	Jaros	Nelson, D.	Rest	Vellenga
Brandl	Jennings, L.	Nelson, K.	Rice	Welle
Brinkman	Kahn	Neuenschwander	Riveness	Wenzel
Brown	Kalis	Norton	Rodosovich	Wynia
Burger	Kelly	O'Connor	Rose	Spk. Jennings, D.
Carlson, D.	Knickerbocker	Ogren	Sarna	
Carlson, L.	Knuth	Olsen, S.	Scheid	
Clark	Kostohryz	Olson, E.	Schoenfeld	

Those who voted in the negative were:

Blatz	DenOuden	Frederick	Gutknecht	Johnson
Boerboom	Dimler	Frederickson	Halberg	Kiffmeyer
Carlson, J.	Dyke	Frerichs	Hartle	Marsh
Clausnitzer	Fjoslien	Gruenes	Haukoos	McDonald

McPherson	Quist	Seaberg	Thorson	Valento
Miller	Redalen	Shaver	Tjornhom	Vanasek
Omann	Rees	Stanius	Tomlinson	Voss
Onnen	Richter	Sviggum	Uphus	Waltman
Piepho	Schafer	Thiede	Valan	Zaffke
Poppenhagen				

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

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 646, A bill for an act relating to public records; providing for fees of the county recorder and secretary of state; changing grounds for appeal from resolution of county board setting salaries or budgets for certain county officials; amending Minnesota Statutes 1984, sections 268.161, subdivision 1; 270.69, by adding a subdivision; 272.483; 336.9-407; 357.18, subdivision 1; 384.151, subdivision 7; 385.373, subdivision 7; 386.015, subdivision 7; 386.77; 387.20, subdivision 7; 388.18, subdivision 6; 485.018, subdivision 7; 505.08, subdivision 2; 508.47, subdivision 4; 508.82; 508A.11; 508A.47, subdivision 4; and 508A.82.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 384, A bill for an act relating to the cities of Minneapolis and Blaine; permitting the establishment of special service districts in the city of Minneapolis and providing taxing and other authority; authorizing Blaine city council members to serve as a housing and redevelopment authority.

H. F. No. 1589, 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; authorizing a court to order the release of

certain information; amending Minnesota Statutes 1984, sections 13.03, subdivision 3, and by adding subdivisions; 13.08, subdivision 1, and by adding a subdivision; 13.09; 13.32, subdivision 1, and by adding a subdivision; 13.39, by adding a subdivision; 13.43, subdivision 4; 13.46, subdivisions 1, 2, 3, 7, and 10; 13.65, subdivision 1; 13.71; 13.72, by adding subdivisions; 13.82, subdivisions 1 and 5, and by adding subdivisions; 13.83, by adding a subdivision; 13.84, subdivisions 1 and 6; 144.335, subdivision 2; and 254A.09; repealing Minnesota Statutes 1984, sections 13.73 and 13.81; proposing coding for new law in Minnesota Statutes, chapters 13 and 144.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 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 Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

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 Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

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 13.46, subdivisions 3 and 4; 626.556, subdivisions 10b, 11, and by adding a subdivision; and 626.557, subdivision 12, and by adding a subdivision.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker :

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested :

H. F. No. 961, A bill for an act relating to water; providing for comprehensive local water management; authorizing counties to develop and implement county water and related land resources plans; providing additional authorities to counties; providing additional duties of the water resources board; amending Minnesota Statutes 1984, section 473.882, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 110B.

PATRICK E. FLAHAVER, Secretary of the Senate

Johnson moved that the House refuse to concur in the Senate amendments to H. F. No. 961, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 961 :

Johnson, Valan and Kalis.

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, that the House of Representatives retain parking lots B, C, D and E for the period from May 20, 1985 to the convening of the House of Representatives in 1986 for use of members and employees of the House of Representatives;

Be It Further Resolved, that the Sergeant at Arms be directed to manage and direct operation of said lots during the period of adjournment of the House of Representatives.

The motion prevailed and the report 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 the Chief Clerk, under the direction of the Speaker of the House of Representatives, be instructed that during the period of time between May 20, 1985, and the convening of the House of Representatives in 1986, the House Chamber, House Retiring Room, House Hearing and Conference Rooms, House Offices, and the Chief Clerk's Office, shall be left in their present status and reserved for use by the House of Representatives, Legislative Interim Committees, House Standing Committees and Subcommittees, and to such other use as may be necessary. The House Chamber and House Retiring Room shall be let out for the annual meeting of the Territorial Pioneers; and the House Chamber, House Retiring Room and the unused hearing rooms shall be available annually to the YMCA Youth in Government, Girls' State, the Young Leaders Organization, the National Forensic League, and the 4-H Leadership Conference.

The motion prevailed and the report was adopted.

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

Be It Resolved, that the Chief Clerk of the House be authorized and is hereby directed to correct and approve the Journal of the House for today, Monday, May 20, 1985.

Be It Further Resolved, that the Chief Clerk of the House be authorized to include in the Journal for Monday, May 20, 1985, any proceedings including subsequent proceedings and any legislative interim committees or commissions created or appointments made pursuant thereto by legislative action or by law.

The motion prevailed and the report was adopted.

SPECIAL ORDERS

H. F. No. 1568 was reported to the House.

There being no objection H. F. No. 1568 was temporarily laid over on Special Orders.

H. F. No. 810 was reported to the House.

Quist moved to amend H. F. No. 810, the second engrossment, as follows:

Page 8, line 32, after "when" insert "available"

Page 8, line 36, after the comma insert "5," and after "when" insert "available"

The motion prevailed and the amendment was adopted.

Haukoos and Piepho moved to amend H. F. No. 810, the second engrossment, as amended, as follows:

Page 4, line 20, after "mills" insert "in fiscal year 1986, and 8.0 mills in fiscal year 1987 and thereafter,"

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

Skoglund moved to amend H. F. No. 810, the second engrossment, as amended, as follows:

Page 5, after line 15, insert:

"Sec. 9. Minnesota Statutes 1984, section 297.03, subdivision 10, is amended to read:

Subd. 10. [DISTRIBUTION OF FREE SAMPLE PACKAGES *PROHIBITED*.] (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 CIGARETTES EACH;)

((2) ANY PERSON ENGAGED AS A COMMON CARRIER IN THE TRANSPORTATION OF PERSONS, WHO PURCHASES PACKAGES OF CIGARETTES FROM A MAN-

UFACTURER FOR DISTRIBUTION WITHOUT CHARGE, PROVIDED THAT NO SUCH PACKAGE SHALL CONTAIN MORE THAN 20 CIGARETTES.)

(ALL PACKAGES DISTRIBUTED PURSUANT TO THIS SECTION SHALL BE MARKED "COMPLIMENTARY—NOT FOR SALE." THE COMMISSIONER SHALL PROMULGATE RULES PROVIDING FOR THE PROCEDURES TO BE COMPLIED WITH BY ANY PERSON DISTRIBUTING FREE SAMPLE PACKAGES) *Distribution of free sample packages of cigarettes and other tobacco products is prohibited when conducted as part of a trade or business by a manufacturer or distributor of cigarettes and other tobacco products. Each violation of this subdivision is a misdemeanor.*"

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 8, delete "subdivision 6" and insert "subdivisions 6 and 10"

A roll call was requested and properly seconded.

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

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

There were 87 yeas and 39 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Lieder	Peterson	Sparby
Battaglia	Fjoslien	Long	Piper	Stanius
Becklin	Forsythe	Marsh	Price	Swiggum
Begich	Greenfield	McDonald	Quinn	Thorson
Bennett	Gruenes	McLaughlin	Quist	Tomlinson
Bishop	Gutknecht	McPherson	Redalen	Tompkins
Boo	Hartinger	Minne	Rees	Tunheim
Brandl	Hartle	Murphy	Rest	Uphus
Brown	Heap	Nelson, D.	Richter	Valento
Burger	Himle	Nelson, K.	Riveness	Vellenga
Carlson, D.	Jaros	Neuenschwander	Rodosovich	Voss
Carlson, L.	Johnson	Norton	Rose	Waltman
Clark	Kahn	Olson, E.	Schafer	Welle
Cohen	Kiffmeyer	Onnen	Seaberg	Wynia
Dimler	Knickerbocker	Otis	Segal	Zaffke
Dyke	Knuth	Ozment	Sherman	
Elioff	Krueger	Pappas	Simoneau	
Ellingson	Kvam	Pauly	Skoglund	

Those who voted in the negative were:

Anderson, R.	Dempsey	Kalis	Ogren	Schoenfeld
Backlund	DenOuden	Kelly	Omann	Shaver
Beard	Frederick	Kostohryz	Osthoff	Solberg
Blatz	Frederickson	McEachern	Piepho	Tjornhom
Boerboom	Frerichs	McKasy	Poppenhagen	Valan
Brinkman	Haukoos	Miller	Rice	Wenzel
Carlson, J.	Jacobs	Munger	Sarna	Spk. Jennings, D.
Clausnitzer	Jennings, L.	O'Connor	Scheid	

The motion prevailed and the amendment was adopted.

Marsh and Skoglund moved to amend H. F. No. 810, the second engrossment, as amended, as follows:

Page 8, after line 27, insert:

“Sec. 17. [127.43] [PROHIBITION OF THE USE OF TOBACCO PRODUCTS ON SCHOOL PREMISES BY MINORS.]

There is a prohibition of smoking cigarettes and the use of other tobacco products on the school premises by minors.”

Renumber the remaining sections

Amend the title as follows:

Page 1, line 6, before “amending” insert “prohibiting the use of tobacco products on school premises by minors;”

Page 1, line 12, after “124,” insert “127,”

The motion prevailed and the amendment was adopted.

POINT OF ORDER

Quist raised a point of order pursuant to section 127, paragraph 4, of “Mason’s Manual of Legislative Procedure” relating to relations with the other house and its members. The Speaker ruled the point of order not well taken.

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; raising the cigarette tax; appropriating money; imposing penalties; prohibiting the use of tobacco products on school premises by minors; amending Minnesota Statutes 1984, sections 297.02, by adding a subdivision; 297.03, subdivisions 6 and 10; 297.13, subdivision 1; 297.22, subdivision 1; 297.32, subdivisions

1, 2, and by adding subdivisions; 297.35, subdivision 1; and 325D.41; proposing coding for new law in Minnesota Statutes, chapters 124, 127, 144, and 145.

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 96 yeas and 28 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Greenfield	Kvam	Pauly	Simoneau
Battaglia	Gruenes	Levi	Peterson	Skoglund
Beard	Gutknecht	Lieder	Piepho	Sparby
Becklin	Halberg	Long	Piper	Stanius
Bennett	Hartinger	Marsh	Price	Sviggum
Bishop	Hartle	McDonald	Quinn	Thiede
Blatz	Haukoos	McLaughlin	Quist	Thorson
Boerboom	Heap	McPherson	Redalen	Tomlinson
Boo	Himle	Metzen	Rees	Tompkins
Brandl	Jacobs	Minne	Rest	Tunheim
Brinkman	Jaros	Munger	Richter	Uphus
Burger	Johnson	Murphy	Riveness	Vellenga
Carlson, L.	Kahn	Nelson, D.	Schafer	Voss
Clark	Kalis	Nelson, K.	Scheid	Waltman
Cohen	Kelly	Norton	Schoenfeld	Wynia
Dempsey	Kiffmeyer	Olson, E.	Schreiber	Zaffke
Ellingson	Knickerbocker	Onnen	Seaberg	
Erickson	Knuth	Osthoff	Segal	
Fjoslien	Kostohryz	Otis	Shaver	
Forsythe	Krueger	Pappas	Sherman	

Those who voted in the negative were:

Anderson, G.	DenOuden	Jennings, L.	Rodosovich	Vanasek
Begich	Dyke	McEachern	Sarna	Welle
Brown	Elioff	Miller	Solberg	Wenzel
Carlson, D.	Frederick	O'Connor	Tjornhom	Spk. Jennings, D.
Carlson, J.	Frederickson	Ogren	Valan	
Clausnitzer	Frerichs	Omann	Valento	

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

S. F. No. 1362, 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; expanding the mandatory free distribution of Minnesota Rules; amending Minnesota Statutes 1984, section 14.47, subdivision 8; 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 third time 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 7 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bishop	Fjostien	Schoenfeld	Tjornhom	Spk. Jennings, D.
DenOuden	Miller			

The bill was passed and its title agreed to.

S. F. No. 1363, 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 third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

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

There were 114 yeas and 10 nays as follows :

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bishop	Dyke	Miller	Sarna	Tjornhom
DenOuden	McEachern	O'Connor	Schoenfeld	Spk. Jennings, D.

The bill was passed and its title agreed to.

S. F. No. 928 was reported to the House.

Frerichs moved to amend S. F. No. 928, as follows:

Delete everything after the enacting clause and insert:

“Section 1. [153A.01] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] For the purposes of sections 1 to 12, the terms defined in this section have the meanings given to them.

Subd. 2. [HEARING INSTRUMENT.] “Hearing instrument” means an instrument designed for or represented as aiding defective human hearing, and its parts, attachments, or accessories, including but not limited to ear molds. Batteries and cords are not parts, attachments, or accessories of a hearing instrument. Surgically implanted hearing instruments, and assistive listening devices that do not require testing, fitting, or the use of ear molds and are not worn within the ear canal, are not hearing instruments.

Subd. 3. [HEARING INSTRUMENT DISPENSER.] “Hearing instrument dispenser” means a natural person who engages in hearing instrument dispensing.

Subd. 4. [HEARING INSTRUMENT DISPENSING.] "Hearing instrument dispensing" means fitting and dispensing hearing instruments, assisting the consumer in instrument selection, selling hearing instruments at retail, and testing human hearing in connection with these activities.

Subd. 5. [COMMISSIONER.] "Commissioner" means the commissioner of commerce.

Sec. 2. [153A.02] [POWERS AND DUTIES.]

Subdivision 1. [REGULATION.] The commissioner shall:

- (1) regulate hearing instrument dispensing;*
- (2) examine applicants for a hearing instrument dispensing license and grant licenses to qualified applicants;*
- (3) deny, suspend, or revoke a license on any of the following grounds:*
 - (a) fraud or deception in obtaining a license or in the practice of hearing instrument dispensing;*
 - (b) conviction of a felony;*
 - (c) conviction of an offense involving moral turpitude;*
 - (d) employing, assisting, or enabling in any manner an unlicensed person to engage in hearing instrument dispensing;*
 - (e) violation of sections 1 to 12 or rules adopted under these sections;*
 - (4) ensure that hearing instruments are dispensed in compliance with the requirements of the United States Food and Drug Administration;*
 - (5) perform any other duties and exercise other powers required by sections 1 to 12; and*
 - (6) adopt rules to implement sections 1 to 12.*

Subd. 2. [CONTESTED CASES.] The commissioner shall comply with the contested case provisions of chapter 14 when suspending, revoking, or failing to issue a license under sections 1 to 12.

Subd. 3. [REINSTATEMENT OF LICENSE.] A license that has been suspended or revoked may be reinstated by the com-

missioner if the former licensee pays all costs of the proceedings that resulted in the suspension or revocation and a fee set by the commissioner.

Sec. 3. [153A.03] [EXEMPTIONS.]

Persons licensed under chapter 147 are exempt from the requirements of sections 1 to 12. Audiologists who hold the certificate of clinical competence of the American Speech, Language, and Hearing Association are exempt from examination and education requirements under sections 1 to 12, but must obtain a license and pay a fee determined by the commissioner. Sections 1 to 12 do not otherwise preclude or limit the testing of hearing by persons exempt under this section.

Sec. 4. [153A.04] [PROHIBITED ACTS; ENFORCEMENT; PENALTY.]

Subdivision 1. [PROHIBITED ACTS.] A person must not:

(1) engage in hearing instrument dispensing without a current license;

(2) falsely assume or pretend to the title of hearing instrument dispenser;

(3) receive any portion of the profits from the fitting, dispensing, or sale of hearing instruments at retail unless the person is licensed under sections 1 to 12 or employs a person licensed under sections 1 to 12;

(4) conduct a business engaged in hearing instrument dispensing except under the direction of a licensed hearing instrument dispenser, audiologist, or person licensed under chapter 147;

(5) engage in hearing instrument dispensing exclusively by telephone or mail, or both; or

(6) prescribe or otherwise recommend to any person the use of a hearing instrument unless the prescription or recommendation is in writing, is delivered to the person to whom it relates, and bears the following information in 12 point or larger bold type: "HEARING INSTRUMENTS MAY BE PURCHASED FROM ANY LICENSED HEARING INSTRUMENT DISPENSER OR PHYSICIAN. THIS PRESCRIPTION MAY BE FILLED BY THE DISPENSER OR PHYSICIAN OF YOUR CHOICE." A prescription or written recommendation must include, upon patient authorization, an audiogram upon which the prescription or recommendation is based.

Subd. 2. [ENFORCEMENT.] The attorney general shall enforce this section in the manner provided by section 8.31, except that there is no private remedy as provided by section 8.31, subdivision 3a.

Subd. 3. [PENALTY.] A person violating this section is guilty of a misdemeanor.

Sec. 5. [153A.05] [EXAMINATIONS; FEES.]

The commissioner shall give reasonable notice of all examinations by mail to known applicants. Testing must occur at least three times annually at intervals no greater than five calendar months. The commissioner shall record the names of persons licensed as hearing instrument dispensers and the grounds upon which the right of each to licensure was claimed. The commissioner may establish a fee under section 16A.128 to cover the cost of the examination. Fee receipts must be deposited in the state treasury and credited to the special revenue fund. The fee may, in the discretion of the commissioner, be returned to applicants who do not take the examination.

Sec. 6. [153A.06] [CONTENTS OF EXAMINATION.]

Examinations for licensure as a hearing instrument dispenser must consist of written, oral, and practical tests. The tests must be objective and applied in a consistent manner. The tests must include the following subjects: (1) basic physics of sound; (2) the structure and function of hearing instruments; (3) the fitting of hearing instruments; (4) puretone audiometry, including air conduction testing and bone conduction testing; (5) live voice or record voice speech audiometry, or both; (6) recording and evaluation of audiograms and speech audiometry to determine the hearing instrument candidacy; (7) selection and adaptation of hearing instruments; (8) the taking of ear mold impressions; (9) indications suggesting the need for referral to competent medical personnel for diagnosis or treatment of a disease or injury; and (10) knowledge of the federal and state laws regarding hearing instrument dispensing. The examination must not test knowledge of the diagnosis or treatment of a disease or injury to the human body. The commissioner shall consult with the commissioner of health, otolaryngologists, audiologists and hearing instrument dispensers in connection with preparation of the examination.

Sec. 7. [153A.07] [QUALIFICATIONS OF APPLICANTS.]

In order to be examined as a hearing instrument dispenser, an applicant must be of good moral character, be at least 18 years old, and meet educational criteria for licensure established by the commissioner.

Sec. 8. [153A.08] [RECIPROCITY; LICENSURE.]

The commissioner may grant a license without an examination to a hearing instrument dispenser licensed by another state that gives similar recognition to licensees of this state, if the commissioner finds that the requirements for licensure in the other state are equivalent to those provided in sections 1 to 12. The commissioner may set the fee for licensure by rule.

Sec. 9. [153A.09] [BOND REQUIRED.]

A sole proprietor, partnership, association, or corporation engaged in hearing instrument dispensing shall provide a surety bond in favor of the state of Minnesota in the amount of \$10,000 for every five or fewer of its licensees engaged in the practice of hearing instrument dispensing, up to a maximum of \$20,000.

Sec. 10. [153A.10] [EXPENSES.]

The expenses of administering sections 1 to 12 must be paid from the appropriations made to the department.

Sec. 11. [153A.11] [ADVERTISING.]

The commissioner shall adopt rules concerning advertising of the fitting, dispensing, and sale of hearing instruments. The rules must not:

- (1) restrict the use of any medium for advertising;*
- (2) restrict a licensee's personal appearance or voice in an advertisement;*
- (3) relate to the size or duration of an advertisement; or*
- (4) restrict advertisement under a trade name.*

Sec. 12. [153A.12] [INTERNSHIP.]

The commissioner shall license as an intern any natural person who has satisfied the commissioner that the person is of good moral character, is not physically or mentally unfit, and meets the requirements for intern licensure prescribed by the commissioner. The intern must be supervised by a licensed hearing instrument dispenser. A person must not be licensed as an intern for more than 12 calendar months and the license must not be renewed or otherwise extended by the commissioner. No more than three intern licensees may hold an intern license to practice hearing instrument dispensing under the supervision of a single licensed hearing instrument dispenser. A document evidencing

the fitting, selection, sale, or delivery of a hearing instrument at retail must bear the name of the supervising licensee in addition to the name of the intern involved in the transaction.

Sec. 13. [CREDENTIALING STUDY.]

The commissioner of health shall reconsider the application of speech language pathologists and audiologists for credentialing. The reconsideration must be conducted according to section 214.13 and must be conducted before considering any application for credentialing received after July 1, 1984. The commissioner of health shall include a study of hearing instrument dispensing by physicians, audiologists, and hearing instrument dispensers in connection with the application. The commissioner of commerce shall cooperate with the commissioner of health with respect to the study of the dispensing of hearing instruments.

Sec. 14. [EFFECTIVE DATES.]

Sections 1 to 3; section 4, subdivisions 1 and 2; and sections 5 to 13 are effective July 1, 1985. Section 4, subdivision 3, is effective July 1, 1986."

Delete the title and insert:

"A bill for an act relating to occupations and professions; providing for licensure of persons engaged in the sale of hearing instruments; requiring the commissioner of health to reconsider the application of speech language pathologists and audiologists for credentialing; providing a penalty; proposing coding for new law as Minnesota Statutes, chapter 153A."

The motion prevailed and the amendment was adopted.

S. F. No. 928, A bill for an act relating to occupations and professions; providing for licensure of persons engaged in the sale of hearing instruments; requiring the commissioner of health to reconsider the application of speech language pathologists and audiologists for credentialing; appropriating money; providing a penalty; proposing coding for new law as Minnesota Statutes, chapter 153A.

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 106 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Backlund	Forsythe	Levi	Pappas	Skoglund
Battaglia	Frederick	Lieder	Pauly	Solberg
Becklin	Frederickson	Long	Peterson	Sparby
Begich	Frerichs	Marsh	Piepho	Stanisus
Bennett	Greenfield	McDonald	Piper	Swiggum
Bishop	Gutknecht	McEachern	Poppenhagen	Thorson
Blatz	Halberg	McLaughlin	Price	Tjornhom
Boerboom	Hartinger	McPherson	Quinn	Tompkins
Brandl	Hartle	Minne	Quist	Tunheim
Brinkman	Haukoos	Munger	Rees	Valan
Burger	Heap	Murphy	Rest	Valento
Carlson, D.	Himle	Nelson, D.	Rice	Vanasek
Carlson, J.	Jacobs	Nelson, K.	Riveness	Vellenga
Carlson, L.	Jaros	Neuenschwander	Rodosovich	Voss
Clark	Jennings, L.	O'Connor	Sarna	Welle
Cohen	Johnson	Ogren	Schafer	Wenzel
Dempsey	Kahn	Olsen, S.	Scheid	Wynia
Dimler	Kalis	Olson, E.	Schreiber	Zaffke
Dyke	Knickerbocker	Omann	Seaberg	
Elioff	Knuth	Osthoff	Shaver	
Ellingson	Kostohryz	Otis	Sherman	
Erickson	Krueger	Ozment	Simoneau	

Those who voted in the negative were:

Anderson, G.	DenOuden	Miller	Schoenfeld	Uphus
Beard	Fjoslien	Norton	Thiede	Spk. Jennings, D.
Brown	Gruenes			

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

S. F. No. 1140 was reported to the House.

McDonald and Wenzel moved to amend S. F. No. 1140, as follows:

Delete everything after the enacting clause and insert:

"Section 1. [17A.091] [SWINE IDENTIFICATION AND HEALTH STANDARDS.]

Subdivision 1. [DELAY BEFORE SLAUGHTER REQUIRED.] Any livestock dealer, market operator, stockyard operator, commission company, buying station, or slaughtering establishment must identify the herd of origin, regardless of country of origin, of sows, boars, stags, and other swine. Sows, boars, stags, or other swine delivered for slaughter in a United States Department of Agriculture sealed shipment may not be slaughtered for a period of (1) seven days after receipt for slaughter or (2) until the commissioner determines, based upon laboratory analysis results for 50 percent of the animals in the shipment, that the animals meet United States Department of

Agriculture and the United States Food and Drug Administration standards, whichever is later.

Subd. 2. [RULES.] The commissioner may adopt permanent and emergency rules to implement this section.

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 5, delete "35" and insert "17A"

The motion prevailed and the amendment was adopted.

S. F. No. 1140, A bill for an act relating to agriculture; requiring swine herd identification for disease control and meat inspection; proposing coding for new law in Minnesota Statutes, chapter 35.

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 109 yeas and 8 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Boerboom Carlson, D.	Haukoos Miller	Thiede Tjornhom	Zaffke	Spk. Jennings, D.
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The bill was passed, as amended, and its title agreed to.

S. F. No. 1356 was reported to the House.

There being no objection S. F. No. 1356 was temporarily laid over on Special Orders.

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1070, A bill for an act relating to corrections; authorizing the commissioner of corrections to do background studies on personnel employed by certain licensed facilities; requiring the commissioner of corrections to establish a program to prevent sexual exploitation by psychotherapists; extending the sexual exploitation task force; creating an advisory task force to study the regulation of psychotherapists; amending Minnesota Statutes 1984, section 241.021, by adding a subdivision; Laws 1984, chapter 631, section 1, subdivisions 1 and 4; proposing coding for new law in Minnesota Statutes, chapter 241.

The Senate has appointed as such Committee Ms. Peterson, D. C.; Messrs. Petty and Johnson, D. E.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 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 Senate has appointed as such Committee Ms. Peterson, D. C.; Messrs. Spear and Johnson, D. E.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 567, A bill for an act relating to real property; changing notice period required for cancellation of contract for deed; designating vendor's attorney as an agent; eliminating the mortgage registration tax on contracts for deed; 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; amending Minnesota Statutes 1984, sections 47.20, subdivision 15; 559.21, subdivisions 3, 4, and 6, and by adding subdivisions; 580.031; 583.02; 583.03; 583.04; 583.05; 583.07; and 583.10; repealing Minnesota Statutes 1984, sections 287.02; and 559.21, subdivisions 1, 1a, and 2; and Laws 1983, chapter 215, section 16, as amended.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Luther, Freeman and Ramstad.

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

Halberg 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. 567. 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. 567:

Halberg, Bishop and Cohen.

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. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Onnen moved that the House concur in the Senate amendments to H. F. No. 538 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 538, A bill for an act relating to taxation; updating income tax provisions to changes in the Internal Revenue Code; providing an income tax exemption for certain payments to members of the state highway patrol; 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, 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.

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

There were 32 yeas and 91 nays as follows:

Those who voted in the affirmative were:

Boo	Halberg	Knickerbocker	Piepho	Uphus
Carlson, J.	Hartle	Levi	Redalen	Valan
Dempsey	Haukoos	Marsh	Rees	Zaffke
Dimler	Heap	McDonald	Schreiber	Spk. Jennings, D.
Forsythe	Himle	Omann	Seaberg	
Frerichs	Johnson	Onnen	Shaver	
Gruenes	Kiffmeyer	Pauly	Sherman	

Those who voted in the negative were:

Anderson, G.	Cohen	Long	Pappas	Sparby
Anderson, R.	Dyke	McEachern	Peterson	Stanius
Backlund	Elioff	McKasy	Piper	Svigum
Battaglia	Ellingson	McLaughlin	Poppenhagen	Thiede
Beard	Fjoslien	Metzen	Price	Thorson
Becklin	Frederick	Miller	Quinn	Tjornhom
Begich	Greenfield	Minne	Rest	Tomlinson
Bennett	Gutknecht	Munger	Rice	Tunheim
Bishop	Hartinger	Murphy	Richter	Vanasek
Blatz	Jacobs	Nelson, D.	Riveness	Vellenga
Boerboom	Jaros	Nelson, K.	Rodosovich	Voss
Brandl	Jennings, L.	Neuenschwander	Sarna	Waltman
Brinkman	Kahn	Norton	Schafer	Welle
Brown	Kalis	O'Connor	Scheid	Wenzel
Burger	Kelly	Ogren	Schoenfeld	Wynia
Carlson, D.	Knuth	Olsen, S.	Segal	
Carlson, L.	Kostohryz	Olson, E.	Simoneau	
Clark	Krueger	Osthoff	Skoglund	
Clausnitzer	Lieder	Otis	Solberg	

The bill was not repassed, as amended by 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. 828, A bill for an act relating to economic security; clarifying the community action program financial assistance requirements; amending Minnesota Statutes 1984, sections 268.52, subdivisions 1 and 2; and 268.53, subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Sviggum moved that the House concur in the Senate amendments to H. F. No. 828 and that the bill be repassed as amended by the Senate. The motion prevailed.

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, sections 268.-52, subdivisions 1 and 2; and 268.53, subdivision 2.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called.

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

There were 120 yeas and 0 nays as follows :

Those who voted in the affirmative were:

Anderson, G.	Carlson, L.	Grüenes	Levi	Norton
Backlund	Clark	Gutknecht	Lieder	Ogren
Battaglia	Clausnitzer	Hartinger	Long	Olsen, S.
Beard	Dempsey	Hartle	Marsh	Olson, E.
Becklin	DenOuden	Haukoos	McDonald	Omann
Begich	Dimler	Heap	McEachern	Önnen
Bennett	Dyke	Himle	McLaughlin	Osthoff
Bishop	Elioff	Jennings, L.	McPherson	Otis
Blatz	Ellingson	Kahn	Metzen	Ozment
Boerboom	Erickson	Kalis	Miller	Pappas
Brandl	Fjoslien	Kelly	Minne	Pauly
Brinkman	Forsythe	Knickerbocker	Munger	Peterson
Brown	Frederick	Knuth	Murphy	Piepho
Burger	Frederickson	Kostohryz	Nelson, D.	Piper
Carlson, D.	Frerichs	Krueger	Nelson, K.	Poppenhagen
Carlson, J.	Greenfield	Kvam	Neuenschwander	Price

Quinn	Rodosovich	Shaver	Thorson	Vellenga
Quist	Rose	Simoneau	Tjornhom	Voss
Redalen	Sarna	Skoglund	Tompkins	Walman
Rees	Schafer	Solberg	Tunheim	Welle
Rest	Scheid	Sparby	Uphus	Wenzel
Rice	Schoenfeld	Stanius	Valan	Wynia
Richter	Seaberg	Sviggum	Valento	Zaffke
Riveness	Segal	Thiede	Vanasek	Spk. Jennings, D.

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker :

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 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.

PATRICK E. FLAHAVERN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Kvam moved that the House concur in the Senate amendments to H. F. No. 265 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 265, A bill for an act relating to commerce; providing for uninsured and underinsured motorist coverage; authorizing annual aggregate policy limits for dram shop insurance; providing for practices and procedures relating to dram shop actions; modifying provisions relating to the assigned risk plan; amending Minnesota Statutes 1984, sections 65B.43, by adding subdivisions; 65B.49, subdivision 4, and by adding a subdivision; 340.11, subdivisions 21 and 23, and by adding a subdivision; 340.12; 340.135; 340.95; and 340.951.

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.

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

There were 124 yeas and 2 nays as follows :

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Coben Skoglund

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1233, A bill for an act relating to liquor; extending a moratorium on certain town off-sale licenses; authorizing the town of Cannon Falls to issue an off-sale license; authorizing the town of Shingobee to renew certain intoxicating liquor off-sale licenses; amending Laws 1984, chapter 626, section 6.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Marsh moved that the House concur in the Senate amendments to H. F. No. 1233 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1233, A bill for an act relating to intoxicating liquor; permitting counties and certain towns to issue off-sale licenses and combination licenses in towns; amending Minnesota Statutes 1984, section 340.11, subdivisions 10a and 10b.

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.

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

There were 116 yeas and 5 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

DenOuden	Erickson	Frerichs	Hartinger	Onnen
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The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 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.

PATRICK E. FLAHAVERN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Dimler moved that the House concur in the Senate amendments to H. F. No. 35 and that the bill be repassed as amended by the Senate. The motion prevailed.

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 41.56, subdivisions 3, 4, and 4a; 41.57, subdivisions 2 and 3; 41.59, subdivision 1; and 41.61, subdivision 1; 223A.01; 336.9-307; proposing coding for new law in Minnesota Statutes, chapter 92.

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.

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

There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	DenOuden	Johnson	Nelson, D.	Quist
Anderson, R.	Dimler	Kahn	Nelson, K.	Redalen
Backlund	Dyke	Kelly	Neuenschwander	Rees
Battaglia	Elioff	Knickerbocker	Norton	Rest
Beard	Ellingson	Knuth	Ogren	Rice
Becklin	Erickson	Kostohryz	Olsen, S.	Richter
Begich	Fjoslien	Krueger	Olson, E.	Rodosovich
Bennett	Forsythe	Kvam	Omann	Rose
Blatz	Frederick	Levi	Onnen	Sarna
Boo	Frederickson	Lieder	Osthoff	Schafer
Brandl	Frerichs	Long	Otis	Scheid
Brinkman	Greenfield	McDonald	Ozment	Schoenfeld
Brown	Gruenes	McEachern	Pappas	Schreiber
Burger	Gutknecht	McKasy	Pauly	Segal
Carlson, D.	Hartinger	McLaughlin	Peterson	Shaver
Carlson, L.	Hartle	McPherson	Piepho	Sherman
Clark	Haukoos	Metzen	Piper	Simoneau
Clausnitzer	Himle	Miller	Poppenhagen	Skoglund
Cohen	Jacobs	Minne	Price	Solberg
Dempsey	Jaros	Murphy	Quinn	Sparby

Stanius	Tjornhom	Uphus	Vellenga	Wenzel
Sviggum	Tomlinson	Valan	Voss	Wynia
Thiede	Tompkins	Valento	Waltman	Spk. Jennings, D.
Thorson	Tunheim	Vanasek	Welle	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1256, A bill for an act relating to natural resources; altering certain provisions regarding water permit and annual water appropriation processing fees; amending Minnesota Statutes 1984, sections 104.03, by adding a subdivision; 105.41, subdivision 5; and 105.44, subdivision 10.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

DenOuden moved that the House concur in the Senate amendments to H. F. No. 1256 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1256, A bill for an act relating to natural resources; altering certain provisions regarding water permit and annual water appropriation processing fees; amending Minnesota Statutes 1984, sections 104.03, by adding a subdivision; 105.41, subdivision 5; and 105.44, subdivision 10.

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.

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

There were 119 yeas and 2 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, J.	Haukoos	McLaughlin	Price	Sparby
Carlson, L.	Heap	McPherson	Quinn	Stanius
Clausnitzer	Himle	Metzen	Quist	Sviggum
Cohen	Jacobs	Minne	Redalen	Thiede
Dempsey	Jaros	Munger	Rees	Thorson
DenOuden	Jennings, L.	Murphy	Rest	Tjornhom
Dimler	Johnson	Nelson, D.	Rice	Tomlinson
Dyke	Kahn	Nelson, K.	Richter	Tompkins
Elioff	Kalis	Neuenschwander	Riveness	Tunheim
Ellingson	Kelly	Norton	Rodosovich	Uphus
Erickson	Knickerbocker	O'Connor	Rose	Valan
Fjoslien	Knuth	Olsen, S.	Sarna	Valento
Forsythe	Kostohryz	Omann	Schafer	Vanasek
Frederickson	Krueger	Onnen	Scheid	Vellenga
Frerichs	Kvam	Otis	Schoenfeld	Voss
Greenfield	Levi	Ozment	Seaberg	Waltman
Gruenes	Lieder	Pappas	Segal	Welle
Gutknecht	Long	Pauly	Shaver	Wenzel
Halberg	Marsh	Peterson	Sherman	Wynia
Hartinger	McDonald	Piepho	Simoneau	Spk. Jennings, D.
Hartle	McEachern	Piper	Skoglund	

Those who voted in the negative were :

Osthoff Solberg

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker :

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on :

S. F. No. 1249.

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. 1249

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; appropriating money; 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; 240.14, subdivision 1; 240.15, subdivisions 5

and 6; 240.16, subdivisions 1 and 6; 240.18; 240.22; 240.24; 240.-25, subdivisions 1 and 4; 240.29; 541.20; and 541.21; repealing Minnesota Statutes 1984, section 624.02.

May 20, 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. 1249, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 1249 be further amended as follows:

Page 6, line 31, delete "90" and insert "30"

Page 6, line 34, after the period insert "*The commission may summarily suspend a license for more than 30 days prior to a contested case hearing where it is necessary to insure the integrity of racing. A contested case hearing must be held within 20 days of the summary suspension and the administrative law judge's report must be issued within 20 days from the close of the hearing record. In all cases involving summary suspension the commission must issue its final decision within 30 days from receipt of the report of the administrative law judge and subsequent exceptions and argument under section 14.61.*"

Page 10, line 18, delete the new language and reinstate the old language

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

Senate Conferees: CLARENCE M. PURFEERST, NEIL DIETERICH and RON SIELOFF.

House Conferees: ELTON R. REDALEN, BEN P. OMANN and RICHARD KOSTOHRYZ.

Kostohryz moved that the report of the Conference Committee on S. F. No. 1249 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1249, 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; appropriating money; 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; 240.14, subdivision 1; 240.15, subdivisions 5 and 6; 240.16, subdivisions 1 and 6; 240.18; 240.22; 240.24; 240.25, subdivisions 1 and 4; 240.29; 541.20; and 541.21; repealing Minnesota Statutes 1984, section 624.02.

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.

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

There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

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

House Concurrent Resolution No. 11, A house concurrent resolution relating to adjournment of the Senate and House of Representatives until 1986.

PATRICK E. FLAHAVEN, Secretary of the Senate

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON 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.

May 20, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 513, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 513 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [15.441] [COMMUNICATIONS SERVICES.]

Subdivision 1. [STATE AGENCIES; BILINGUAL EMPLOYEES.] Every state agency that is directly involved in furnishing information or rendering services to the public and that serves a substantial number of non-English-speaking people shall employ enough qualified bilingual persons in public contact positions, or enough interpreters to assist those in these positions, to ensure provision of information and services in the language spoken by a substantial number of non-English-speaking people.

The commissioner of administration shall determine the application of this section to each state agency, in consultation with the council on affairs of Spanish-speaking people, groups repre-

senting other non-English-speaking people, and the head of the agency. In determining what constitutes a substantial number of non-English-speaking people the commissioner shall consider:

- (1) the number of people served by the agency;*
- (2) the number of non-English-speaking people served by the agency;*
- (3) the frequency with which non-English-speaking people are served by the agency; and*
- (4) the extent to which information or services rendered by the agency affect legal rights, privileges or duties.*

Subd. 2. [TRANSLATIONS OF MATERIALS EXPLAINING AGENCY SERVICES.] Every state agency that serves a substantial number of non-English-speaking people and that provides materials in English explaining services is encouraged to provide equivalent materials in any non-English language spoken by a substantial number of the people served by the agency. An agency should give highest priority to providing in a non-English language materials that notify people of legal rights, duties, or privileges they are entitled to, and the steps they must take to obtain or maintain those rights, duties, or privileges. When notice of the availability of material explaining services available is given, orally or in writing, it should be given in English and the non-English language into which any material has been translated.

Subd. 3. [TRANSLATED MATERIALS FOR LOCAL OFFICES.] A state agency is encouraged to provide its local offices with written materials in the appropriate foreign language when:

- (1) the local office or facility serves a substantial number of non-English-speaking people;*
- (2) written materials such as forms, applications, questionnaires, letters, or notices are used to ask or order a person to provide information or to give a person information; and*
- (3) the information asked for or given could affect the person's rights, duties, or privileges with regard to the agency's services, or benefits.*

Subd. 4. [LIMITATIONS.] (a) A state agency may not dismiss an employee or increase its complement to carry out the purposes of this section. A state agency need only implement this section by filling employee public contact positions made vacant by retirement or normal attrition.

(b) *This section shall be implemented to the extent permissible under federal law, civil service laws governing state agencies, and collective bargaining agreements.*

Sec. 2. 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 championship, Pan American, or Olympic team 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.

Sec. 3. Minnesota Statutes 1984, section 15A.081, subdivision 1, is amended to read:

15A.081 [SALARIES AND SALARY RANGES FOR CERTAIN EMPLOYEES.]

Subdivision 1. 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, teacher's
retirement association;

Executive director, state retirement system;

Chairman, metropolitan council;

Chairman, regional transit board;

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. 4. Minnesota Statutes 1984, section 15A.081, is amended by adding a subdivision to read:

Subd. 7a. The governor shall set the salary rate within the range listed below for the part-time 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:

	<i>Salary Range Effective July 1, 1983</i>
<i>Chairman, metropolitan airports commission</i>	<i>\$15,000-\$25,000</i>
<i>Chairman, metropolitan waste control commission</i>	

Sec. 5. Minnesota Statutes 1984, section 16A.123, subdivision 3, is amended to read:

Subd. 3. [EXCLUSIONS.] The following kinds of employees need not be counted in an agency's approved complement:

- (1) part-time employees;
- (2) seasonal or intermittent employees as defined by the commissioner of employee relations;
- (3) summer student employees;
- (4) service employees;
- (5) preservice trainees in an affirmative action program approved by the commissioner of employee relations;
- (6) CETA employees;
- (7) repair or construction project employees; *and*

(8) *employees who have an active workers' compensation claim as defined by the commissioner of labor and industry.*

The commissioner must conclude there is a need and available money before an agency hires an employee of a kind listed in this subdivision.

Sec. 6. Minnesota Statutes 1984, section 16B.65, subdivision 3, is amended to read:

Subd. 3. [CERTIFICATION.] The department of employee relations, with the approval of the commissioner, shall either:

(1) prepare and conduct oral, written, and practical examinations to determine if a person is qualified pursuant to subdivision 2 to be a building official, or

(2) accept documentation of successful completion of programs of training developed by public agencies, as proof of qualification pursuant to subdivision 2.

Upon a determination of qualification under either clause (1) or (2) of this section the commissioner shall issue a certificate to the building official stating that (HE) *the official* is certified. Each person applying for examination and certification pursuant to this section shall pay a fee of \$20. The department of employee relations and the commissioner or his designee may establish classes of certification that will recognize the varying complexities of code enforcement in the municipalities within the state. Except as provided by subdivision 2, no person may act as a building official for a municipality unless the department of employee relations and the commissioner determine that (HE) *the official* is qualified. The department of employee relations may, with the approval of the commissioner, prepare and conduct educational programs designed to train and assist building officials in carrying out their responsibilities. (THE COMMISSIONER SHALL REIMBURSE THE DEPARTMENT OF EMPLOYEE RELATIONS FOR COSTS OF ANY SERVICES PERFORMED BY THEM PURSUANT TO THIS SECTION.)

Sec. 7. Minnesota Statutes 1984, section 43A.17, subdivision 8, is amended to read:

Subd. 8. [ACCUMULATED VACATION LEAVE.] The commissioner of employee relations shall not agree to a collective bargaining agreement or recommend a compensation plan pursuant to section 43A.18, subdivisions 1, 2, 3, and 4, nor shall an arbitrator issue an award under sections 179A.01 to 179A.25, if the compensation plan, agreement, or award permits an employee to convert accumulated vacation leave into cash or deferred compensation before separation from state service.

This section does not prohibit the commissioner from negotiating a collective bargaining agreement or recommending approval of a compensation plan which permits an employee to receive payment for accumulated vacation leave upon beginning an unpaid leave of absence approved for more than one year in duration if the leave of absence is not for the purpose of accepting an unclassified position in state civil service.

Sec. 8. Minnesota Statutes 1984, section 43A.21, subdivision 5, is amended to read:

Subd. 5. [CAREER EXECUTIVE SERVICE.] *The commissioner shall develop and administer a process to select the membership of the career executive service.*

(a) *The commissioner, in consultation with the agency head, shall designate persons in the (CLASSIFIED) civil service as eligible for inclusion in the career executive service. By January 1, 1985, at least 20 percent of the persons designated for inclusion in the career executive service must be women. By January 1, 1987, (AT LEAST 40 PERCENT OF THE PERSONS DESIGNATED FOR INCLUSION IN THE CAREER EXECUTIVE SERVICE MUST BE WOMEN) the number of women designated for inclusion in the career executive service shall be proportional to the number of women eligible for membership. The positions designated as eligible for inclusion in the career executive service shall include those that carry basic responsibilities for high level professional or scientific competence, policy determination, leadership, or the internal management and administration of a department or other major unit.*

(b) *The commissioner shall prepare a plan for training, development, and mobility of career executive service members consistent with applicable provisions of collective bargaining agreements. The plan need not be adopted in accordance with the rulemaking provisions of chapter 14. The career executive service plan shall not contain additional compensation for members.*

(c) *No rights or tenure attach to a career executive service assignment. An incumbent in the career executive service may be removed from the service by the (APPOINTING AUTHORITY) commissioner in consultation with the agency head, provided the action is made without regard to sex, race, religion, color, creed, marital status, age, national origin, disability, or political affiliation.*

(d) *An employee in career executive service on July 1, 1983, who is receiving compensation at a level beyond the maximum of the assigned salary range shall continue to receive that rate of pay until the rate is within the assigned salary range.*

(e) *The commissioner is authorized to assess agencies a fee for each employee of the agency who belongs to the career executive service in order to cover the cost of providing training and development services to members. The fee shall be established and reviewed pursuant to section 16A.128.*

Sec. 9. Minnesota Statutes 1984, section 43A.38, subdivision 5, is amended to read:

Subd. 5. [CONFLICTS OF INTEREST.] The following actions by an employee in the executive branch shall be deemed a conflict of interest and subject to procedures regarding resolution of the conflicts, section 43A.39 or disciplinary action as appropriate:

(a) Use or attempted use of the employee's official position to secure benefits, privileges, exemptions or advantages for the employee or the employee's immediate family or an organization with which the employee is associated which are different from those available to the general public;

(b) acceptance of other employment or contractual relationship that will affect the employee's independence of judgment in the exercise of official duties; (OR)

(c) actions as an agent or attorney in any action or matter pending before the employing agency except in the proper discharge of official duties or on the employee's behalf; or

(d) *the solicitation of a financial agreement for the employee or entity other than the state when the state is currently engaged in the provision of the services which are the subject of the agreement or where the state has expressed an intention to engage in competition for the provision of the services; unless the affected state agency waives this clause.*

Sec. 10. Minnesota Statutes 1984, section 62D.22, subdivision 7, is amended to read:

Subd. 7. A licensed health maintenance organization shall be deemed to be a prepaid group practice plan for the purposes of chapter 43A and (SHALL) *may* be allowed to participate as a carrier for state employees subject to any collective bargaining agreement entered into pursuant to chapter (179) 179A and reasonable restrictions applied (TO ALL CARRIERS. THE COMMISSIONER OF EMPLOYEE RELATIONS MAY REFUSE TO ALLOW A HEALTH MAINTENANCE ORGANIZATION TO CONTINUE AS A CARRIER IF IT WAS SELECTED BY LESS THAN 200 EMPLOYEES IN THE PRECEDING BENEFIT YEAR) *pursuant to section 43A.23.*

Sec. 11. Minnesota Statutes 1984, section 222.025, subdivision 1, is amended to read:

Subdivision 1. Any railroad company desiring a right-of-way over any state owned land, except tax forfeited land, may make application therefor to the state agency charged by law with jurisdiction over such land. The application shall be in such form as the state agency to which application must be made prescribes. If such agency, with the approval of the (EXECUTIVE COUNCIL) *commissioner of administration* of the state of Minnesota, determines that it is in the public interest that the right of way be granted, the governor shall execute and deliver to such railroad company an instrument in writing conveying an easement for right of way purposes over the land designated by such agency, with the approval of said (EXECUTIVE COUNCIL) *commissioner of administration*. Said easement shall continue so long as the land which is subject thereto shall be occupied by the railroad company for railroad purposes. Every such easement shall reserve to the state all minerals and mineral rights of whatever nature, with the right to enter upon said land to explore for such minerals at any time, and the right to enter upon said land to mine and remove the same upon six months' written notice from the state to the railroad company, provided, however, that the state agency shall negotiate for a new location for said railroad right of way, if needed by the railroad, over state land and when a new location has been procured, the railroad company shall promptly move to the new location. If such written notice is given, the railroad company shall, without any cost or obligation to the state, remove its railway and other structures from the land for which the easement was given; and all property, of whatever nature, not removed by said railroad company within said six month period shall become, upon the expiration of said period, the absolute property of the state. Upon the expiration of said period, all right, title and interest of the railroad company in and to such easement shall terminate and revert to the state without the doing of any act by the state except the giving of the aforesaid notice. If such easement ceases to be used by the railroad company for railroad purposes, the interest of the railroad company also shall terminate and revert to the state, without the doing of any act by the state. As the consideration for the granting of such easement by the state, the railroad company shall pay to the state treasurer the fair market value of the land which is subject to the easement, or that amount which is fixed by the constitution and laws of this state as the minimum price for the sale of such land, whichever is greater. No instrument conveying such easement shall be executed by the governor until said amount has been paid to the state. The fair market value shall be determined by the appraisal of the state agency charged by law with jurisdiction over said land, and shall be subject to the approval of said (EXECUTIVE COUNCIL) *commissioner of administration*.

Sec. 12. Minnesota Statutes 1984, section 299D.03, subdivision 11, is amended to read:

Subd. 11. [REVIEW OF ARBITRATION AWARD.] Any state trooper who is so suspended, demoted, or dismissed may have the decision or determination of the arbitrator reviewed pursuant to the Uniform Arbitrator Act in the *district court (OF APPEALS) of the county where the trooper resides*. If the decision or determination of the arbitrator is finally rejected or modified by the court, the trooper shall be reinstated in (HIS) *the position*, and the commissioner shall pay to the trooper so suspended out of the funds of the state the salary or wages withheld (FROM HIM) pending the determination of the charges or as may be directed by the court.

Sec. 13. [EXECUTIVE SALARIES.]

Notwithstanding any law to the contrary, salaries for positions listed in Minnesota Statutes 1984, section 15A.081, subdivision 1, which were given interim approval by the legislative commission on employee relations after adjournment of the 1984 legislative session, remain in effect until June 30, 1985, or the end of a special legislative session before that date, whichever is first.

Sec. 14. [REPEALER.]

Minnesota Statutes 1984, section 15A.081, subdivision 7, is repealed.

Sec. 15. [EFFECTIVE DATE.]

Sections 2, 5 to 10, and 12 are effective the day following final enactment."

Delete the title and insert :

"A bill for an act relating to state government; requiring state agencies to provide services and materials in languages other than English; regulating the career executive service; specifying executive branch conflicts of interest; permitting the governor to set salaries for certain full- and part-time officials of metropolitan agencies; providing for review of state trooper arbitration awards; regulating approved complements; regulating liquidation of vacation leave; requiring approval of commissioner of administration to grant right-of-way over state-owned land to railroad company; extending the effectiveness of certain salaries; amending Minnesota Statutes 1984, sections 15.62, subdivision 2; 15A.081, subdivision 1, and by adding a subdivision; 16A.123, subdivision 3; 16B.65, subdivision 3; 43A.17, subdivision 8; 43A.21, subdivision 5; 43A.38, subdivision 5; 62D.22, subdivision 7; 222.025, subdivision 1; and 299D.-03, subdivision 11; proposing coding for new law in Minnesota Statutes, chapter 15; repealing Minnesota Statutes 1984, section 15A.081, subdivision 7."

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

House Conferees: STEVE SVIGGUM, DANIEL J. KNUTH and HARRIET MCPHERSON.

Senate Conferees: DONALD M. MOE, DARRIL WEGSCHEID and DENNIS R. FREDERICKSON.

Sviggum moved that the report of the Conference Committee on H. F. No. 513 be adopted and that the bill be repassed as amended by the Conference Committee.

POINT OF ORDER

Skoglund raised a point of order relating to subject matter contained in the Conference Committee Report on H. F. No. 513 pursuant to rule 6.11, paragraph 2. The Speaker ruled the point of order well taken and the Conference Committee Report on H. F. No. 513 was ruled out of order and returned to conference.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1070

A bill for an act relating to corrections; authorizing the commissioner of corrections to do background studies on personnel employed by certain licensed facilities; requiring the commissioner of corrections to establish a program to prevent sexual exploitation by psychotherapists; extending the sexual exploitation task force; creating an advisory task force to study the regulation of psychotherapists; amending Minnesota Statutes 1984, section 241.021, by adding a subdivision; Laws 1984, chapter 631, section 1, subdivisions 1 and 4; proposing coding for new law in Minnesota Statutes, chapter 241.

May 20, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 1070, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 1070 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 241.021, is amended by adding a subdivision to read:

Subd. 6. [BACKGROUND STUDIES.] The commissioner of corrections is authorized to do background studies on personnel employed by any facility serving children or youth that is licensed under this section. A clerk of any court, the bureau of criminal apprehension, a prosecuting attorney, a county sheriff, or a chief of a local police department, shall assist in these studies by providing to the commissioner, or the commissioner's representative, all criminal conviction data available from local, state, and national criminal history record repositories, including the criminal justice data communications network, pertaining to the following individuals: applicants, operators, all persons living in the household, and all staff of any facility subject to background studies under this subdivision.

Sec. 2. [241.80] [PREVENTION OF SEXUAL EXPLOITATION BY PSYCHOTHERAPISTS.]

The commissioner of corrections shall establish, as part of the program for victims of sexual assault, a program of public and professional education concerning sexual exploitation by psychotherapists. To the extent of available appropriations, the commissioner shall, in consultation with the task force established in Laws 1984, chapter 631:

(1) develop policy and procedure models and materials for use by professionals, professional organizations, educational institutions, and employers and supervisors;

(2) develop education and training programs for professionals, professional organizations, educational institutions, and employers and supervisors;

(3) collect and distribute information on the problem of sexual exploitation by psychotherapists;

(4) develop manuals, brochures, and other informational materials for distribution to the public, professionals and professional organizations, educational institutions, and employers and supervisors;

(5) educate participants in the administrative, civil, and criminal complaint systems on the laws concerning sexual exploitation, the rights of victims, and other matters;

(6) provide information and referral services, and facilitate advocacy, crisis intervention, and other assistance to victims of sexual exploitation through existing programs, including the state sexual assault network;

(7) *develop a statement of the rights of psychotherapy clients, relating to sexual exploitation, which could be included in existing bills of rights;*

(8) *promote public awareness of the problem of sexual exploitation and the rights of psychotherapy clients; and*

(9) *provide recommendations to the legislature concerning the need for services or legislation.*

At the request of the legislature, the commissioner shall report on the problem of sexual exploitation by psychotherapists and the activities of the department under this section.

Sec. 3. Laws 1984, chapter 631, section 1, subdivision 1, is amended to read:

Subdivision 1. [CREATION; MEMBERSHIP.] The commissioner of corrections shall appoint a task force to study the problem of sexual exploitation by counselors and therapists. The task force shall consist of not more than 18 members who are broadly representative of the state, including representatives of professional organizations, board of medical examiners, board of psychology, and board of nursing, agencies and individuals offering counseling or therapy services, the legal community, appropriate state agencies, women's organizations, mental health advocacy organizations, men's organizations, and consumers. The terms, compensation, and removal of members are as provided in section 15.059, *except that members shall be reimbursed for expenses at the discretion of the commissioner within the limits of available appropriations.*

Sec. 4. Laws 1984, chapter 631, section 1, subdivision 4, is amended to read:

Subd. 4. [EXPIRATION.] The task force expires on July 1, (1985) 1986.

Sec. 5. [ADVISORY TASK FORCE ON THE REGULATION OF PSYCHOTHERAPISTS.]

Subdivision 1. [TASK FORCE ESTABLISHED.] An advisory task force is created to study and report to the commissioner of health and the legislature on the need for licensing or regulation of currently unregulated occupations, professions, and individuals engaging in psychotherapy. The task force consists of no more than 16 members, including a psychologist appointed by the board of psychology, a nurse appointed by the board of nursing, a psychiatrist appointed by the board of medical examiners, and the following members appointed by the commissioner of health:

(1) a social worker recommended by the Coalition for the Legal Regulation of Social Workers;

(2) a chemical dependency counselor recommended by the Institute for Chemical Dependency Professionals in Minnesota;

(3) a marriage and family therapist recommended by the Upper Midwest Association for Marriage and Family Therapy;

(4) a counselor recommended by the Minnesota Association for Counseling and Development;

(5) two public members knowledgeable about psychotherapy or the regulation of occupations and professions; and

(6) up to seven additional members who have knowledge and expertise in the procedures and issues related to the regulation of occupations and professions.

The task force shall report its findings and recommendations to the commissioner of health and the legislature by June 30, 1986. In addition to addressing the criteria for regulation specified in section 214.001, subdivision 2, and other matters the task force considers appropriate, the report must address (1) the need to create consequences for psychotherapists who exploit, mistreat, or otherwise harm a client, including consequences that are directly related to their practice of psychotherapy including prohibitions of the right to practice; and (2) the need to create consequences for psychotherapists who ex-misconduct by psychotherapists, that is directly related to the psychotherapist's practice. Nothing in this section affects or delays the status of the application of any group for regulation under section 214.13. The task force expires when its responsibilities under this section are completed, but no later than June 30, 1987.

Sec. 6. [APPROPRIATION.]

\$30,000 is appropriated from the general fund to the commissioner of corrections for purposes of section 2.

Sec. 7. [REPEALER.]

Section 2 is repealed on July 1, 1987."

Delete the title and insert:

"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; establishing a legislative study

commission on the regulation of psychotherapists; appropriating money; amending Minnesota Statutes 1984, section 241.021, by adding a subdivision; and Laws 1984, chapter 631, section 1, subdivisions 1 and 4; proposing coding for new law in Minnesota Statutes, chapter 241."

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

House Conferees: DENNIS D. OZMENT, KATHLEEN A. BLATZ and DANIEL J. KNUTH.

Senate Conferees: DONNA C. PETERSON, DEAN E. JOHNSON and ERIC D. PETTY.

Ozment moved that the report of the Conference Committee on H. F. No. 1070 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1070, A bill for an act relating to corrections; authorizing the commissioner of corrections to do background studies on personnel employed by certain licensed facilities; requiring the commissioner of corrections to establish a program to prevent sexual exploitation by psychotherapists; extending the sexual exploitation task force; creating an advisory task force to study the regulation of psychotherapists; amending Minnesota Statutes 1984, section 241.021, by adding a subdivision; Laws 1984, chapter 631, section 1, subdivisions 1 and 4; proposing coding for new law in Minnesota Statutes, chapter 241.

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.

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

There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Brinkman	Elioff	Hartle	Knuth
Anderson, R.	Brown	Ellingson	Haukoos	Kostohryz
Backlund	Burger	Erickson	Heap	Krueger
Battaglia	Carlson, D.	Fjoslien	Himle	Kvam
Beard	Carlson, L.	Frederick	Jacobs	Levi
Becklin	Clark	Frederickson	Jaros	Lieder
Begich	Clausnitzer	Frerichs	Jennings, L.	Long
Bennett	Cohen	Greenfield	Johnson	Marsh
Bishop	Dempsey	Gruenes	Kalis	McDonald
Blatz	DenOuden	Gutknecht	Kelly	McEachern
Boo	Dimler	Halberg	Kiffmeyer	McKasy
Brandl	Dyke	Hartinger	Knickerbocker	McLaughlin

McPherson	Omann	Redalen	Shaver	Tunheim
Metzen	Onnen	Rees	Sherman	Uphus
Miller	Osthoff	Rest	Simoneau	Valan
Minne	Otis	Rice	Skoglund	Valento
Munger	Ozment	Richter	Soiberg	Vanasek
Murphy	Pauly	Riveness	Sparby	Vellenga
Nelson, D.	Peterson	Rodosovich	Stanius	Voss
Nelson, K.	Picpho	Rose	Sviggum	Waitman
Neuenschwander	Piper	Schafer	Thiede	Welle
O'Connor	Poppenhagen	Scheid	Thorson	Wenzel
Ogren	Price	Schoenfeld	Tjernhom	Wynia
Olsen, S.	Quinn	Seaberg	Tomlinson	Spk. Jennings, D.
Olsen, E.	Quist	Segal	Tompkins	

The bill was repassed, as amended by Conference, and its title agreed to.

MESSAGES FROM THE SENATE, Continued

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 729, A bill for an act relating to retirement; public plans generally; amending Minnesota Statutes 1984, sections 69.011, subdivision 1; 69.26; 353.01, subdivision 2a; 353.34, by adding a subdivision; 423A.02; 423A.15; 424A.02, subdivisions 6 and 9, and by adding a subdivision; and Laws 1965, chapter 592, section 4, as amended; Laws 1969, chapters 576, sections 3, subdivision 1; and 4, subdivision 1; 950, sections 1, subdivision 1, as amended; and 4, as amended; Laws 1981, chapter 68, section 42, subdivision 1; Laws 1982, chapter 574, sections 3, subdivision 9; and 5; Laws 1983, chapter 100, section 1; and Laws 1984, chapters 564, section 48; and 574, section 18; proposing coding for new law in Minnesota Statutes, chapter 423A; 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 Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 264, 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 killing of dangerous animals; imposing penalties; amending Minnesota Statutes 1984, section 609.205; proposing coding for new law in Minnesota Statutes, chapters 346 and 609.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

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; requiring a study of protection for purchasers of agricultural vehicles; amending Minnesota Statutes 1984, section 325F.665, subdivision 3.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

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; granting the city of Roseville and the city of White Bear Lake located in Ramsey county the powers of a port authority; permitting the establishment of special service districts in the

cities of Sartell, Sauk Rapids, St. Cloud, Isle, Mora, Becker, and Waite Park; amending Minnesota Statutes 1984, sections 161.14, subdivision 6; and 368.85, subdivision 6.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 961, A bill for an act relating to water; providing for comprehensive local water management; authorizing counties to develop and implement county water and related land resources plans; providing additional authorities to counties; providing additional duties of the water resources board; amending Minnesota Statutes 1984, section 473.882, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 110B.

The Senate has appointed as such Committee Messrs. Peterson, R. W.; Renneke and Merriam.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 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 transferring certain functions to the commissioner of commerce; abolishing the telecommunications council; amending Minnesota Statutes 1984, sections 4.31, subdivision 5; 14.02, subdivision 4; 15.0591, subdivision 2; 16B.20, subdivision 2; 16B.33, subdivision 2; 115.74, subdivision 1; 116C.41, subdivision 2; 121.83; 161.1419, subdivision 2; 238.01; 238.02, subdivision 14, and by adding subdivisions; 238.03; 238.08, subdivisions 2, 3, and 4; 238.11, subdivision 2; 238.15; 238.16, subdivision 2; 238.17, subdivisions 1 and 5; 238.22, by adding subdivisions; 238.24, subdivision 10; 250.05; 254A.04; 270.41; 343.01, subdivision 3; 473.129, subdivision 6; and 611.215, subdivision 1; amending Laws 1984, chapter 654, article 2, section 151, sub-

division 2; proposing coding for new law in Minnesota Statutes, chapter 238; repealing Minnesota Statutes 1984, sections 3.29, subdivisions 1 to 11; 16C.01; 238.02, subdivision 4; 238.04 to 238.06; 238.09; 238.10; 238.11, subdivision 1; 238.12, subdivision 3; 238.13; 238.14; 238.16, subdivision 1; and 238.17, subdivisions 6, 7, and 8.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 1175, A bill for an act relating to children; expanding the definition of a medically neglected child; providing for intervention by commissioner of human services after a report of medical neglect; 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, subdivisions 2, 10, and by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

McKasy moved that the House concur in the Senate amendments to H. F. No. 140 and that the bill be repassed as amended by the Senate. The motion prevailed.

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; providing for deposits of public funds in thrift institutions; amending Minnesota Statutes 1984, sections 48.30; 51A.28; 52.13; 118.005; 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; 528.02, subdivision 15; and 528.12.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called.

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

There were 116 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Kvam	Pauly	Soiberg
Backlund	Fjoslien	Levi	Peterson	Sparby
Battaglia	Forsythe	Lieder	Piepho	Stanius
Beard	Frederick	Long	Piper	Sviggum
Becklin	Frederickson	Marsh	Poppenhagen	Thiede
Begich	Frerichs	McDonald	Price	Thorson
Bennett	Greenfield	McKasy	Quinn	Tjornhom
Bishop	Gutknecht	McLaughlin	Redalen	Tomlinson
Blatz	Halberg	McPherson	Rees	Tompkins
Boerboom	Hartinger	Miller	Rest	Tunheim
Boo	Hartle	Minne	Rice	Uphus
Brandl	Haukoos	Munger	Richter	Valan
Brown	Heap	Murphy	Riveness	Valento
Burger	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	Wenzel
Dempsey	Kalis	Ogren	Seaberg	Wynia
DenOuden	Kelly	Olsen, S.	Segal	Spk. Jennings, D.
Dimler	Kiffmeyer	Olsen, E.	Shaver	
Dyke	Knickerbocker	Osthoff	Sherman	
Elioff	Knuth	Otis	Simoneau	
Ellingson	Krueger	Ozment	Skoglund	

Those who voted in the negative were:

Brinkman	Metzen	Schoenfeld	Welle
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The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 472.

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. FLAHAVERN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON 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 Minnesota Statutes, chapter 273; repealing Minnesota Statutes 1984, sections 298.01, subdivision 2; 299.01, subdivision 2; 325D.41; and 477A.04.

May 20, 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. 472, 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. 472 be further amended as follows:

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, subdivision 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, 3e, 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 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 273.19, subdivision 1, is amended to read:

Subdivision 1. Except as provided in subdivision 3 or 4, property held under a lease for a term of three or more years, and not taxable under section 272.01, subdivision 2, (CLAUSE (B)(1),) or under a contract for the purchase thereof, when the property belongs to the United States, to the state, or to any religious, scientific, or benevolent society or institution, incorporated or unincorporated, or to any railroad company or other corporation whose property is not taxed in the same manner as other property, or when the property is school or other state lands, shall be considered, for all purposes of taxation, as the property of the person so holding the same. *This subdivision does not apply to property exempt from taxation under section 272.01, subdivision 2, clause (b)(2).*

Sec. 10. 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. 11. 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 fifteenth 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. 12. 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. 13. 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 installment

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. 14. 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. 15. 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 installment 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. 16. 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. 17. 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. 18. 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.

(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. 19. 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) rate 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. 20. Minnesota Statutes 1984, section 298.01, subdivision 1, is amended to read:

Subdivision 1. Every person engaged in the business of mining or producing iron ore or other ores in this state shall pay to the state of Minnesota an occupation tax equal to (15.5) 15 percent of the valuation of all ores (EXCEPT TACONITE, SEMI-TACONITE AND IRON SULPHIDES MINED OR PRODUCED AFTER DECEMBER 31, 1971 AND IRON ORES MINED OR PRODUCED AFTER DECEMBER 31, 1984). Said tax shall be in addition to all other taxes provided for by law and

shall be due and payable from such person on or before June 15 of the year next succeeding the calendar year covered by the report thereon to be filed as hereinafter provided.

Sec. 21. 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) *all* 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 pro-

duced" 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. 22. 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. 23. Minnesota Statutes 1984, section 298.28, subdivision 1, is amended to read:

Subdivision 1. [DISTRIBUTION FROM GENERAL FUND.] The proceeds of the taxes collected under section 298.24, except the tax collected under section 298.24, subdivision 2, shall, upon certificate of the commissioner of revenue to the general fund of the state, be paid by the commissioner of revenue as follows:

(1) 2.5 cents per gross ton of merchantable iron ore concentrate, hereinafter referred to as "taxable ton," to the city or town in which the lands from which taconite was mined or quarried were located or within which the concentrate was produced. If the mining, quarrying, and concentration, or different steps in either thereof are carried on in more than one taxing district, the commissioner shall apportion equitably the proceeds of the part of the tax going to cities and towns among such subdivisions upon the basis of attributing 40 percent of the proceeds of the tax to the operation of mining or quarrying the taconite, and the remainder to the concentrating plant and to the processes of concentration, and with respect to each thereof giving due consideration to the relative extent of such operations performed in each such taxing district. His order making such apportionment shall be subject to review by the tax court at the instance of any of the interested taxing districts, in the same manner as other orders of the commissioner.

(2) 12.5 cents per taxable ton, less any amount distributed under clause (8), *paragraph (a)*, to the taconite municipal aid

account in the apportionment fund of the state treasury, to be distributed as provided in section 298.282.

(3) 29 cents per taxable ton plus the increase provided in paragraph (c) to qualifying school districts to be distributed as follows:

(a) Six cents per taxable ton to the school districts in which the lands from which taconite was mined or quarried were located or within which the concentrate was produced. The commissioner shall follow the apportionment formula prescribed in clause (1).

(b) 23 cents per taxable ton, less any amount distributed under part (d), shall be distributed to a group of school districts comprised of those school districts wherein the taconite was mined or quarried or the concentrate produced or in which there is a qualifying municipality as defined by section 273.134 in direct proportion to school district tax levies as follows: each district shall receive that portion of the total distribution which its certified levy for the prior year, computed pursuant to sections 124A.03, 124A.06, subdivision 3a, 124A.08, subdivision 3a, 124A.10, subdivision 3a, 124A.12, subdivision 3a, 124A.14, subdivision 5a, and 275.125, comprises of the sum of certified levies for the prior year for all qualifying districts, computed pursuant to sections 124A.03, 124A.06, subdivision 3a, 124A.08, subdivision 3a, 124A.10, subdivision 3a, 124A.12, subdivision 3a, 124A.14, subdivision 5a, and 275.125. For purposes of distributions pursuant to this part, certified levies for the prior year computed pursuant to sections 124A.03, 124A.06, subdivision 3a, 124A.08, subdivision 3a, 124A.10, subdivision 3a, 124A.12, subdivision 3a, 124A.14, subdivision 5a, and 275.125 shall not include the amount of any increased levy authorized by referendum pursuant to section 124A.03, subdivision 2.

(c) On July 15, in years prior to 1988, an amount equal to the increase derived by increasing the amount determined by clause (3)(b) in the same proportion as the increase in the steel mill products index over the base year of 1977 as provided in section 298.24, subdivision 1, clause (a), shall be distributed to any school district described in clause (3)(b) where a levy increase pursuant to section 124A.03, subdivision 2, is authorized by referendum, according to the following formula. On July 15, 1988 and subsequent years, the increase over the amount established for the prior year shall be determined according to the increase in the implicit price deflator as provided in section 298.24, subdivision 1, paragraph (a). Each district shall receive the product of:

(i) \$150 times the pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), enrolled in the second previous school year, less the product of two mills times the district's taxable valuation in the second previous year; times

(ii) the lesser of:

(A) one, or

(B) the ratio of the amount certified pursuant to section 124A.03, subdivision 2, in the previous year, to the product of two mills times the district's taxable valuation in the second previous year.

If the total amount provided by clause (3) (c) is insufficient to make the payments herein required then the entitlement of \$150 per pupil unit shall be reduced uniformly so as not to exceed the funds available. Any amounts received by a qualifying school district in any fiscal year pursuant to clause (3) (c) shall not be applied to reduce foundation aids which the district is entitled to receive pursuant to section 124A.02 or the permissible levies of the district. Any amount remaining after the payments provided in this paragraph shall be paid to the commissioner of finance who shall deposit the same in the taconite environmental protection fund and the northeast Minnesota economic protection trust fund as provided in section 298.28, subdivision 1, clause 10.

(d) There shall be distributed to any school district the amount which the school district was entitled to receive under section 298.32 in 1975.

(4) 19.5 cents per taxable ton to counties to be distributed as follows:

(a) 15.5 cents per taxable ton shall be distributed to the county in which the taconite is mined or quarried or in which the concentrate is produced, less any amount which is to be distributed pursuant to part (b). The commissioner shall follow the apportionment formula prescribed in clause (1).

(b) If an electric power plant owned by and providing the primary source of power for a taxpayer mining and concentrating taconite is located in a county other than the county in which the mining and the concentrating processes are conducted, one cent per taxable ton of the tax distributed to the counties pursuant to part (a) and imposed on and collected from such taxpayer shall be distributed by the commissioner of revenue to the county in which the power plant is located.

(c) Four cents per taxable ton shall be paid to the county from which the taconite was mined, quarried or concentrated to be deposited in the county road and bridge fund. If the mining, quarrying and concentrating, or separate steps in any of those processes are carried on in more than one county, the commissioner shall follow the apportionment formula prescribed in clause (1).

(5) (a) 17.75 cents per taxable ton, less any amount required to be distributed under part (b), to the taconite property

tax relief account in the apportionment fund in the state treasury, to be distributed as provided in sections 273.134 to 273.136.

(b) If an electric power plant owned by and providing the primary source of power for a taxpayer mining and concentrating taconite is located in a county other than the county in which the mining and the concentrating processes are conducted, .75 cent per taxable ton of the tax imposed and collected from such taxpayer shall be distributed by the commissioner of revenue to the county and school district in which the power plant is located as follows: 25 percent to the county and 75 percent to the school district.

(6) One cent per taxable ton to the state for the cost of administering the tax imposed by section 298.24.

(7) Three cents per taxable ton shall be deposited in the state treasury to the credit of the iron range resources and rehabilitation board account in the special revenue fund for the purposes of section 298.22. The amount determined in this clause shall be increased in 1981 and subsequent years prior to 1988 in the same proportion as the increase in the steel mill products index as provided in section 298.24, subdivision 1 and shall be increased in 1988 and subsequent years according to the increase in the implicit price deflator as provided in section 298.24, subdivision 1. The amount distributed pursuant to this clause shall be expended within or for the benefit of a tax relief area defined in section 273.134. No part of the fund provided in this clause may be used to provide loans for the operation of private business unless the loan is approved by the governor and the legislative advisory commission.

(8) (a) .20 cent per taxable ton shall be paid to the range association of municipalities and schools, for the purpose of providing an area wide approach to problems which demand coordinated and cooperative actions and which are common to those areas of northeast Minnesota affected by operations involved in mining iron ore and taconite and producing concentrate therefrom, and for the purpose of promoting the general welfare and economic development of the cities, towns and school districts within the iron range area of northeast Minnesota.

(b) 1.5 cents per taxable ton shall be paid to the northeast Minnesota economic protection trust fund.

(9) the amounts determined under clauses (4)(a), (4)(c), (5), and (8)(b) shall be increased in 1979 and subsequent years prior to 1988 in the same proportion as the increase in the steel mill products index as provided in section 298.24, subdivision 1. Those amounts shall be increased in 1988 and subsequent years in the same proportion as the increase in the implicit price deflator as provided in section 298.24, subdivision 1.

(10) the proceeds of the tax imposed by section 298.24 which remain after the distributions in clauses (1) to (9) and parts (a) and (b) of this clause have been made shall be divided between the taconite environmental protection fund created in section 298.223 and the northeast Minnesota economic protection trust fund created in section 298.292 as follows: Two-thirds to the taconite environmental protection fund and one-third to the northeast Minnesota economic protection trust fund. The proceeds shall be placed in the respective special accounts in the general fund.

(a) There shall be distributed to each city, town, school district, and county the amount that they received under section 294.26 in calendar year 1977; provided, however, that the amount distributed in 1981 to the unorganized territory number 2 of Lake County and the town of Beaver Bay based on the between-terminal trackage of Erie Mining Company will be distributed in 1982 and subsequent years to the unorganized territory number 2 of Lake County and the towns of Beaver Bay and Stony River based on the miles of track of Erie Mining Company in each taxing district.

(b) There shall be distributed to the iron range resources and rehabilitation board the amounts it received in 1977 under section 298.22.

On or before October 10 of each calendar year each producer of taconite or iron sulphides subject to taxation under section 298.24 (hereinafter called "taxpayer") shall file with the commissioner of revenue an estimate of the amount of tax which would be payable by such taxpayer under said law for such calendar year; provided such estimate shall be in an amount not less than the amount due on the mining and production of concentrates up to September 30 of said year plus the amount becoming due because of probable production between September 30 and December 31 of said year, less any credit allowable as hereinafter provided. The commissioner of revenue shall annually on or before October 10 report an estimated distribution amount to each taxing district and the officers with whom such report is so filed shall use the amount so indicated as being distributable to each taxing district in computing the permissible tax levy of such county or city in the year in which such estimate is made, and payable in the next ensuing calendar year, except that one cent per taxable ton of the amount distributed under clause (4)(c) shall not be deducted in calculating the permissible levy. In any calendar year in which a general property tax levy subject to sections 275.50 to 275.59 has been made, if the taxes distributable to any such county or city are greater than the amount estimated by the commissioner to be paid to any such county or city in such year, the excess of such distribution shall be held in a special fund by the county or city and shall not be expended until the succeeding calendar year, and shall be included in computing the permissible levies under sections 275.50 to 275.59, of such county or city payable in such year. If

the amounts distributable to any such county or city after final determination by the commissioner of revenue under this section are less than the amounts by which a taxing district's levies were reduced pursuant to this section, such county or city may issue certificates of indebtedness in the amount of the shortage, and may include in its next tax levy, in excess of the limitations of sections 275.50 to 275.59 an amount sufficient to pay such certificates of indebtedness and interest thereon, or, if no certificates were issued, an amount equal to such shortage.

There is hereby annually appropriated to such taxing districts as are stated herein, to the taconite property tax relief account and to the taconite municipal aid account in the apportionment fund in the state treasury, to the department of revenue, to the iron range resources and rehabilitation board, to the range association of municipalities and schools, to the taconite environmental protection fund, and to the northeast Minnesota economic protection trust fund, from any fund or account in the state treasury to which the money was credited, an amount sufficient to make the payment or transfer. The payment of the amount appropriated to such taxing districts shall be made by the commissioner of revenue on or before May 15 annually.

Sec. 24. Minnesota Statutes 1984, section 299.01, subdivision 1, is amended to read:

Subdivision 1. There shall be levied and collected upon all royalty received during each calendar year for permission to explore, mine, take out and remove ore (OTHER THAN TACONITE, SEMI-TACONITE AND IRON SULPHIDES) from land in this state, a tax of (15.5) 15 percent (AFTER DECEMBER 31, 1971).

Sec. 25. Minnesota Statutes 1984, section 299.012, subdivision 1, is amended to read:

Subdivision 1. For the purpose of increasing the utilization of low grade, underground, and high labor cost ores and taconites, the royalty tax levied by virtue of section 299.01 (, SUBDIVISIONS 1 AND 2,) on royalty received because of the production of ores in any calendar year from land forming part of any mine which was in production during said year, shall be reduced by a credit in an amount which will make the net effective tax rate thereon equal to the net effective rate of the occupation tax imposed pursuant to section 298.01, because of the production of ores during such calendar year from the mine of which such land forms a part, after the application of the credits against such occupation tax allowed under section 298.02; provided, if such mine produced ore in such calendar year, but the ore produced had no valuation for occupation tax purposes because of the allowable deductions equaling or exceeding the value of the ore produced, the credit allowed hereunder shall be three-fourths of eleven percent (, AS APPLIED TO UNDERGROUND, TAC-

ONITE, SEMI-TACONITE AND OTHER IRON ORE OPERATIONS, AND SIX-TENTHS OF ELEVEN PERCENT AS APPLIED TO ALL OTHER OPERATIONS,) of the royalty received. Any person making payments of royalty taxes in advance of the final determination of such taxes, may assume for the purposes of section 299.08, that the net rate of the tax for the calendar year in question shall be the last full year's net effective occupation tax rate known at the time of the first payment of royalty tax during the current calendar year.

Sec. 26. 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, subd. 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. 27. 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. 28. 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. 29. 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 requirement of the cancellation process only apply to those contracts for deed subject to payment of mortgage registration tax at time of recording.

Sec. 30. [REPEALER.]

(a) Minnesota Statutes 1984, sections 298.01, subdivision 2; and 299.01, subdivision 2, are repealed.

(b) Minnesota Statutes 1984, section 477A.04 is repealed.

Sec. 31. [EFFECTIVE DATE.]

Sections 1 to 8 and 10 to 12 are effective for taxes levied in 1985 and thereafter, payable in 1986 and thereafter. Sections 9, 13 to 19 and 26 to 29, are effective the day after final enactment. Sections 20 to 25 and 30, paragraph (a), are effective for ores produced after December 31, 1984."

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; 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; clarifying cancellation of contract for deed provisions; clarifying the tax exempt status of certain property used in connection with a public airport; 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; 273.19, subdivision 1; 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; 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; 559.21, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 273; repealing Minnesota Statutes 1984, sections 298.01, subdivision 2; 299.01, subdivision 2; and 477A.04."

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

Senate Conferees: DOUGLAS J. JOHNSON, COLLIN C. PETERSON and RON SIELOFF.

House Conferees: TERRY M. DEMPSEY, WILLIAM H. SCHREIBER and JOHN HIMLE.

Dempsey moved that the report of the Conference Committee on S. F. No. 472 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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 Minnesota 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 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.

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

There were 122 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

O'Connor Osthoff Scheid

The bill was repassed, as amended by Conference, and its title agreed to.

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1227

A bill for an act relating to crimes; prohibiting sexual contact or penetration based on deception; providing that a psycho-

therapist 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.

May 20, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 1227, report that we have agreed upon the items in dispute and recommend as follows:

That the House accede to the Senate amendment adopted May 16, 1985, that the Senate recede from its other amendments, and that H. F. No. 1227 be further amended as follows:

Page 1, line 24, after "*the*" insert "*professional*"

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

House Conferees: DAVID T. BISHOP, KATHLEEN A. BLATZ and ROBERT E. VANASEK.

Senate Conferees: DONNA C. PETERSON, ALLAN H. SPEAR and DEAN E. JOHNSON.

Bishop moved that the report of the Conference Committee on H. F. No. 1227 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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 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.

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

There were 126 yeas and 0 nays as follows :

Those who voted in the affirmative were :

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

The bill was repassed, as amended by Conference, and its title agreed to.

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 719.

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. 719

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; requiring the removal of elk from the state; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 97.

May 20, 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. 719, 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. 719 be further amended as follows:

Page 1, line 24, after "state" insert "*specifically Marshall, Roseau, Pennington, and Beltrami counties,*"

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

Senate Conferees: LEROY A. STUMPF, KEITH LANGSETH and WILLIAM V. BELANGER, JR.

House Conferees: JOHN T. ROSE, WALLY A. SPARBY and ELTON R. REDALEN.

Rose moved that the report of the Conference Committee on S. F. No. 719 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 719, 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; requiring the removal of elk from the state; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 97.

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.

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

There were 129 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	Fjoslien	Lieder	Pappas	Skoglund
Battaglia	Frederick	Long	Pauly	Soiberg
Beard	Frederickson	Marsh	Peterson	Sparby
Becklin	Frerichs	McDonald	Piepho	Stanius
Begich	Greenfield	McEachern	Piper	Sviggun
Bennett	Gruenes	McKaay	Poppenhagen	Thiede
Bishop	Gutknecht	McLaughlin	Price	Thorsen
Blatz	Halberg	McPherson	Quinn	Tjornhom
Boerboom	Hartinger	Metzen	Quist	Tomlinson
Brandl	Hartle	Miller	Redalen	Tompkins
Brinkman	Haukoos	Minn	Rees	Tanheim
Brown	Heap	Munger	Rest	Uphus
Burger	Jacobs	Murphy	Rice	Valan
Carlson, D.	Jaros	Nelson, D.	Richter	Valento
Carlson, J.	Jennings, L.	Nelson, K.	Riveness	Vanasek
Carlson, L.	Johnsen	Neuenschwander	Rodosovich	Vellenga
Clark	Kahn	Norton	Rose	Voss
Clausnitzer	Kalis	O'Connor	Sarna	Waltman
Cohen	Kelly	Ogren	Schafer	Welle
Dempsey	Kiffmeyer	Olsen, S.	Scheid	Wenzel
DenOuden	Knickerbocker	Olsen, E.	Schoenfeld	Wynia
Dimler	Knuth	Omann	Seaberg	Zaffke
Dyke	Kostohryz	Onnen	Segal	Spk. Jennings, D.
Elioff	Krueger	Osthoff	Shaver	

The bill was repassed, as amended by Conference, and its title agreed to.

SPECIAL ORDERS

S. F. No. 903 which was temporarily laid over earlier today was again reported to the House.

Onnen moved to amend S. F. No. 903, as follows:

Page 4, line 2, after "section" insert "and which has been certified to participate in the federal medicare program under United States Code, title 42, section 1395 (tt)"

Page 4, line 6, after *"the first beds"* delete *"or"* and insert *"defined in the federal medicare regulations, Code of Federal Regulations, title 42, section 405.1041, or (2)"*

Page 4, line 8, delete *"(2)"* and insert *"and (3)"*

Page 4, line 10, delete *"(3)"* and insert *"(4)"*

Page 4, line 12, after the comma, delete to the end of the line and insert: *"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."*

Page 4, delete line 13

Page 4, line 29, after *"patient,"* insert *"and"*

Page 4, line 29, after *"no"* insert *"medicare certified skilled"*

Page 4, line 30, delete *"or in"*

Page 4, delete lines 31 to 33

Page 4, line 34, delete *"to meet the needs of the patient"*

Page 4, line 36, delete *"hospital"* and insert *"physician"*

Page 5, line 1, delete *"discharge"* and insert *"appropriate care"*

Page 5, line 1, after *"patient"* insert a period and delete the remainder of the line

Page 5, delete line 2

Page 5, delete lines 9 to 21 and insert:

"(e) The hospital must agree, in writing, to report annually to the commissioner of health (1) the number of patients readmitted to a swing bed within 60 days of a patient's discharge from the facility, and (2) the hospital's charges for care in a swing bed during the reporting period. The hospital must describe the care provided for the rate charged."

Page 6, delete lines 2 to 7

Re-number subsequent subdivisions

Page 6, delete lines 24 to 36

Page 7, delete lines 1 to 36

Page 8, delete lines 1 to 26 and insert:

"Sec. 4. [144.563] [NURSING SERVICES PROVIDED IN A HOSPITAL; PROHIBITED PRACTICES.]

A hospital that has been granted a license condition under section 3 must not provide the types of services that would exclusively be provided in, and reimbursed under medical assistance or medicare as services of, a skilled nursing facility or intermediate care facility to patients not reimbursed by medicare or medical assistance for more than 100 days. Permission to extend a patient's length of stay must be requested by the physician and granted by the commissioner of health at least ten days prior to the end of the maximum length of stay."

Page 12, line 24, delete the comma

Page 25, after line 8, insert:

"Sec. 17. Minnesota Statutes 1984, section 256B.421, subdivision 5, is amended to read:

Subd. 5. [GENERAL AND ADMINISTRATIVE COSTS.] "General and administrative costs" means all allowable costs for administering the facility, including but not limited to: salaries of administrators, assistant administrators, accounting personnel, data processing personnel, and all clerical personnel; board of directors fees; business office functions and supplies; travel, except as necessary for training programs for nursing personnel and dieticians required to maintain licensure, certification, or professional standards requirements; telephone and telegraph; advertising; membership dues and subscriptions; postage; insurance, except as included as a fringe benefit under subdivision 14; professional services such as legal, accounting and data processing services; central or home office costs; management fees; management consultants; employee training, for any top management personnel and for other than direct resident care related personnel; and business meetings and seminars. (THESE COSTS SHALL BE INCLUDED IN GENERAL AND ADMINISTRATIVE COSTS IN TOTAL, WITHOUT DIRECT OR INDIRECT ALLOCATION TO OTHER COST CATEGORIES.)

(IN A NURSING HOME OF 60 OR FEWER BEDS, PART OF AN ADMINISTRATOR'S SALARY MAY BE ALLOCATED TO OTHER COST CATEGORIES TO THE EXTENT JUSTIFIED IN RECORDS KEPT BY THE NURSING HOME. CENTRAL OR HOME OFFICE COSTS REPRESENTING SERVICES OF REQUIRED CONSULTANTS IN AREAS INCLUDING, BUT NOT LIMITED TO, DIETARY, PHARMACY, SOCIAL SERVICES, OR ACTIVITIES MAY BE

**ALLOCATED TO THE APPROPRIATE DEPARTMENT,
BUT ONLY IF THOSE COSTS ARE DIRECTLY IDENTIFIED
BY THE NURSING HOME.)**

Sec. 18. Minnesota Statutes 1984, section 256B.431, is amended by adding a subdivision to read:

Subd. 2g. [REQUIRED CONSULTANTS.] Costs considered general and administrative costs under section 256B.421 must be included in general and administrative costs in total, without direct or indirect allocation to other cost categories. In a nursing home of 60 or fewer beds, part of an administrator's salary may be allocated to other cost categories to the extent justified in records kept by the nursing home. Central or home office costs representing services of required consultants in areas including, but not limited to, dietary, pharmacy, social services, or activities may be allocated to the appropriate department, but only if those costs are directly identified by the nursing home. Central, affiliated, or corporate office costs representing services of consultants not required by law in the areas of nursing, quality assurance, medical records, dietary, other care related services, and plant operations may be allocated to the appropriate operating cost category of a nursing home according to paragraphs (a) to (e).

(a) Only the salaries, fringe benefits, and payroll taxes associated with the individual performing the service may be allocated. No other costs may be allocated.

(b) The allocation must be based on direct identification and only to the extent justified in time distribution records that show the actual time spent by the consultant performing the services in the nursing home.

(c) The cost in paragraph (a) for each consultant must not be allocated to more than one operating cost category in the nursing home. If more than one nursing home is served by a consultant, all nursing homes shall allocate the consultant's cost to the same operating category.

(d) Top management personnel must not be considered consultants.

(e) The consultant's full-time responsibilities shall be to provide the services identified in this item."

Renumber subsequent sections

Correct internal references

Page 25, line 22, delete "40" and insert "50"

Page 25, line 25, delete "20" and insert "30"

Page 28, line 35, delete the new language and reinstate the stricken language

Page 29, lines 2 to 5, reinstate the stricken language and delete the new language

Page 30, after line 5, insert:

"Sec. 20. Minnesota Statutes 1984, section 256B.48, is amended by adding a subdivision to read:

Subd. 6. [MEDICARE CERTIFICATION.] All nursing homes certified as skilled nursing facilities under the medical assistance program shall participate in medicare part A and part B unless, after submitting an application, medicare certification is denied by the federal health care financing administration. Medicare review will be conducted at the time of the annual medical assistance review. Charges for medicare-covered services provided to residents who are simultaneously eligible for medical assistance and medicare must be billed to medicare part A or part B before billing medical assistance. Medical assistance may be billed only for charges not reimbursed by medicare.

The commissioner of health may grant exceptions from this requirement when a nursing home submits a written request for exception and it is determined that there is sufficient number of medicare-certified beds to meet the needs of medicare beneficiaries in that region of the state. For the purposes of this section, the relevant geographic area would be the county in which the nursing home is located together with contiguous Minnesota counties. To determine that there is a sufficient number of medicare-certified beds for a particular geographic region, the commissioner of health shall assure that there are at least as many medicare-certified beds per 1,000 elderly as 110 percent of the national average, based on 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 must 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 certification review. A nursing home that is granted an exception under this subdivision must give appropriate notice to all applicants for admission that medicare coverage is not available in the nursing home and publish this fact in all literature and advertisement related to the nursing home."

Renumber subsequent sections

Correct internal references

Page 32, line 17, delete "and"

Page 32, line 19, delete the period and insert "; and"

Page 32, after line 19, insert:

"(e) to study the adequacy of the present system of quality assurance and to recommend changes if the current system is not adequate to ensure a cost-effective, quality care system. The commission shall review the department of health's quality assurance program in order to assure that each individual resident's ability to function is optimized, based upon valid and reliable indicators focusing on individual client outcomes and not measured solely by the number or amount of services provided."

Amend the title as follows:

Page 1, delete line 14

Page 1, line 15, delete "assistance overpayments;"

Page 1, line 25, delete "subdivision" and insert "subdivisions"

Page 1, line 26, delete the semicolon and insert "and 5;"

Page 1, line 27, delete "a subdivision" and insert "subdivisions: 256B.48, by adding a subdivision"

The motion prevailed and the amendment was adopted.

Greenfield moved to amend S. F. No. 903, as amended, as follows:

Page 8, after line 35, insert:

"Sec. 7. Minnesota Statutes 1984, section 144A.01, subdivision 7, is amended to read:

Subd. 7. "Uncorrected violation" means ((A)) a violation of a statute or rule or any other deficiency for which a notice of noncompliance has been issued and fine assessed and allowed to be recovered pursuant to section 144A.10, subdivision (6, OR (B) THE ISSUANCE OF TWO OR MORE CORRECTION ORDERS, WITHIN A 12-MONTH PERIOD, FOR A VIOLATION OF THE SAME PROVISION OF A STATUTE OR RULE) 8.

Sec. 8. Minnesota Statutes 1984, section 144A.01, is amended by adding a subdivision to read:

Subd. 10. "Repeated violation" means the issuance of two or more correction orders, within a 12-month period, for a violation of the same provision of a statute or rule.

Sec. 9. Minnesota Statutes 1984, section 144A.04, subdivision 4, is amended to read:

Subd. 4. The controlling persons of a nursing home may not include any person who was a controlling person of another nursing home during any period of time in the previous two year period:

(a) during which time of control that other nursing home incurred the following number of uncorrected *or repeated* violations:

(1) two or more uncorrected violations *or one or more repeated violations* which created an imminent risk to direct resident care or safety; or

(2) (FIVE) *four* or more uncorrected violations *or two or more repeated violations* of any nature for which the fines are in the (TWO) *four* highest daily fine categories prescribed in rule; or

(b) who was convicted of a felony *or gross misdemeanor punishable by a term of imprisonment of more than 90 days* that relates to operation of the nursing home or directly affects resident safety or care, during that period.

The provisions of this subdivision shall not apply to any controlling person who had no legal authority to affect or change decisions related to the operation of the nursing home which incurred the uncorrected violations.

Sec. 10. Minnesota Statutes 1984, section 144A.04, subdivision 6, is amended to read:

Subd. 6. A nursing home may not employ as a managerial employee or as its licensed administrator any person who was a managerial employee or the licensed administrator of another facility during any period of time in the previous two year period:

(a) During which time of employment that other nursing home incurred the following number of uncorrected violations which were in the jurisdiction and control of the managerial employee or the administrator:

(1) two or more uncorrected violations *or one or more repeated violations* which created an imminent risk to direct resident care or safety; or

(2) (FIVE) *four* or more uncorrected violations *or two or more repeated violations* of any nature for which the fines are in the (TWO) *four* highest daily fine categories prescribed in rule; or

(b) who was convicted of a felony or gross misdemeanor punishable by a term of imprisonment of more than 90 days that relates to operation of the nursing home or directly affects resident safety or care, during that period.”

Page 12, after line 36, insert:

“Sec. 14. Minnesota Statutes 1984, section 144A.08, subdivision 3, is amended to read:

Subd. 3. [PENALTY.] Any controlling person who establishes, conducts, manages or operates a nursing home which incurs the following number of uncorrected or repeated violations, in any two year period:

(a) two or more uncorrected violations or one or more repeated violations which created an imminent risk (OF HARM) to (A NURSING HOME) direct resident care or safety; or

(b) (FIVE) four or more uncorrected violations or two or more repeated violations of any nature for which the fines are in the four highest daily fine categories prescribed in rule, is guilty of a misdemeanor.

The provisions of this subdivision shall not apply to any controlling person who had no legal authority to affect or change decisions as to the operation of the nursing home which incurred the uncorrected or repeated violations.

Sec. 15. Minnesota Statutes 1984, section 144A.10, subdivision 4, is amended to read:

Subd. 4. [CORRECTION ORDERS.] Whenever a duly authorized representative of the commissioner of health finds upon inspection of a nursing home, that the facility or a controlling person or an employee of the facility is not in compliance with sections 144.651, 144A.01 to 144A.17, or 626.557 or the rules promulgated thereunder, a correction order shall be issued to the facility. The correction order shall state the deficiency, cite the specific rule or statute violated, state the suggested method of correction, and specify the time allowed for correction. If the commissioner finds that the nursing home had uncorrected or repeated violations (AND THAT TWO OR MORE OF THE UNCORRECTED VIOLATIONS) which create a risk to resident care, safety, or rights, the commissioner shall notify the commissioner of human services who shall (1) review reimbursement to the nursing home to determine the extent to which the state has paid for substandard care and, (2) furnish his or her findings and disposition to the commissioner of health within 30 days of notification.

Sec. 16. Minnesota Statutes 1984, section 144A.10, is amended by adding a subdivision to read:

Subd. 4a. [SUSPENSION OF ADMISSIONS.] If the commissioner issues a penalty assessment or if the nursing home has a repeated violation of that portion of Minnesota Rules, part 4655.5600, subdivision 2, establishing minimum nursing personnel requirements, the nursing home shall be prohibited from admitting new residents until correction is verified by a duly authorized representative of the commissioner. A nursing home shall notify the commissioner of health in writing when the violation is corrected. The facility shall be reinspected within three working days after the receipt of the notification.

Sec. 17. Minnesota Statutes 1984, section 144A.10, is amended by adding a subdivision to read:

Subd. 10. [REPORTING TO A MEDICAL EXAMINER OR CORONER.] Whenever a duly authorized representative of the commissioner of health has reasonable cause to believe that a resident has died as a direct or indirect result of abuse or neglect, he shall report that information to the appropriate medical examiner or coroner and police department or county sheriff. 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 to the commissioner of health.

Sec. 18. Minnesota Statutes 1984, section 144A.11, subdivision 2, is amended to read:

Subd. 2. [MANDATORY PROCEEDINGS.] The commissioner of health shall initiate proceedings within 60 days of notification to suspend or revoke a nursing home license or shall refuse to renew a license if within the preceding two years the nursing home has incurred the following number of uncorrected or repeated violations:

(1) two or more uncorrected violations *or one or more repeated violations* which created an imminent risk to direct resident care or safety (, VIOLATED THE PATIENTS' BILL OF RIGHTS SECTION 144.651, OR VIOLATED THE VULNERABLE ADULTS REPORTING ACT, SECTION 626.557); or

(2) (FIVE) four or more uncorrected violations *or two or more repeated violations* of any nature for which the fines are in the (TWO) four highest daily fine categories prescribed in rule.

Sec. 19. Minnesota Statutes 1984, section 144A.11, subdivision 3a, is amended to read:

Subd. 3a. [MANDATORY REVOCATION.] Notwithstanding the provisions of subdivision 3, the commissioner shall

revoke a nursing home license if a controlling person is convicted of a felony or gross misdemeanor punishable by a term of imprisonment of more than 90 days that relates to operation of the nursing home or directly affects resident safety or care. The commissioner shall notify the nursing home 30 days in advance of the date of revocation."

Renumber subsequent sections

Correct the internal references

Amend the title as follows:

Page 1, line 5, after the semicolon insert "specifying nursing home correction orders or noncompliance violations and penalties;"

Page 1, line 23, delete "subdivision 5" and insert "subdivisions 5 and 7, and by adding a subdivision; 144A.04, subdivisions 4 and 6"

Page 1, line 24, after "3;" insert "144A.08, subdivision 3; 144A.10, subdivision 4, and by adding subdivisions; and 144A.11, subdivisions 2 and 3a;"

The motion prevailed and the amendment was adopted.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Onnen moved that the rule therein be suspended and an urgency be declared so that S. F. No. 903, as amended, be given its third reading and be placed upon its final passage. The motion prevailed.

Onnen moved that the rules of the House be so far suspended that S. F. No. 903, as amended, be given its third reading and be placed upon its final passage. The motion prevailed.

S. F. No. 903, A bill for an act relating to human services; creating a procedure for reconsideration of a resident's case mix classification; establishing approval procedures and requirements for hospital swing beds; restricting licensure of new nursing home beds; expanding the preadmission screening program; revising statutes relating to nursing home reimbursement; requiring nursing homes participating in the medical assistance program to be medicare certified; creating an appeal process for nursing home appraisals; authorizing the legislative commission on long-term health care to study cost containment strategies and collect data; requiring recovery of the federal

share of medical assistance overpayments; authorizing bingo in nursing homes and senior citizen housing projects; requiring review by the commissioners of human services and health of proposals for revenue bond financing of health facility projects; requiring a study of the feasibility of home equity conversion to finance long-term health care; appropriating money; amending Minnesota Statutes 1984, sections 144.50, subdivision 2; 144A.01, subdivision 5; 144A.071, subdivisions 1, 2, and 3; 256B.02, subdivision 8; 256B.091, subdivisions 1, 2, 4, 5, and 8; 256B.421, subdivision 1; 256B.431, subdivisions 2b, 3, and 4, and by adding a subdivision; 256B.50; 256B.504, subdivision 1; 349.214, by adding a subdivision; and 474.01, subdivisions 7a and 9; proposing coding for new law in Minnesota Statutes, chapter 144.

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 128 yeas and 1 nay 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	Swigum
Bennett	Greenfield	McEachern	Poppenhagen	Thiede
Bishop	Gruenes	McLaughlin	Price	Thorson
Blatz	Gutknecht	McPherson	Quinn	Tomlinson
Boerboom	Halberg	Metzen	Quist	Tompkins
Brandl	Hartinger	Miller	Redalen	Tunheim
Brinkman	Hartle	Minne	Rees	Uphus
Brown	Haukoos	Munger	Rest	Valan
Burger	Heap	Murphy	Rice	Valento
Carlson, D.	Himle	Nelson, D.	Richter	Vanasek
Carlson, J.	Jacobs	Nelson, K.	Riveness	Vellenga
Carlson, L.	Jaros	Neuenschwander	Rodosovich	Voss
Clark	Jennings, L.	Norton	Rose	Waltman
Clausnitzer	Johnson	O'Connor	Sarna	Welle
Cohen	Kahn	Ogren	Schafer	Wenzel
Dempsey	Kalis	Olsen, S.	Scheid	Wynia
DenOuden	Kelly	Olson, E.	Schoenfeld	Zaffke
Dimler	Kiffmeyer	Omamn	Seaberg	Spk. Jennings, D.
Dyke	Knickerbocker	Onnen	Segal	
Elioff	Kostohryz	Osthoff	Shaver	

Those who voted in the negative were:

Tjornhom

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

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1183.

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. 1183

A bill for an act relating to intoxicating liquor; providing for issuance of licenses within Indian country; allowing the sales between collectors of discontinued brands of beer in cans; authorizing the issuance of on-sale licenses in certain theaters in Minneapolis; amending Minnesota Statutes 1984, section 340.11, subdivision 15, and by adding a subdivision.

May 20, 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. 1183, 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. 1183 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 340.11, subdivision 15, is amended to read:

Subd. 15. [LICENSES NOT REQUIRED.] It is lawful for a brewer to sell intoxicating malt beverages to his employee or to a former employee who is retired because of age or physical disability. Such beverages shall be sold for consumption off the premises only, and the amount sold to any one person in any one week shall not exceed 768 fluid ounces. The requirements of law relating to minimum prices for the sale of intoxicating malt beverages shall not apply to sales made under this subdivision, nor shall any license be required for the making of such sales. It is (ALSO) lawful for a collector of commemorative bottles, as these terms are defined in section 340.44, to sell commemorative bottles to another collector without obtaining a license. *It is also lawful for a collector of beer cans to sell unopened cans of a brand which has not been sold commercially for at least two years to another collector without obtaining a license. The amount sold to any one collector in any one month shall not exceed 768 fluid ounces.* It is also lawful for an off-sale licensee or municipal liquor store to provide samples of wine, liqueurs, and cordials which the licensee or municipal liquor store currently has in stock and is offering for sale to the general public without obtaining an additional license, provided the wine, liqueur, and cordial samples are dispensed at no charge and consumed on the licensed premises during the permitted hours of off-sale in a quantity less than 50 milliliters of wine per variety per customer and 25 milliliters of liqueur or cordial per variety per customer.

Sec. 2. Minnesota Statutes 1984, section 340.11, is amended by adding a subdivision to read:

Subd. 24. [ON-SALE AND OFF-SALE LICENSES; INDIAN COUNTRY.] Notwithstanding any law to the contrary, on-sale or off-sale licenses for the sale of intoxicating liquor or non-intoxicating malt liquor issued by the governing body of an Indian tribe in accordance with United States Code, title 18, section 1161, to an Indian tribal member or Indian tribal entity for an establishment located within Indian country as defined under United States Code, title 18, section 1154, is valid with the approval of the commissioner. The commissioner shall approve the license if the establishment has complied with subdivisions 5a and 21, and sections 340.12, 340.13, 340.14, 340.73, and 340.731. An establishment issued a license under this subdivision is not required to obtain a license from any municipality, county, or town.

Sec. 3. [340.147] [LICENSING OF BROKERS.]

Subdivision 1. [DEFINITION.] "Broker" means a person who represents a distillery, winery, or importer, and is not an employee of the distillery, winery, or importer.

Subd. 2. [LICENSE REQUIRED.] All brokers and their employees must obtain a license from the commissioner. The

annual license fee for a broker is \$300, for an employee of a broker the license fee is \$12. An application for a broker's license must be accompanied by a written statement from the distillery, winery, or importer the applicant proposes to represent verifying the applicant's contractual arrangement, and must contain a statement that the distillery, winery, or importer is responsible for the actions of the broker. The license shall be issued for one year. The broker, or employee of the broker may promote a vendor's product and may call upon licensed retailers to insure product identification, give advance notice of new products or product changes, and share other pertinent market information. The commissioner may revoke or suspend for up to 60 days a broker's license or the license of an employee of a broker if the broker or employee has violated any provision of chapter 340, or a rule of the commissioner relating to alcoholic beverages. The commissioner may suspend for up to 60 days, the importation license of a distillery or winery on a finding by the commissioner that its broker or employee of its broker has violated any provision of chapter 340, or rule of the commissioner relating to alcoholic beverages.

Subd. 3. [REPORTS.] A distillery, winery, or broker must furnish within 60 days after the end of each month a report to the commissioner specifying for that month the type, quantity, date, and licensed retailers who received samples from the distillery, winery, or broker.

Sec. 4. [ON-SALE THEATER LICENSE.]

Notwithstanding Minnesota Statutes, section 340.11, subdivision 11, or a charter provision limiting the type of premises to be licensed, the city of Minneapolis may issue or renew an on-sale intoxicating liquor license issued to a person operating a theater that has a seating capacity in excess of 2,500. The license shall permit sale and consumption of liquor in any portion of the building comprising the licensed premises. All provisions of law and ordinance shall apply to a license issued or renewed under this section.

Sec. 5. Laws 1984, chapter 502, article 12, section 26, as amended by Laws 1985, chapter 3, section 3, is amended to read:

Section 26. [EFFECTIVE DATE.]

Sections 7 and 24 are effective the day following final enactment. Sections 9 and 10 are effective (JUNE) July 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) *July 1, 1985*, provided that the organization complies with the terms and conditions of the license in effect on February 28, 1985, or is in compliance with the emergency ordinance adopted under (SECTION 4) *this act*, if applicable.

Sec. 6. Laws 1985, chapter 3, section 4, is amended to read :

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) *May 31, 1985*, to (MAY 31) *June 30, 1985*. The system must be consistent with Minnesota Statutes 1982, chapter 349, and may include provisions to extend licenses in effect on (FEBRUARY 28) *May 31, 1985* until (MAY 31) *June 30, 1985* and charge a fee for the extension.

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) *June 30, 1985*. This section supersedes any inconsistent provision of law, charter, or ordinance.

Sec. 7. [EFFECTIVE DATE.]

Section 2 is effective within any Indian reservation where the governing body of the tribe having jurisdiction over that reservation has adopted an amendment to its tribal ordinance as provided by this section. The amendment to the tribal ordinance must provide that a nonintoxicating malt liquor or intoxicating liquor license issued to a non-Indian by a city, county, or town for an establishment located within Indian country, as defined under United States Code, title 18, section 1154, will be approved by the governing body of the tribe. The ordinance must also provide that no fee may be charged for approval.

Section 4 is effective upon approval by the Minneapolis city council and compliance with Minnesota Statutes, section 645.021. Sections 5 and 6 are effective the day following final enactment."

Amend the title as follows :

Page 1, line 5, after the semicolon, insert "requiring the licensing of liquor brokers; changing the effective dates for licensing by the charitable gambling board;"

Page 1, line 8, before the period, insert “, Laws 1984, chapter 502, article 12, section 26, as amended; and Laws 1985, chapter 3, section 4; proposing coding for new law in Minnesota Statutes, chapter 340”

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

Senate Conferees: NEIL DIETERICH, STEVEN G. NOVAK and JIM GUSTAFSON.

House Conferees: TONY BENNETT, MARCUS MARSH and TOM OSTHOFF.

Bennett moved that the report of the Conference Committee on S. F. No. 1183 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1183, A bill for an act relating to intoxicating liquor; providing for issuance of licenses within Indian country; allowing the sales between collectors of discontinued brands of beer in cans; authorizing the issuance of on-sale licenses in certain theaters in Minneapolis; amending Minnesota Statutes 1984, section 340.11, subdivision 15, and by adding a subdivision.

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.

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

There were 114 yeas and 9 nays as follows:

Those who voted in the affirmative were:

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

Seaberg	Skoglund	Tjornhom	Valan	Waltman
Segal	Sparby	Tomlinson	Valento	Welle
Shaver	Stanius	Tompkins	Vanasek	Wynia
Sherman	Svigum	Tunheim	Vellenga	Spk. Jennings, D.
Simoneau	Thorson	Uphus	Voss	

Those who voted in the negative were:

DenOuden	Frerichs	Miller	Solberg	Wenzel
Erickson	Kostohryz	Olson, E.	Thiede	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 401.

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. 401

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; authorizing the court to allow the respondent in a replevin action to retain or regain possession without posting a bond; authorizing the court to stay an action to recover possession for up to six months; extending the effective period of a garnishee summons; amending Minnesota Statutes 1984, sections 550.37, subdivisions 5, 7, 13, 14, and 24; 565.25, subdivision 2; 571.41, subdivisions 6 and 7; 571.42; 571.495, subdivision 3; and 571.55, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 565.

May 20, 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. 401, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 401 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 47.20, subdivision 15, is amended to read:

Subd. 15. Notwithstanding the provisions of any other law to the contrary, any notice of default on homestead property as defined in section 583.02, mailed after May 24, 1983 and prior to May 1, 1985 or after the effective date of this section and prior to May 1, 1987, shall indicate that the borrower has 60 days from the date the notice is mailed in which to cure the default. The notice shall include a statement that the borrower may be eligible for an extension of the time prior to foreclosure and execution sale under sections 583.01 to 583.12.

Sec. 2. Minnesota Statutes 1984, section 550.37, subdivision 5, is amended to read:

Subd. 5. Farm machines and implements used in farming operations by a debtor engaged principally in farming, livestock, farm produce, and standing crops, not exceeding (\$5,000) \$10,000 in value.

Sec. 3. Minnesota Statutes 1984, section 550.37, subdivision 7, is amended to read:

Subd. 7. The total value of property selected by a debtor pursuant to subdivisions 5 and 6 shall not exceed (\$5,000) \$10,000.

Sec. 4. Minnesota Statutes 1984, section 550.37, subdivision 13, is amended to read:

Subd. 13. [(WAGES) EARNINGS.] All (WAGES) earnings not subject to garnishment by the provisions of section 571.55. A subsequent attachment, garnishment or levy of execution shall impound only that pay period's nonexempt disposable earnings not subject to a prior attachment, garnishment or levy of execution, but in no instance shall more than an individual's total nonexempt disposable earnings in that pay period be subject to attachment, garnishment or levy of execution. Garnishments shall impound the nonexempt disposable earnings in the order of their service upon the employer. The disposable earnings exempt from garnishment are exempt as a matter of right, whether claimed or not by the person to whom due. The exemptions may not be waived. The exempt disposable earnings are payable by the employer when due. The exempt disposable earnings shall also

be exempt for 20 days after deposit in any financial institution, whether in a single or joint account. This 20-day exemption also applies to any contractual set-off or security interest asserted by a financial institution in which the earnings are deposited by the individual. In tracing the funds, the first-in first-out method of accounting shall be used. The burden of establishing that funds are exempt rests upon the debtor. As used in this section, the term "financial institution" includes credit unions. Nothing in this paragraph shall void or supersede any valid assignment of (WAGES) *earnings* or transfer of funds held on account made prior to the attachment, garnishment, or levy of execution.

Sec. 5. Minnesota Statutes 1984, section 550.37, subdivision 14, is amended to read:

Subd. 14. [PUBLIC ASSISTANCE.] All relief based on need, and the (WAGES) *earnings* or salary of a person who is a recipient of relief based on need, shall be exempt from all claims of creditors including any contractual set-off or security interest asserted by a financial institution. For the purposes of this chapter, relief based on need includes AFDC, general assistance medical care, supplemental security income, medical assistance, Minnesota supplemental assistance, and general assistance. The salary or (WAGES) *earnings* of any debtor who is or has been a recipient of relief based on need, or an inmate of a correctional institution shall, upon his return to private employment *or farming* after having been a recipient of relief based on need, or an inmate of a correctional institution, be exempt from attachment, garnishment, or levy of execution for a period of six months after his return to employment *or farming* and after all public assistance has been terminated. The exemption provisions contained in this subdivision also apply for 60 days after deposit in any financial institution, whether in a single or joint account. In tracing the funds, the first-in first-out method of accounting shall be used. The burden of establishing that funds are exempt rests upon the debtor. Agencies distributing relief and the correctional institutions shall, at the request of creditors, inform them whether or not any debtor has been a recipient of relief based on need, or an inmate of a correctional institution, within the preceding six months.

Sec. 6. Minnesota Statutes 1984, section 550.37, subdivision 24, is amended to read:

Subd. 24. [EMPLOYEE BENEFITS.] The debtor's right to receive (A PAYMENT) *present or future payments*, or payments received by the debtor, under a stock bonus, pension, profit sharing, annuity, *individual retirement account, individual retirement annuity, simplified employee pension*, or similar plan or contract on account of illness, disability, death, age, or length of service, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

Sec. 7. Minnesota Statutes 1984, section 559.21, subdivision 6, is amended to read:

Subd. 6. [TEMPORARY MINIMUM NOTICE.] (a) Notwithstanding the provisions of any other law to the contrary, no contract for conveyance of homestead property, as defined in section 583.02, shall terminate until 60 days after service of notice if the notice is served after May 24, 1983, and prior to May 1, 1985 or after the effective date of this section and prior to May 1, 1987, or 90 days after service of notice if the contract was entered into after May 1, 1980 and the contract vendee has paid 25 percent or more of the purchase price. The notice shall specify this 60- or 90-day period. The notice shall include a statement that the borrower may be eligible for an extension of the time prior to foreclosure and execution sale under sections 583.01 to 583.12.

(b) *The notice must be in bold type, capitalized letters, or other form sufficient for the reader to quickly and easily distinguish the notice from the rest of the writing; violation of this requirement is a petty misdemeanor.*

(c) This section does not apply to earnest money contracts, purchase agreements or exercised options.

Sec. 8. Minnesota Statutes 1984, section 565.25, subdivision 2, is amended to read:

Subd. 2. (a) Except as otherwise provided in clause (b) and section 9, the respondent may retain or regain possession of the property by filing of a bond approved by the court conditioned that the property shall be delivered to the claimant, if delivery be adjudged, and for the payment to the claimant of any sum adjudged against the respondent. The bond shall be in an amount 1-1/4 times the fair market value of the property or 1-1/2 times the amount of the claimant's claim, whichever is less. An order for seizure may specify a time limitation within which the bond must be filed. For the purpose of protecting or preserving the property pending final hearing on the merits, the court may in extraordinary circumstances, which shall be specified in its order, provide that the respondent may not retain or regain possession of the property upon rebonding, or may limit or condition the right to retain or regain the property upon rebonding. The costs of regaining possession of the property from the sheriff or the claimant shall be borne by respondent except as set forth in clause (b).

(b) If at a hearing following seizure of property pursuant to section 565.24 claimant fails to establish a right to continued possession, the court shall order the property returned to respondent, the costs to be borne by claimant. The court may order claimant's bond to continue in an amount sufficient to offset damages claimed by respondent by reason of the seizure.

Sec. 9. [565.251] [POSSESSION BY RESPONDENT WITHOUT BOND; STAY OF PROCEEDING.]

The court may allow the respondent to retain or regain possession of the property without filing a bond and may stay the action by the claimant for a reasonable period of time not to exceed six months if the following conditions are met:

(1) the respondent is unable to make the required payments due to unforeseen economic circumstances beyond the respondent's control;

(2) the respondent is dependent on the use of the property to earn a living;

(3) the respondent insures the property for its fair market value;

(4) the respondent makes periodic payments to the claimant representing the depreciation in market value of the property while the respondent retains possession, in an amount and during the times determined by the court; and

(5) the respondent makes periodic payments to the claimant representing the value of the use of the property or the cost to the claimant of the lost opportunity to use the property, in an amount and during the times determined by the court.

Sec. 10. Minnesota Statutes 1984, section 571.41, subdivision 6, is amended to read:

Subd. 6. [FORM OF NOTICE.] The ten day notice informing a judgment debtor that a garnishee summons may be used to garnish the (WAGES) earnings of an individual to enforce a judgment, shall be substantially in the following form:

STATE OF MINNESOTA)
) ss
County of) Court
..... (Judgment Creditor)
..... (Judgment Debtor)

Garnishment Exemption Notice
The State of Minnesota
To the above named Judgment Debtor:

Please take notice that a Garnishment Summons may be served upon your employer or other third parties, without any

further court proceedings or notice to you, ten days or more from the date hereof. Your (WAGES) *earnings* are completely exempt from garnishment if you are now a recipient of relief based on need, if you have been a recipient of relief within the last six months, or if you have been an inmate of a correctional institution in the last six months. Relief based on need includes, only AFDC, general assistance medical care, supplemental security income, medical assistance, Minnesota supplemental assistance, and general assistance.

If you wish to claim an exemption, you should fill out the appropriate form below, sign it, and send it to the judgment creditor's attorney and the garnishee.

You may wish to contact the attorney for the Judgment Creditor in order to arrange for a settlement of the debt.

PENALTIES

1. Be advised that even if you claim an exemption, a Garnishment Summons may still be served on your employer. If your (WAGES) *earnings* are garnished after you claim an exemption, you may petition the court for a determination of your exemption. If the court finds that the creditor disregarded your claim of exemption in bad faith, you will be entitled to costs, reasonable attorney fees, actual damages, and an amount not to exceed \$100.

2. **HOWEVER, BE WARNED** if you claim an exemption, the creditor can also petition the court for a determination of your exemption, and if the court finds that you claimed an exemption in bad faith, you will be assessed costs and reasonable attorney's fees plus an amount not to exceed \$100.

3. If after receipt of this notice, you in bad faith take action to frustrate the garnishment, thus requiring the creditor to petition the court to resolve the problem, you will be liable to the creditor for costs and reasonable attorney fees plus an amount not to exceed \$100.

Dated: (Attorney for) Judgment Creditor

Address

Telephone

I hereby claim under penalty of perjury that my (WAGES) *earnings* are exempt from garnishment because:

(1) I am presently a recipient of relief based on need. (Specify the program, case number, and the county from which relief is being received.)

..... Program Case Number (if known) County
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(2) I am not now receiving relief based on need, but I have received relief based on need within the last six months. (Specify the program, case number, and the county from which relief has been received.)

..... Program Case Number (if known) County
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(3) I have been an inmate of a correctional institution within the last six months. (Specify the correctional institution and location.)

..... Correctional Institution Location
-----------------------------------	-------------------

I hereby authorize any agency that has distributed relief to me or any correctional institution in which I was an inmate to disclose to the above-named creditor or his attorney whether or not I was a recipient of relief based on need or an inmate of a correctional institution within the last six months.

.....
Judgment Debtor

Address

Sec. 11. Minnesota Statutes 1984, section 571.41, subdivision 7, is amended to read:

Subd. 7. [FORM OF EXEMPTION NOTICE.] The notice informing a judgment debtor that a writ of attachment, garnishee summons, or levy of execution has been used to attach and bind funds of the judgment debtor to satisfy a claim shall be substantially in the following form:

EXEMPTION NOTICE

STATE OF MINNESOTA

COUNTY OF Court

..... (Judgment Creditor)

..... (Judgment Debtor)

To (Judgment Debtor):

A writ of attachment, garnishee summons, or levy of execution (strike inapplicable language) has been served on
..... (Bank or other Financial Institution)
..... where you have an account.

Your account balance is \$.....

The amount being held is \$.....

However, the funds in your account will normally be exempt from creditors' claims if they are in one of the following categories:

(1) Relief based on need. This includes AFDC, Medical Assistance, Supplemental Security Income (SSI), Minnesota Supplemental Assistance, General Assistance, and General Assistance Medical Care.

(2) Social Security benefits (Old Age, Survivors, or Disability Insurance).

(3) Unemployment compensation, workers' compensation, or veteran's benefits.

(4) An accident, disability, or retirement pension or annuity.

(5) Life insurance proceeds, or the earnings of your minor child.

(6) Money from a claim for damage or destruction of exempt property (such as household goods, farm tools, business equipment, a mobile home, or a car).

The following funds are also exempt:

(7) All (WAGES) *earnings* of a person in category (1).

(8) All (WAGES) *earnings* of a person who has received relief based on need, or who has been an inmate of a correctional institution, within the last six months.

(9) Seventy-five percent of every (WAGE EARNER'S) *debtor's* after tax earnings.

(10) All of a (WAGE EARNER'S) *debtor's* after tax earnings below 40 times the federal minimum wage (this equals \$134 for a 40-hour week).

TIME LIMIT ON EXEMPTIONS AFTER DEPOSIT IN BANK:

Categories (9) and (10) : 20 days.

Categories (7) and (8) : 60 days.

All others : no time limit, as long as funds are traceable to the exempt source. (In tracing funds, the first-in, first-out method is used. This means money deposited first is spent first.) The money being sought by the creditor is being held in your account to give you a chance to claim an exemption.

TO CLAIM AN EXEMPTION :

Fill out, sign, and mail or deliver one copy of this exemption claim form to the institution which sent you this notice, and one copy to the judgment creditor. Both copies must be mailed or delivered on the same day.

If they don't get the exemption claim back from you within 14 days of the date they mailed or gave it to you, they will be free to turn the money over to the sheriff or the creditor. If you are going to claim an exemption, do so as soon as possible, because your money may be frozen until it is decided.

IF YOU CLAIM AN EXEMPTION :

(1) Nonexempt money can be turned over to the creditor or sheriff ;

(2) The financial institution will keep holding the money claimed to be exempt ; and

(3) Seven days after receiving your exemption claim, the financial institution will release the money to you unless before then it receives an objection to your exemption claim.

IF THE CREDITOR OBJECTS TO YOUR EXEMPTION CLAIM :

(1) The institution will hold the money until a court decides if your exemption claim is valid, **BUT ONLY IF** the institution gets a copy of your court motion papers asserting the exemption **WITHIN 10 DAYS** after the objection is mailed or given to you. You may wish to consult an attorney at once if the creditor objects to your exemption claim.

MOTION TO DETERMINE EXEMPTION :

At any time after your funds have been frozen, you may ask for a court decision on the validity of your exemption claim by filing a request for hearing which may be obtained at the office of the clerk of the above court.

PENALTIES:

If you claim an exemption in bad faith, or if the creditor wrongly objects to an exemption in bad faith, the court may order the person who acted in bad faith to pay costs, actual damages, attorney fees, and an additional amount of up to \$100.

.....
Date

.....
(Attorney for) Judgment Creditor

.....
Address

EXEMPTION:

(a) Amount of exemption claim.

/ / I claim ALL the funds being held are exempt.

/ / I claim SOME of the funds being held are exempt. The exempt amount is \$

(b) Basis for exemption.

Of the ten categories listed above, I am in category number (If more than one category applies, you may fill in as many as apply.) The source of the exempt funds is the following:

.....
.....

(If the source is a type of relief based on need, list the case number and county:

case number:

county:)

Dated:

.....
Judgment Debtor

.....
Address

Sec. 12. Minnesota Statutes 1984, section 571.42, is amended to read:

571.42 [EFFECT OF SERVICE OF SUMMONS.]

Subdivision 1. [ATTACH FOR JUDGMENT.] Except as provided in sections 571.43 and 571.50, service of the garnishee summons upon the garnishee shall attach and bind, to respond to final judgment in the action, all personal property of the judg-

ment debtor in his possession or under his control and all indebtedness owing by him to the judgment debtor at the time of service and all nonexempt disposable earnings earned or to be earned within that pay period and within (30) 60 days thereafter.

Subd. 2. [PROPERTY ATTACHED.] Subject to the provisions of sections 550.37 and 571.55 all moneys, all nonexempt disposable earnings earned or to be earned within that pay period and within (30) 60 days thereafter and other personal property including property of any kind due from or in the hands of an executor, administrator, receiver or trustee and all written evidences of indebtedness whether negotiable or not or under or overdue may be attached by garnishment, and money or any other thing due or belonging to the judgment debtor may be attached by this process before it has become payable if its payment or delivery does not depend upon any contingency, but the garnishee shall not be compelled to pay or deliver it before the time appointed by the contract.

Sec. 13. Minnesota Statutes 1984, section 571.495, subdivision 3, is amended to read:

Subd. 3. [FORM OF DISCLOSURE.] A garnishment disclosure form must be served upon the garnishee. The disclosure shall be substantially in the following form:

STATE OF MINNESOTA)
) ss
County of) Court

.....
Judgment Creditor

vs.

.....
Judgment Debtor

and

.....
Garnishee

I am the of the garnishee herein, and duly authorized to disclose for said garnishee.

On the day of, 19... , the time of service of garnishee summons herein on said garnishee, there was due and owing the judgment debtor above named from said garnishee the following:

(1) **Earnings.** For the purposes of garnishment, "earnings" means compensation paid or payable for personal service or compensation paid or payable to the producer for the sale of agricultural products; livestock or livestock products; milk or milk products; or fruit or other horticultural products produced when the producer is operating a family farm, a family farm corporation, or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether denominated as wages, salary, commission, bonus or otherwise, and includes periodic payments pursuant to a pension or retirement program. "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld. If the garnishee summons was served upon you at a time when earnings from a prior completed pay period were owing but not paid, complete the following disclosure for earnings from both that past pay period and the current pay period.

(a) Enter on the line below the amount of disposable earnings earned or to be earned by the judgment debtor within the judgment debtor's pay periods which may be subject to garnishment.

.....

(b) Enter on the line below 40 times the hourly federal minimum wage times the number of work weeks within the judgment debtor's pay periods which may be subject to garnishment. When such pay periods consists of other than a whole number of work weeks, each day of a pay period in excess of the number of completed work weeks shall be counted as a fraction of a work week equal to the number of work days divided by the number of work days in the normal work week.

.....

(c) Enter on the line below the difference obtained (never less than zero) when line (b) is subtracted from line (a).

.....

(d) Enter on the line below 25 percent of line (a).

.....

(e) Enter on the line below the lesser of line (c) and line (d).

.....

(2) **Money.** Enter on the line below any amounts due and owing the judgment debtor, except earnings, from the garnishee.

.....

(3) Property. Describe on the line below any personal property, instruments or papers belonging to the judgment debtor and in the possession of the garnishee.

.....

(4) Set-off. Enter on the line below the amount of any set-off, defense, lien or claim which the garnishee claims against the amount set forth on lines (1) (e), (2) and (3) above. Allege the facts by which such set-off, defense, lien or claim is claimed. (Any indebtedness to a (GARNISHEE EMPLOYER) garnishee incurred by the judgment debtor within 10 days prior to the receipt of the first garnishment on a debt is void and should be disregarded.)

.....

(5) Exemption. Enter on the line below any amounts or property claimed by the judgment debtor to be exempt from execution.

.....

(6) Adverse Interest. Enter on the line below any amounts claimed by other persons by reason of ownership or interest in the judgment debtor's property. (Any assignment of wages made by the judgment debtor within 10 days prior to the receipt of the first garnishment on a debt is void and should be disregarded. State the names and addresses of such persons and the nature of their claim, if known.)

.....

(7) Enter on the line below the total of lines (4), (5) and (6).

.....

(8) Enter on the line below the difference obtained (never less than zero) when line (7) is subtracted from the sum of lines (1) (e), (2) and (3).

.....

(9) Enter on the line below 110 percent of the amount of the judgment creditor's judgment which remains unpaid.

.....

(10) Enter on the line below the lesser of line (8) and line (9). As garnishee, you are hereby instructed to retain this amount only if it is \$10 or more.

.....
.....
Authorized Representative of Garnishee

.....
Title

Subscribed and sworn to before me

This day of, 19.....

.....
Notary Public

..... County, Minnesota.

Sec. 14. Minnesota Statutes 1984, section 571.55, subdivision 1, is amended to read:

Subdivision 1. For the purposes of this section, "earnings" means compensation paid or payable for personal service or compensation paid or payable to the producer for the sale of agricultural products; livestock or livestock products; milk or milk products; or fruit or other horticultural products produced when the producer is operating a family farm, a family farm corporation, or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether denominated as wages, salary, commissions, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program. "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld.

Sec. 15. Minnesota Statutes 1984, section 580.031, is amended to read:

580.031 [(TEMPORARY) MINIMUM NOTICE.]

(a) Notwithstanding the provisions of any other law to the contrary, eight weeks' published notice must be given prior to the foreclosure sale of a homestead, as defined in section 583.02, if the notice is published for the first time after **May 24, 1983** and prior to **May 1, 1985** or after the effective date of this section and prior to **May 1, 1987**. The notice must contain the information specified in section 580.04.

(b) *The notice must be in bold type, capitalized letters, or other form sufficient for the reader to quickly and easily distin-*

guish the notice from the rest of the writing; violation of this requirement is a petty misdemeanor.

(c) At least eight weeks before the appointed time of sale, a copy of the notice must be served upon the person in possession of the mortgaged premises, if the premises are actually occupied.

Sec. 16. Minnesota Statutes 1984, section 583.02, is amended to read:

583.02 [DEFINITIONS.]

As used in (SECTIONS 583.01 TO 583.12) *this chapter*, the term "homestead" means residential or agricultural real estate, a portion or all of which, *at the time of the filing of the petition under section 583.04, is occupied by the owner and is entitled to receive homestead credit under section 273.13, (SUBDIVISION 15a) or would be entitled to receive the credit if it remained the residence of the owner on June 1 of the current year or January 2 of the next year.*

Sec. 17. Minnesota Statutes 1984, section 583.03, subdivision 2, is amended to read:

Subd. 2. [GENERAL EXCLUSION.] The provisions of sections 47.20, subdivision 15, 559.21, subdivision 6, 580.031, and 583.01 to 583.12 do not apply to mortgages or contracts for deed made after (MAY 24, 1983) *the effective date of this act*, nor to mortgages or contracts for deed made before (MAY 24, 1983,) *the effective date of this act* which are renewed or extended after (MAY 24, 1983) *the effective date of this act*, for a period longer than one year, nor to mortgages, judgments, or contracts for deed, regardless of when made, if a second or subsequent mortgage is made against the property after (MAY 24, 1983) *the effective date of this act*.

No court shall allow a stay (,) or postponement, or extension of time that would cause any right to be lost or adversely affected by any statute of limitation.

Sec. 18. Minnesota Statutes 1984, section 583.04, is amended to read:

583.04 [MORTGAGOR MAY APPLY TO DISTRICT COURT FOR RELIEF.]

Any mortgagor, or owner in possession of the mortgaged premises *including farm homestead premises*, or anyone claiming under the mortgage, or anyone liable for the mortgage debt, may at any time after the issuance of the notice of (THE FORECLOSURE PROCEEDINGS) *default* and prior to the

sale, petition the district court of the county where the foreclosure proceedings are pending, serving a summons and verified (COMPLAINT) *petition* requesting that the sale in foreclosure be postponed for up to six months or, in the case of a farm homestead located on more than ten acres, for up to 12 months. A contract for deed vendee or anyone claiming under the contract or liable for the contract payment, in any case where the contract has not yet been terminated as of May 24, 1983, may petition the district court in the same manner, requesting that the contract termination be (DELAYED) *postponed* for up to 90 days. Upon receiving the petition, the court shall order a stay in the foreclosure proceedings or *contract termination* until after the hearing on the petition. (AS A CONDITION PRECEDENT TO THE POSTPONEMENT OF THE FORECLOSURE SALE, THE PARTY SERVING THE VERIFIED COMPLAINT SHALL FILE IT AND PAY TO THE CLERK FOR THE PERSON FORECLOSING THE MORTGAGE THE ACTUAL COSTS INCURRED, INCLUDING ATTORNEY'S FEES, IN THE FORECLOSURE PROCEEDING BEFORE POSTPONEMENT. AS A CONDITION PRECEDENT TO DELAY OF THE CONTRACT TERMINATION, THE PARTY SEEKING RELIEF SHALL FILE THE VERIFIED COMPLAINT AND PAY TO THE CLERK FOR THE PERSON CANCELING THE CONTRACT, THE ACTUAL COSTS, INCLUDING ATTORNEY'S FEES INCURRED IN THE CANCELLATION. IF PAYMENT IS MADE BY OTHER THAN CASH OR CERTIFIED CHECK, THE ORDER POSTPONING THE SALE OR TERMINATION IS NOT FINAL UNTIL AFTER THE CHECK OR OTHER NEGOTIABLE INSTRUMENT HAS BEEN PAID.) *The court may order costs and attorney fees to be paid by the person applying for relief. If the court orders attorney fees to be paid, the amount may not exceed \$150 or one-half of the attorney fees allowed in section 582.01, whichever is less. The court may order the attorney fees to be prorated and combined with payments ordered under section 583.08. The court may not order attorney fees to be paid by the person applying for relief, if the person is receiving public assistance or legal aid for their own legal representation.*

Sec. 19. Minnesota Statutes 1984, section 583.05, is amended to read:

583.05 [COURT MAY ORDER (DELAY IN) POSTPONEMENT OF SALE; FINDINGS.]

The court may consider the following criteria in determining whether or not to order a (DELAY IN) *postponement* of the sale or contract termination:

(1) that the petitioner is unemployed, underemployed, facing catastrophic medical expenses, or facing economic problems due to low farm commodity prices; and

(2) that the petitioner has an inability to make payments on the mortgage or contract for deed.

If the court (GRANTS OR) denies a (DELAY IN) *postponement* of the sale, the mortgagee shall publish notice of the new sale date as provided in section 580.03. *If the court grants a postponement of the sale, the mortgagee shall not publish notice of a new sale date as provided in section 580.03 until the postponement period has expired, except as provided in section 583.08.* Section 580.07 does not apply to foreclosure sales postponed by a court pursuant to sections 583.01 to 583.12.

Sec. 20. Minnesota Statutes 1984, section 583.07, is amended to read:

583.07 [REDUCTION OF REDEMPTION PERIOD.]

If the court grants a (DELAY IN) *postponement* of the foreclosure sale pursuant to sections 583.01 to 583.12, the redemption period pursuant to section 580.23 (SHALL) *may* be reduced by an equivalent period of time provided, that in no event shall the redemption period be less than 30 days. If the court does not grant a (DELAY IN) *postponement* of the foreclosure sale, the redemption period shall be as provided in section 580.23.

Sec. 21. Minnesota Statutes 1984, section 583.10, is amended to read:

583.10 [HEARING.]

The *court shall schedule and hold a hearing on the petition (MUST BE HELD) within 30 days after the filing of the petition. The order therein must be made and filed within five days after the hearing. Review by the supreme court may be had by certiorari, if application for the writ is made within 15 days after notice of the order. The writ is returnable within 30 days after the filing of the order.*

Sec. 22. Minnesota Statutes 1984, section 223A.01, as added by S. F. No. 919, section 6, if enacted by the 1985 regular session, is amended to read:

223A.01 [FARM PRODUCTS THAT ARE BOUGHT SUBJECT TO A SECURITY INTEREST.]

Subdivision 1. [REGISTERED BUYER TAKES FREE OF SECURITY INTEREST UNLESS NOTIFIED.] A buyer in the ordinary course of business who is a registered buyer in the county of the seller's residence under section 386.42, and who

purchases farm products from a person engaged in farming operations takes free of a security interest created by the seller even though the security interest is perfected and the buyer knows of its existence, unless the buyer is notified of the security interest as provided in subdivision (4) 3.

Subd. 2. [BUYERS THAT PURCHASE SUBJECT TO A SECURITY INTEREST.] A buyer in the ordinary course of business that is registered under section 386.42 in the seller's county of residence who is notified by a secured party as provided under subdivision 3, purchases farm products from a person engaged in farming operations subject to the perfected security interest. A buyer who is not registered under section 386.42 in the seller's county of residence purchases farm products from a person engaged in farming operations subject to perfected security interests.

A buyer who purchases farm products subject to a security interest under this (SECTION) *subdivision* shall include the name of the secured party as joint payee on any check or other instrument issued in payment for the farm products, unless the secured party gives the buyer written notice of waiver of this requirement. Issuance of joint payment as herein required relieves the buyer of any further liability to the secured party.

Subd. 3. [NOTIFICATION OF SECURITY INTEREST.] A secured party may, by certified mail or another method by which receipt can be verified, notify a buyer that a debtor has farm products subject to a security interest.

The notification is effective upon receipt until September 1 after the notification is made; or for a notification made after August 20 but before September 1, the notification is effective for one year beginning September 1. A buyer who receives notification from a secured party under this subdivision shall not publicly post or disseminate to any person, other than its agents and employees who reasonably require the information for purposes related to this (ACT) *section*, any information contained in the notification.

A secured party that furnishes to a buyer a list of debtors who have farm products subject to a security interest is not liable to a debtor whose name is on the list for furnishing the list.

Subd. 4. [COMMISSION MERCHANT.] *Notwithstanding section 336.1-201, subsection (9), a commission merchant or selling agent who sells farm products for another for a fee, that is a registered buyer under section 386.42, is a buyer in the ordinary course of business under this chapter and section 336.9-307, subsection (1), for transactions involving farm products.*

Sec. 23. Minnesota Statutes 1984, section 336.9-307, as amended by S. F. No. 919, section 7, if enacted by the 1985 regular session, is amended to read:

336.9-307 [PROTECTION OF BUYERS OF GOODS.]

(1) A buyer in ordinary course of business (subsection (9) of section 336.1-201) takes free of a security interest created by his seller even though the security interest is perfected and even though the buyer knows of its existence, except that a buyer in the ordinary course of business who purchases farm products from a person engaged in farming operations is subject to section (386.42) *223A.01*.

(2) In the case of consumer goods, a buyer takes free of a security interest even though perfected if he buys without knowledge of the security interest, for value and for his own personal, family or household purposes unless prior to the purchase the secured party has filed a financing statement covering such goods.

(3) A buyer other than a buyer in ordinary course of business (subsection (1) of this section) takes free of a security interest to the extent that it secures future advances made after the secured party acquires knowledge of the purchase, or more than 45 days after the purchase, whichever first occurs, unless made pursuant to a commitment entered into without knowledge of the purchase and before the expiration of the 45 day period.

Sec. 24. Minnesota Statutes 1984, section 336.9-402, is amended to read:

336.9-402 [FORMAL REQUISITES OF FINANCING STATEMENT; AMENDMENTS; MORTGAGE AS FINANCING STATEMENT.]

(1) A financing statement is sufficient if it gives the name of the debtor and the secured party, is signed by the debtor, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor and contains a statement indicating the types or describing the items, of collateral. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches. When the financing statement covers crops growing or to be grown, the statement must also contain a description of the real estate concerned and the name of the record owner thereof. *The financing statement may only cover the crops grown by a debtor in a single growing season and may not cover other collateral.* When the financing statement covers timber to be cut or covers minerals or the like (including oil and gas) or accounts subject to subsection (5)

of section 336.9-103, or when the financing statement is filed as a fixture filing (section 336.9-313) and the collateral is goods which are or are to become fixtures, the statement must also comply with subsection (5). A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by the debtor. A carbon, photographic or other reproduction of a security agreement or a financing statement is sufficient as a financing statement if the security agreement so provides or if the original has been filed in this state.

(2) A financing statement which otherwise complies with subsection (1) is sufficient when it is signed by the secured party instead of the debtor when it is filed to perfect a security interest in

(a) collateral already subject to a security interest in another jurisdiction when it is brought into this state, or when the debtor's location is changed to this state. Such a financing statement must state that the collateral was brought into this state or that the debtor's location was changed to this state under such circumstances; or

(b) proceeds under section 336.9-306 if the security interest in the original collateral was perfected. Such a financing statement must describe the original collateral; or

(c) collateral as to which the filing has lapsed within one year; or

(d) collateral acquired after a change of name, identity or corporate structure of the debtor (subsection (7)); or

(e) a lien filed pursuant to Minnesota Statutes, chapter 514; or

(f) collateral which is subject to a filed judgment.

(2a) Except for documents filed under clauses (e) and (f), the reason for the omission of the debtor signature must be stated on the front of the financing statement.

(3) A form substantially as follows is sufficient to comply with subsection (1):

Name of debtor (or assignor)
.....

Address
.....

Name of secured party (or assignee)

.....

Address

.....

1. This financing statement covers the following types (or items) of property:

(Describe)

.....

2. (If collateral is crops) The above described crops are growing or are to be grown on:

(Describe real estate and the name of the record owner thereof)

.....

3. (If applicable) The above goods are to become fixtures on

(Describe real estate) and this financing statement is to be filed for record in the real estate records. (If the debtor does not have an interest of record) The name of a record owner is

4. (If products of collateral are claimed)

Products of the collateral are also covered.

Use whichever signature line is applicable.

Signature of debtor (or assignor)

.....

Signature of secured party (or assignee)

.....

(4) A financing statement may be amended by filing a writing signed by both the debtor and the secured party. If the sole purpose of the amendment is to change the name or address of the secured party, only the secured party need sign the amendment. A writing is sufficient if it sets forth the name and address of the debtor and secured party as those items appear on the original financing statement or the most recently filed amend-

ment, the file number and date of filing of the financing statement. An amendment does not extend the period of effectiveness of a financing statement. If any amendment adds collateral, it is effective as to the added collateral only from the filing date of the amendment. In this article, unless the context otherwise requires, the term "financing statement" means the original financing statement and any amendments.

(5) A financing statement covering timber to be cut or covering minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 336.9-103, or a financing statement filed as a fixture filing (section 336.9-313) where the debtor is not a transmitting utility, must show that it covers this type of collateral, must recite that it is to be filed for record in the real estate records, and the financing statement must contain a description of the real estate sufficient if it were contained in a mortgage of the real estate to give constructive notice of the mortgage under the law of this state. If the debtor does not have an interest of record in the real estate, the financing statement must show the name of a record owner. No description of the real estate or the name of the record owner thereof is required for a fixture filing where the debtor is a transmitting utility. Notwithstanding the foregoing a general description of the real estate is sufficient for a fixture filing where a railroad is the record owner of the real estate on which the fixtures are or are to be located; and for the purposes of this subsection, the requirement of a general description is satisfied if the fixture filing (1) identifies the section, township and range numbers of the county in which the land is located; (2) identifies the quarter-quarter of the section that the land is located in; (3) indicates the name of the record owner of the real estate; and (4) states the street address of the real estate if one exists.

(6) A mortgage is effective as a financing statement filed as a fixture filing from the date of its recording if (a) the goods are described in the mortgage by item or type, (b) the goods are or are to become fixtures related to the real estate described in the mortgage, (c) the mortgage complies with the requirements for a financing statement in this section other than a recital that it is to be filed in the real estate records, and (d) the mortgage is duly recorded. No fee with reference to the financing statement is required other than the regular recording and satisfaction fees with respect to the mortgage.

(7) A financing statement sufficiently shows the name of the debtor if it gives the individual, partnership or corporate name of the debtor, whether or not it adds other trade names or the names of partners. Where the debtor so changes his name or in the case of an organization its name, identity or corporate structure that a filed financing statement becomes seriously misleading, the filing is not effective to perfect a security interest in collateral acquired by the debtor more than four months after the change, unless a new appropriate financing

statement is filed before the expiration of that time. A filed financing statement remains effective with respect to collateral transferred by the debtor even though the secured party knows of or consents to the transfer.

(8) A financing statement, amendment, continuation, assignment, release, or termination substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading.

Sec. 25. Minnesota Statutes 1984, section 336.9-403, is amended to read:

336.9-403 [WHAT CONSTITUTES FILING; DURATION OF FILING; EFFECT OF LAPSED FILING; DUTIES OF FILING OFFICER.]

(1) Presentation for filing of a financing statement and tender of the filing fee or acceptance of the statement by the filing officer constitutes filing under this article.

(2) Except as provided in (SUBSECTION) *subsections* (6) and (9) a filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of the five year period unless a continuation statement is filed prior to the lapse. If a security interest perfected by filing exists at the time insolvency proceedings are commenced by or against the debtor, the security interest remains perfected until termination of the insolvency proceedings and thereafter for a period of 60 days or until expiration of the five year period, whichever occurs later regardless of whether the financing statement filed as to that security interest is destroyed by the filing officer pursuant to subsection (3). Upon lapse the security interest becomes unperfected, unless it is perfected without filing. If the security interest becomes unperfected upon lapse, it is deemed to have been unperfected as against a person who became a purchaser or lien creditor before lapse.

(3) A continuation statement may be filed by the secured party within six months prior to the expiration of the five year period specified in subsection (2). Any such continuation statement must be signed by the secured party, set forth the name and address of the debtor and secured party as those items appear on the original financing statement or the most recently filed amendment, identify the original statement by file number and filing date, and state that the original statement is still effective. A continuation statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of section 336.9-405, including payment of the required fee. Upon timely filing of the continuation statement, the effectiveness of the

original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed statement from the files and destroy it immediately if he has retained a microfilm or other photographic record, or in other cases after one year after the lapse. The filing officer shall so arrange matters by physical annexation of financing statements to continuation statements or other related filings, or by other means, that if he physically destroys the financing statements of a period more than five years past, those which have been continued by a continuation statement or which are still effective under subsection (6) shall be retained. If insolvency proceedings are commenced by or against the debtor, the secured party shall notify the filing officer both upon commencement and termination of the proceedings, and the filing officer shall not destroy any financing statements filed with respect to the debtor until termination of the insolvency proceedings. The security interest remains perfected until termination of the insolvency proceedings and thereafter for a period of 60 days or until expiration of the five year period, whichever occurs later.

(4) Except as provided in subsection (7) a filing officer shall mark each statement with a file number and with the date and hour of filing and shall hold the statement or a microfilm or other photographic copy thereof for public inspection. In addition the filing officer shall index the statements according to the name of the debtor and shall note in the index the file number and the address of the debtor given in the statement.

(5) The secretary of state shall prescribe uniform forms for statements and samples thereof shall be furnished to all filing officers in the state. The uniform fee for filing and indexing and for stamping a copy furnished by the secured party to show the date and place of filing for an original financing statement or for a continuation statement shall be \$5 if the statement is in the standard form prescribed by the secretary of state and otherwise shall be \$10, plus in each case, if the financing statement is subject to subsection (5) of section 336.9-402, \$5. An additional fee of \$5 shall be collected if more than one name is required to be indexed or if the secured party, at his option, shows a trade name for any debtor listed. There shall be no fee collected for the filing of an amendment to a financing statement if the amendment is in the standard form prescribed by the secretary of state and does not add additional debtor names to the financing statement. The fee for an amendment adding additional debtor names shall be \$5 if the amendment is in the form prescribed by the secretary of state and, if otherwise, \$10. The fee for an amendment which is not in the form prescribed by the secretary of state but which does not add additional names shall be \$5.

The secretary of state shall adopt rules for filing, amendment, continuation, termination, removal, and destruction of financing statements.

(6) If the debtor is a transmitting utility (subsection (5) of section 336.9-401) and a filed financing statement so states, it is effective until a termination statement is filed. A real estate mortgage which is effective as a fixture filing under subsection (6) of section 336.9-402 remains effective as a fixture filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real estate.

(7) When a financing statement covers timber to be cut or covers minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 336.9-103, or is filed as a fixture filing, it shall be filed for record and the filing officer shall index it under the names of the debtor and any owner of record shown on the financing statement in the same fashion as if they were the mortgagors in a mortgage of the real estate described, and, to the extent that the law of this state provides for indexing of mortgages under the name of the mortgagee, under the name of the secured party as if he were the mortgagee thereunder, or, for filing offices other than the secretary of state, where indexing is by description in the same fashion as if the financing statement were a mortgage of the real estate described. If requested of the filing officer on the financing statement, a financing statement filed for record as a fixture filing in the same office where nonfixture filings are made is effective, without a dual filing, as to collateral listed thereon for which filing is required in such office pursuant to section 336.9-401 (1) (a); in such case, the filing officer shall also index the recorded statement in accordance with subsection (4) using the recording data in lieu of a file number.

(8) The fees provided for in this article shall supersede the fees for similar services otherwise provided for by law except in the case of security interests filed in connection with a certificate of title on a motor vehicle.

(9) A financing statement that covers crops growing or to be grown is effective for a period of two years. A continuation statement may be filed for the products of the crop covered in the original financing statement. A continuation statement is effective for a period of two years and may be filed within six months prior to the expiration of the two-year period for the financing statement.

Sec. 26. Laws 1983, chapter 215, section 16, as amended by Laws 1984, chapter 474, section 7, is amended to read:

Sec. 16. [REPEALER.]

Sections 1 to 15 are repealed effective July 1, (1985) 1987, but any postponement or other relief ordered by a court continues to be valid for the period ordered by the court.

Sec. 27. [EFFECTIVE DATE.]

Sections 4 to 6, and 8 to 14 are effective July 1, 1985. Sections 24 and 25 are effective for crops planted after September 1, 1985. The remaining sections of this act are effective the day following final enactment."

Delete the title and insert:

"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; extending the effective period of a garnishee summons; modifying and extending remedies for persons defaulting on homesteads; making technical changes related to persons buying farm products; requiring certain time limits and descriptions for crop financing statements; amending Minnesota Statutes 1984, sections 47.20, subdivision 15; 223A.01; 336.9-307, as amended; 336.9-402; 336.9-403; 550.37, subdivisions 5, 7, 13, 14, and 24; 559.21, subdivision 6; 565.25, subdivision 2; 571.41, subdivisions 6 and 7; 571.42; 571.495, subdivision 3; 571.55, subdivision 1; 580.031; 583.02; 583.03, subdivision 2; 583.04; and Laws 1983, chapter 215, section 16, as amended."

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

Senate Conferees: GARY M. DECRAMER, RANDOLPH W. PETERSON and RON SIELOFF.

House Conferees: TERRY M. DEMPSEY, K. J. McDONALD and RICHARD J. COHEN.

Dempsey moved that the report of the Conference Committee on S. F. No. 401 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

Simoneau moved to lay the Conference Committee Report on S. F. No. 401 on the table. The motion did not prevail.

S. F. No. 401, 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; authorizing the court to allow the respondent in a replevin action to retain or regain possession without posting a bond; authorizing the court to stay an action to recover possession for up to six months; extending the effec-

tive period of a garnishee summons; amending Minnesota Statutes 1984, sections 550.37, subdivisions 5, 7, 13, 14, and 24; 565.25, subdivision 2; 571.41, subdivisions 6 and 7; 571.42; 571.495, subdivision 3; and 571.55, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 565.

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.

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

There were 121 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Knickerbocker Metzen Osthoff Voss

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 43.

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. 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.

May 20, 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. 43, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendments and that S. F. No. 43 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 117.075, is amended to read:

117.075 [COURT TO APPOINT COMMISSIONERS.]

Upon proof being filed of the service of such notice, the court, at the time and place therein fixed or to which the hearing may

be adjourned, shall hear all competent evidence offered for or against the granting of the petition, regulating the order of proof as it may deem best. If the proposed taking shall appear to be necessary and such as is authorized by law, the court by an order shall appoint three disinterested commissioners, and at least two alternates, residents of the county, to ascertain and report the amount of damages that will be sustained by the several owners on account of such taking.

Before appointing a commissioner, the court shall inquire whether each prospective commissioner has any relationship, business or otherwise, to any of the parties in the proceeding, or any interest in the proceeding which may constitute a conflict of interest, or which may create the appearance of impropriety should that person be appointed. Responses to this inquiry must be either written or on the record and made available by the court to any party in the proceeding before and after appointment. No person who might have difficulty in rendering an unbiased decision may be appointed to serve. The court, in its discretion, may appoint one registered, practicing attorney to the commission who is knowledgeable in eminent domain matters. All other commissioners appointed must be persons actively engaged in the occupation of real estate sales or real estate appraising or persons knowledgeable in real estate values. The order shall fix the time and place of the first meeting of the three commissioners and prescribe their compensation. (IT) At the first meeting at the office of the clerk of district court the appointees must be sworn by the clerk or an authorized deputy and shall take and sign the following oath before assuming their duties as commissioners:

(TITLE OF PROCEEDING)

..... each for himself/herself
does swear under penalty of perjury as follows:

I will faithfully and justly perform to the best of my ability, all the duties of the office and trust which I now assume as commissioner in the above entitled proceeding. I further swear that, except as disclosed in writing or on the record, I have no interest in any of the lands in the above proceeding or any present or past relationship, business or personal, with any of the parties to the above proceeding or any other actual or potential conflict of interest, and that I will render fair and impartial decisions, so help me God.

The order may, in the discretion of the court, limit the title or easement to be acquired by the petitioner by defining the rights and privileges which the owner of any of the lands may exercise therein in subordination to the public uses to which it is appropriated. In case any (OF THE COMMISSIONERS FAIL) commissioner fails to act or fails to meet the qualifica-

tions required by this section, the court without further notice may appoint another in his or her place.

The clerk of court in each county shall post in the courthouse in a prominent place a notice that a qualified person may apply to have his or her name placed upon a list of potential commission appointees for eminent domain proceedings. The notice must contain the language of the oath which the commissioners are required to take upon appointment and shall list the other qualifications set forth in this section. The court shall give due consideration to the names appearing on the list, but is not bound to make appointments from the list.

Sec. 2. Minnesota Statutes 1984, section 161.20, subdivision 2, is amended to read:

Subd. 2. [ACQUISITION OF PROPERTY; BUILDINGS; RELOCATION OF CORNERS; AGREEMENTS WITH RAILROADS; CONTRACTS.] (HE) *The commissioner is authorized to acquire by purchase, gift, or by eminent domain proceedings as provided by law, in fee or such lesser estate as (HE) the commissioner deems necessary, all lands and properties necessary in laying out, constructing, maintaining, and improving the trunk highway system including recreational vehicle lanes; to locate, construct, reconstruct, improve, and maintain the trunk highway system; to purchase all road material, machinery, tools, and supplies necessary for the construction, maintenance, and improvement thereof; to construct necessary buildings, or rent or acquire by purchase, gift, or condemnation, grounds, and buildings necessary for the storing and housing of such material, machinery, tools, and supplies or necessary for office space for employees or for providing for driver license examinations; to maintain, repair, or remodel such buildings as may be necessary; to acquire by purchase, gift, or condemnation, replacement sites for historically significant buildings or structures and to relocate these buildings or structures onto those sites, reconstructing and maintaining them until disposed of through public sale to the highest responsible bidder; to make agreements with any county for the relocation or re-establishment, by the county, of section, quarter section, or meander corners originally established by the United States, when such relocation or re-establishment is necessary in order to write land acquisition descriptions or by reason of the construction, reconstruction, improvement, or maintenance of a trunk highway; to contract on an equitable basis with railroad companies for the installation and reinstallation of safety devices at trunk highway-railroad grade crossings, and for the construction, reconstruction and maintenance of bridges and approaches existing or necessary for the separation of grades at railroad and trunk highway intersections; and in carrying out (HIS) duties, to let all necessary contracts in the manner prescribed by law. The commissioner may make agreements with and cooperate with any governmental authority for the purpose of effectuating the provisions of this chapter.*

Sec. 3. [161.315] [PROTECTION OF PUBLIC CONTRACTS.]

Subdivision 1. [LEGISLATIVE INTENT.] Recognizing that the preservation of the integrity of the public contracting process of the department of transportation is vital to the development of a balanced and efficient transportation system and a matter of interest to the people of the state, the legislature hereby determines and declares that:

(1) the procedures of the department for bidding and awarding department contracts exist to secure the public benefits of free and open competition and to secure the quality of public works;

(2) the opportunity to be awarded department contracts or to supply goods or services to the department is a privilege, not a right; and

(3) the privilege of transacting business with the department or local road authority should be denied to persons convicted of a contract crime in order to preserve the integrity of the public contracting process.

Subd. 2. [DEFINITIONS.] The terms used in this section have the meanings given them in this subdivision.

(a) "Affiliate" means a predecessor or successor of a person under the same or substantially the same control, or a group of entities so connected or associated that one entity controls or has the power to control each of the other entities. "Affiliate" includes the affiliate's principals. One person's ownership of a controlling interest in another entity or a pooling of equipment or income among entities is prima facie evidence that one entity is an affiliate of another.

(b) "Contract crime" means a violation of state or federal antitrust law, fraud, theft, embezzlement, bribery, forgery, misrepresentation, making false statements, falsification or destruction of records, or other criminal offense in connection with obtaining, attempting to obtain, or performing a public or private contract or subcontract.

(c) "Conviction" has the meaning given it in section 609.02, subdivision 5.

(d) "Debar" means to disqualify from receiving a contract or from serving as a subcontractor or material supplier as provided by Laws 1984, chapter 654, article 2, section 8.

(e) "Person" means a natural person or a business, corporation, association, partnership, sole proprietorship, or other entity

formed to do business as a contractor, subcontractor, or material supplier and includes an affiliate of a person.

(f) "Pooling" means a combination of persons engaged in the same business or combined for the purpose of engaging in a particular business or commercial venture and who all contribute to a common fund or place their holdings of a given stock or other security in the hand and control of a managing member or committee of the combination.

(g) "Suspend" means to temporarily disqualify from receiving a contract or from serving as a subcontractor or material supplier as provided by Laws 1984, chapter 654, article 2, section 8.

Subd. 3. [PROHIBITIONS.] Except as provided in subdivision 4:

(1) neither the commissioner nor a county, town, or home-rule or statutory city may award or approve the award of a contract for goods or services to a person who is suspended or debarred;

(2) neither the commissioner nor a county, town, or home-rule or statutory city may award or approve the award of a contract for goods or services under which a debarred or suspended person will serve as a subcontractor or material supplier; and

(3) a person to whom a contract for goods or services has been awarded may not subcontract with or purchase materials or services from a debarred or suspended person for performance of that contract.

Subd. 4. [EXCEPTIONS.] The commissioner may terminate a debarment by order, or the commissioner or a county, town, or home-rule or statutory city may award a contract to a debarred or suspended person when:

(1) that person is the sole supplier of a material or service required by the commissioner or a county, town, or home-rule or statutory city;

(2) the commissioner determines that an emergency exists as defined in section 161.32, subdivision 3;

(3) the commissioner of administration determines that an emergency exists as defined in section 16B.08, subdivision 6;

(4) in the case of a contract to be awarded by a county, town, or home rule or statutory city, the governing body thereof determines by resolution that an emergency exists that will result in a road, street, or bridge being closed to travel; or

(5) *the contract is for purchasing materials or renting equipment for routine road maintenance.*

Subd. 5. [DURATION OF DEBARMENT.] A person who has been convicted of a contract crime must be debarred for a period of not less than one year. This subdivision applies to contract crime violations which occur after June 30, 1985.

Subd. 6. [PREEXISTING CONTRACTS.] The disqualification of a contractor or its affiliate does not affect the contractor's or its affiliate's obligations under any preexisting contract.

Sec. 4. Minnesota Statutes 1984, section 162.07, subdivision 2, is amended to read:

Subd. 2. [MONEY NEEDS DEFINED.] For the purpose of this section, money needs of each county are defined as the estimated total annual costs of constructing, over a period of 25 years, the county state-aid highway system in that county. Costs incidental to construction, or a specified portion thereof as set forth in the commissioner's rules and regulations may be included in determining money needs. (WHEN A COUNTY STATE-AID HIGHWAY IS LOCATED OVER A STREET IN A CITY HAVING A POPULATION OF 5,000 OR MORE, ONLY THE CONSTRUCTION COSTS OF THE CENTER 24 FEET OF THE STREET SHALL BE INCLUDED IN THE MONEY NEEDS OF THAT COUNTY; PROVIDED, THAT WHEN TRAFFIC VOLUMES WARRANT MULTIPLE OR DIVIDED LANE HIGHWAYS THE CONSTRUCTION COSTS OF THE NECESSARY NUMBER OF 12 FOOT LANES REQUIRED FOR THROUGH TRAFFIC MAY BE INCLUDED IN THE MONEY NEEDS. WHEN A COUNTY STATE-AID HIGHWAY IS LOCATED OVER A STREET IN ANY CITY OF LESS THAN 5,000 POPULATION, THE CONSTRUCTION COSTS OF THE ENTIRE WIDTH OF THE ROADWAY OR STREET SURFACE SHALL BE INCLUDED IN THE MONEY NEEDS OF THAT COUNTY.) To avoid variances in costs due to differences in construction policy, construction costs shall be estimated on the basis of the engineering standards developed cooperatively by the commissioner and the county engineers of the several counties. Any variance granted pursuant to section 162.02, subdivision 3a shall be reflected in the estimated construction costs in determining money needs.

Sec. 5. Minnesota Statutes 1984, section 162.07, subdivision 3, is amended to read:

Subd. 3. [COMPUTATIONS FOR RURAL COUNTIES.] A two-thirds of one mill levy on each rural county's total taxable valuation for the last preceding calendar year shall be computed and shall be subtracted from such county's total estimated construction costs. The result thereof shall be the money needs of

such county. For the purpose of this section, rural counties shall be construed to mean all counties having a population of less than (200,000) 175,000.

Sec. 6. Minnesota Statutes 1984, section 162.07, subdivision 4, is amended to read:

Subd. 4. [COMPUTATION FOR URBAN COUNTIES.] A four-tenths mill levy on each urban county's total taxable valuation for the last preceding calendar year shall be computed and shall be subtracted from such county's total estimated construction costs. The result thereof shall be the money needs of the county. For the purpose of this section urban counties shall be construed to mean all counties having a population of (200,000) 175,000 or more.

Sec. 7. [162.071] [SPECIAL PROVISIONS.]

The following provisions apply to county state-aid apportionments in calendar years 1986 and 1987 only:

(a) *In calendar year 1985 for the 1986 apportionment the definition of "money needs" includes 50 percent of the construction costs beyond the center 24 feet of a county state-aid highway located over a street in a city of 5,000 or more population.*

(b) *In calendar year 1986 for the 1987 apportionment the definition of "money needs" must include 100 percent of the construction costs beyond the center 24 feet of a county state-aid highway located over a street in a city of 5,000 or more population.*

(c) *Notwithstanding paragraphs (a) and (b), the commissioner shall make no apportionment of county state-aid highway funds for calendar years 1986 and 1987 which would result in any county receiving a lesser apportionment of such funds than was apportioned to it in calendar year 1985.*

(d) *Notwithstanding paragraphs (a) and (b), the apportionment of county state-aid funds for either calendar year 1986 or 1987 for any county may not exceed the apportionment to that county for the previous calendar year, increased by a percentage which is the sum of the percentage by which the total funds available for apportionment to all counties increased over the total funds available for apportionment for the previous calendar years, plus five percent. If the provisions of this clause result in more funds being available for distribution to all counties than can be distributed under these provisions, the commissioner shall apportion the excess funds to the counties in proportion to each county's approved money needs as defined in section 162.07, subdivision 2.*

The provisions of this section do not apply to apportionments for any year in which the amount of county state-aid highway funds available for apportionment to all counties is less than the amount which was available for apportionment to all counties in calendar year 1985.

Sec. 8. Minnesota Statutes 1984, section 168.013, subdivision 1e, is amended to read:

Subd. 1e. [TRUCKS; TRACTORS; COMBINATIONS; EXCEPTIONS.] On trucks and tractors except those in this chapter defined as farm trucks, and urban trucks, and on truck-tractor and semitrailer combinations except those defined as farm combinations and urban combinations and on commercial zone vehicles, the tax based on total gross weight shall be graduated according to the Minnesota base rate schedule prescribed in this subdivision, but in no event less than \$120.

Minnesota Base Rate Schedule
Scheduled taxes include five percent
surtax provided for in subdivision 14

TOTAL GROSS WEIGHT IN POUNDS	TAX
A 0 - 1,500	\$ 15
B 1,501 - 3,000	20
C 3,001 - 4,500	25
D 4,501 - 6,000	35
E 6,001 - 9,000	45
F 9,001 - 12,000	70
G 12,001 - 15,000	105
H 15,001 - 18,000	145
I 18,001 - 21,000	190
J 21,001 - 26,000	270
K 26,001 - 33,000	360
L 33,001 - 39,000	470
M 39,001 - 45,000	590

N	45,001 - 51,000	710
O	51,001 - 57,000	860
P	57,001 - 63,000	1010
Q	63,001 - 69,000	1180
R	69,001 - 73,280	1320
S	73,281 - 78,000	1520
T	78,001 - 81,000	1620

For each vehicle with a gross weight in excess of 81,000 pounds an additional tax of \$50 is imposed for each ton or fraction thereof in excess of 81,000 pounds, subject to subdivision 12.

Truck-tractors except those herein defined as farm and urban truck-tractors and commercial zone vehicles shall be taxed in accord with the foregoing gross weight tax schedule on the basis of the combined gross weight of the truck-tractor and any semi-trailer or semitrailers which the applicant proposes to combine with the truck-tractor. In addition (,) to the gross weight tax imposed on the truck-tractor, each semitrailer shall be taxed a fee of \$10 for a one-year period or \$50 for a five-year period whichever the applicant elects.

Commercial zone trucks include only trucks, truck-tractors, and semitrailer combinations which are:

(1) used by an authorized local cartage carrier operating under a permit issued under section 221.296 and whose gross transportation revenue consists of at least 60 percent obtained solely from local cartage carriage, and are operated solely within an area composed of two contiguous cities of the first class and municipalities contiguous thereto as defined by section 221.011, subdivision 17; or,

(2) operated by an interstate carrier registered under section (221.61 OR 221.62) 27, or by an authorized local cartage carrier or other carrier receiving operating authority under chapter 221, and operated solely within a zone exempt from regulation by the interstate commerce commission pursuant to United States Code, title 49, section 10526(b).

The license plates issued for commercial zone vehicles shall be plainly marked. A person operating a commercial zone vehicle outside the zone or area in which its operation is authorized is guilty of a misdemeanor and, in addition to the penalty therefor, shall have the registration of the vehicle as a commercial

zone vehicle revoked by the registrar and shall be required to reregister the vehicle at 100 percent of the full annual tax prescribed in the Minnesota base rate schedule, and no part of this tax shall be refunded during the balance of the registration year.

On commercial zone trucks the tax shall be based on the total gross weight of the vehicle and during the first eight years of vehicle life shall be 75 percent of the Minnesota base rate schedule. During the ninth and succeeding years of vehicle life the tax shall be 50 percent of the Minnesota base rate schedule, except as otherwise provided in this subdivision. On commercial zone trucks, during the ninth and succeeding years of vehicle life, the tax shall be:

(a) for the 1982 registration year, 35 percent of the tax imposed in the Minnesota base rate schedule;

(b) for the 1983 registration year, 40 percent of the tax imposed in the Minnesota base rate schedule;

(c) for the 1984 registration year, 45 percent of the tax imposed in the Minnesota base rate schedule;

(d) for the 1985 registration year, and each succeeding year, 50 percent of the tax imposed in the Minnesota base rate schedule.

On trucks, truck-tractors and semitrailer combinations, except those defined as farm trucks and farm combinations, and except for those urban trucks and combinations and commercial zone vehicles specifically provided for in this subdivision, the tax for the first eight years of vehicle life shall be 100 percent of the tax imposed in the Minnesota base rate schedule, and during the ninth and succeeding years of vehicle life, the tax shall be 75 percent of the Minnesota base rate prescribed by this subdivision, except as otherwise provided in this subdivision.

On trucks, truck-tractors and semitrailer combinations, except those defined as farm trucks and farm combinations, and except for those urban trucks and combinations and commercial zone vehicles specifically provided for in this subdivision, during each of the first eight years of vehicle life the tax shall be:

(a) for the registration year 1982, 83 percent of the tax imposed in the Minnesota base rate schedule;

(b) for the registration year 1983, 89 percent of the tax imposed in the Minnesota base rate schedule;

(c) for the registration year 1984, 95 percent of the tax imposed in the Minnesota base rate schedule;

(d) for the registration year 1985, and each succeeding year, 100 percent of the tax imposed in the Minnesota base rate schedule.

Sec. 9. Minnesota Statutes 1984, section 168.013, subdivision 3, is amended to read:

Subd. 3. [APPLICATION; CANCELLATION; EXCESSIVE GROSS WEIGHTS FORBIDDEN.] The applicant for all licenses based on gross weight shall state in writing upon oath, the unloaded weight of the motor vehicle, trailer or semi-trailer and the maximum load the applicant proposes to carry thereon, the sum of which shall constitute the gross weight upon which the license tax shall be paid, but in no case shall the declared gross weight upon which the tax is paid be less than 1-1/4 times the declared unloaded weight of the motor vehicle, trailer or semi-trailer to be registered, except recreational vehicles taxed under subdivision 1g, school buses taxed under subdivision 18 and wreckers defined in section 169.01, subdivision 52. The gross weight of a wrecker is the actual weight of the wrecker fully equipped, but does not include the weight of a wrecked or disabled vehicle towed or drawn by the wrecker.

The gross weight of no motor vehicle, trailer or semi-trailer shall exceed the gross weight upon which the license tax has been paid by more than four percent or 1000 pounds, whichever is greater.

The gross weight of the motor vehicle, trailer or semi-trailer for which the license tax is paid shall be indicated by a distinctive character on the license plate or plates except as provided in subdivision 12 and the plate or plates shall be kept clean and clearly visible at all times.

The owner, driver, or user of a motor vehicle, trailer or semi-trailer upon conviction for transporting a gross weight in excess of the gross weight for which it was registered or for operating a vehicle with an axle weight exceeding the maximum lawful axle load weight shall be guilty of a misdemeanor and be subject to increased registration or re-registration according to the following schedule:

(1) The owner, driver or user of a motor vehicle, trailer or semi-trailer upon conviction for transporting a gross weight in excess of the gross weight for which it is registered by more than four percent or 1000 pounds, whichever is greater, but less than 25 percent or for operating or using a motor vehicle, trailer or semi-trailer with an axle weight exceeding the maximum lawful axle load as provided in section 169.825 by more than four percent or 1000 pounds, whichever is greater, but less than 25 percent, in addition to any penalty imposed for the misdemeanor shall apply to the registrar to increase the authorized gross weight to be carried on the vehicle to a weight equal to or greater than the gross weight the owner, driver, or user was

convicted of carrying, the increase computed for the balance of the calendar year on the basis of 1/12 of the annual tax for each month remaining in the calendar year beginning with the first day of the month in which the violation occurred. If the additional registration tax computed upon that weight, plus the tax already paid, amounts to more than the regular tax for the maximum gross weight permitted for the vehicle under section 169.825, that additional amount shall nevertheless be paid into the highway fund, but the additional tax thus paid shall not permit the vehicle to be operated with a gross weight in excess of the maximum legal weight as provided by section 169.825. Unless the owner within 30 days after a conviction shall apply to increase the authorized weight and pay the additional tax as provided in this section, the registrar shall revoke the registration on the vehicle and demand the return of the registration card and plates issued on that registration.

(2) The owner or driver or user of a motor vehicle, trailer or semi-trailer upon conviction for transporting a gross weight in excess of the gross weight for which the motor vehicle, trailer or semi-trailer was registered by 25 percent or more, or for operating or using a vehicle or trailer with an axle weight exceeding the maximum lawful axle load as provided in section 169.825 by 25 percent or more, in addition to any penalty imposed for the misdemeanor, shall have the reciprocity privileges on the vehicle involved if the vehicle is being operated under reciprocity cancelled by the registrar, or if the vehicle is not being operated under reciprocity, the certificate of registration on the vehicle operated shall be cancelled by the registrar and the registrar shall demand the return of the registration certificate and registration plates. *The registrar may not cancel the registration or reciprocity privileges for any vehicle found in violation of seasonal load restrictions imposed under section 169.87 unless the axle weight exceeds the year-round weight limit for the highway on which the violation occurred.* The registrar may investigate any allegation of gross weight violations and demand that the operator show cause why all future operating privileges in the state should not be revoked unless the additional tax assessed is paid.

(3) When the registration on a motor vehicle, trailer or semi-trailer is revoked by the registrar according to provisions of this section, the vehicle shall not be operated on the highways of the state until it is registered or re-registered, as the case may be, and new plates issued, and the registration fee shall be the annual tax for the total gross weight of the vehicle at the time of violation. The re-registration pursuant to this subdivision of any vehicle operating under reciprocity agreements pursuant to section 168.181 or 168.187 shall be at the full annual registration fee without regard to the percentage of vehicle miles traveled in this state.

Sec. 10. Minnesota Statutes 1984, section 169.833, is amended to read:

169.833 [(ADDITION OF TRUNK HIGHWAYS TO) DESIGNATED ROUTE SYSTEM; PRIORITY LIST.]

Subdivision 1. [PRIORITY LIST PREPARED.] (a) By December 31 of each odd-numbered year beginning in 1985, each highway district must submit to the commissioner its list of identified market arteries and recommended priorities for upgrading. The priority list must be prepared in accordance with this section by the district engineer in consultation with county and city engineers in the district. Each district engineer must hold one or more public meetings on the list and report to the commissioner in detail how the district upgrading priority list reflects testimony received in the public meetings.

(b) In making its priority list each district must consider the priorities of counties, municipalities, regions and adjoining districts. Each district must submit to the commissioner a preliminary list of market arteries identified for upgrading by September 1, 1985.

Subd. 2. [SELECTION OF MARKET ARTERIES.] The district priority list must identify all market arteries and determine those in need of upgrading. Roads considered for identification as market arteries must include roads connecting Minnesota with border states and provinces, roads connecting interstate highways with state trunk highways, and roads connecting trunk highways with one another. In determining the need for upgrading market arteries, the district must consider shippers' needs, community views, road conditions, regional development plans and the plans of adjoining districts. In identifying market arteries and determining the need for upgrading, the district must give priority to roads serving communities without access to rail service or a year-round, ten-ton route.

(SUBDIVISION 1) Subd. 3. [IDENTIFICATION OF PROJECTS.] The commissioner shall develop a priority list of trunk highway (ROUTES TO BE ADDED TO THE SYSTEM OF ROUTES DESIGNATED UNDER SECTION 169.832) improvements to upgrade market arteries identified in the district priority lists developed under this section. The commissioner shall consult with representatives of the trucking, shipping, and agricultural industries (AND), local authorities, and regional development commissions in developing the list. (A ROUTE SHALL BE ADDED TO THE DESIGNATED ROUTE SYSTEM AFTER COMPLETION OF ROAD IMPROVEMENTS THAT PROVIDE ROAD STRENGTH ADEQUATE TO CARRY THE PERMISSIBLE WEIGHTS UNDER SECTION 169.825 OR WHEN THE COMMISSIONER OTHERWISE DETERMINES THAT DESIGNATION OF A ROUTE IS REASONABLE) In developing the list the commissioner shall give highest priority to improvements that will eliminate prohibitions or restrictions that interrupt year-round full service on market arteries.

(SUBD. 2) [FUNDING OF ADDITIONS TO THE SYSTEM.] ON JULY 1 OF EACH YEAR THE COMMISSIONER OF FINANCE SHALL CERTIFY TO THE COMMISSIONER THE ESTIMATED INCREASE IN REVENUE TO THE TRUNK HIGHWAY FUND RESULTING FROM THE INCREASE IN THE GASOLINE AND SPECIAL FUEL EXCISE TAX UNDER SECTION 296.02. THE COMMISSIONER SHALL EXPEND 15 PERCENT OF THE INCREASE IN REVENUE TO THE TRUNK HIGHWAY FUND RESULTING FROM THE INCREASE IN THE GASOLINE AND SPECIAL FUEL EXCISE TAX UNDER SECTION 296.02 AND 15 PERCENT OF FUTURE INCREASES IN GASOLINE AND SPECIAL FUEL EXCISE TAX REVENUES TO THE TRUNK HIGHWAY FUND FOR THE PURPOSES OF SUBDIVISION 1. IN THE EVENT THAT ACTUAL EXPENDITURES DURING ANY FISCAL YEAR ARE LESS OR GREATER THAN 15 PERCENT WHEN COMPARED TO ACTUAL REVENUE THE COMMISSIONER SHALL ADJUST HIS EXPENDITURES FOR THE PURPOSE OF SUBDIVISION 1 FOR THE FOLLOWING YEARS IN ORDER TO ACHIEVE COMPLIANCE WITH THIS SUBDIVISION.)

Sec. 11. Minnesota Statutes 1984, section 169.862, is amended to read:

169.862 [PERMITS FOR WIDE LOADS OF BALED (HAY) AGRICULTURAL PRODUCTS.]

The commissioner of transportation with respect to highways under the commissioner's jurisdiction, and local authorities with respect to highways under their jurisdiction, may issue an annual permit to enable a vehicle carrying round (BALED HAY) *bales of agricultural products*, with a total outside width of the vehicle or the load not exceeding 11-1/2 feet, to be operated on public streets and highways. Permits issued under this section are governed by the applicable provisions of section 169.86 except as otherwise provided herein and, in addition, carry the following restrictions:

(a) The vehicles may not be operated between sunset and sunrise, when visibility is impaired by weather, fog, or other conditions rendering persons and vehicles not clearly visible at a distance of 500 feet, or on (SATURDAYS, SUNDAYS, AND) *Sunday from noon until sunset, or on the days the following holidays are observed: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.*

(b) The vehicles may not be operated on interstate highways.

(c) The vehicles may not be operated on a trunk highway with a pavement less than 24 feet wide.

(d) A vehicle operated under the permit must be equipped with a retractable or removable mirror on the left side so located that it will reflect to the driver a clear view of the highway for a distance of at least 200 feet to the rear of the vehicle. (SIMULTANEOUS FLASHING AMBER LIGHTS, AS PROVIDED IN SECTION 169.59, SUBDIVISION 4, MUST BE DISPLAYED TO THE FRONT AND REAR OF THE VEHICLE. THE FLASHING AMBER LIGHTS MUST BE LIGHTED ONLY WHEN THE WIDTH OF THE LOAD EXCEEDS 102 INCHES. THE FLASHING AMBER LIGHT SYSTEM IS IN ADDITION TO AND SEPARATE FROM THE TURN SIGNAL SYSTEM AND THE HAZARD WARNING LIGHT SYSTEM.)

(e) A vehicle operated under the permit must display red, orange, or yellow flags, (12) 18 inches square, as markers at the front and rear and on both sides of the load. The load must be securely bound to the transporting vehicle.

The fee for the permit is \$24.

Sec. 12. Minnesota Statutes 1984, section 169.871, is amended by adding a subdivision to read:

Subd. 7. [SHIPPER'S GOOD FAITH EXCEPTION.] The penalty imposed by subdivision 1 shall not be imposed on a shipper who in good faith ships goods or tenders goods for shipment in a vehicle that does not exceed the maximum gross weight for which the truck is licensed under section 168.013, subdivision 1e.

For purposes of this section, "good faith" means that (1) the vehicle is licensed pursuant to section 168.013, subdivision 1e, (2) the operator of the vehicle is not under the control of the shipper, (3) the operator has requested that the vehicle be loaded to the maximum gross weight for which the vehicle is licensed, and (4) the road leading from the shipper's immediate place of shipment may be legally used for the allowed gross weight of the vehicle with its legally maximum load.

Sec. 13. Minnesota Statutes 1984, section 169.872, subdivision 1, is amended to read:

Subdivision 1. [RECORD KEEPING.] A person who weighs goods before or after unloading or a person who loads or unloads goods on the basis of liquid volume measure shall keep a written record of the origin, weight and composition of each shipment, the date of loading or receipt, the name and address of the shipper, the total number of axles on the vehicle or combination of vehicles, and the registration number of the power unit or some other means of identification by which the shipment was

transported. The record shall be retained for 30 days and shall be open to inspection and copying by a state law enforcement officer or motor transport representative, except state conservation officers, upon demand. No search warrant is required to inspect or copy the record. This subdivision does not apply to a person weighing goods who is not involved in the shipping, receiving and transporting of those goods, *or to a person weighing raw and unfinished farm products transported in a single unit vehicle with not more than three axles or by a trailer towed by a farm tractor when the transportation is the first haul of the product.*

Sec. 14. Minnesota Statutes 1984, section 174A.06, is amended to read:

174A.06 [CONTINUATION OF RULES (OF PUBLIC SERVICE COMMISSION, PUBLIC UTILITIES COMMISSION, AND DEPARTMENT OF TRANSPORTATION).]

Orders and directives heretofore in force, issued or promulgated by the public service commission, public utilities commission, or the department of transportation under authority of chapters 216A, 218, 219, and 221 remain and continue in force and effect until repealed, modified, or superseded by duly authorized orders or directives of the transportation regulation board. Rules adopted by the public service commission, public utilities commission or the department of transportation under authority of the following sections are transferred to the transportation regulation board and continue in force and effect until repealed, modified, or superseded by duly authorized rules of the transportation regulation board:

(1) section 218.041 except rules related to the form and manner of filing railroad rates, railroad accounting rules, and safety rules;

(2) section 219.40;

(3) rules relating to rates or tariffs, or the granting, limiting, or modifying of permits or certificates of convenience and necessity under section 221.031, subdivision 1;

(4) rules relating to the sale, assignment, pledge, or other transfer of a stock interest in a corporation holding authority to operate as a permit carrier as prescribed in section 221.151, subdivision 1, or a local cartage carrier under section 221.296, subdivision 8;

(5) rules relating to rates, charges, and practices under section 221.161, subdivision 4; and

(6) rules relating to rates, tariffs, or the granting, limiting, or modifying of permits *under sections 221.121, 221.151, and 221.296* or certificates of convenience and necessity under section (221.296, SUBDIVISION 2) *221.071*.

The board shall review the transferred rules, orders, and directives and, when appropriate, develop and adopt new rules, orders, or directives within 18 months of July 1, 1985.

Sec. 15. Minnesota Statutes 1984, section 221.011, subdivision 13, is amended to read:

Subd. 13. "Interstate carrier" means any person engaged in transporting property or passengers *for hire* in interstate commerce *in Minnesota, from or into Minnesota, or between any point in the state of Minnesota and the Dominion of Canada.*

Sec. 16. Minnesota Statutes 1984, section 221.011, subdivision 25, is amended to read:

Subd. 25. "Courier services carrier" means any person who offers expedited door-to-door transportation of packages and articles less than 100 pounds in weight in vehicles with a (MANUFACTURER'S NOMINAL RATING CAPACITY) *registered gross vehicle weight and gross vehicle weight rating not exceeding (ONE TON) 15,000 pounds.*

Sec. 17. Minnesota Statutes 1984, section 221.025, is amended to read:

221.025 [EXEMPTIONS.]

Except as provided in sections 221.031 and 221.033, the provisions of this chapter do not apply to the transportation described below:

(a) the transportation of students to or from school or school activities in a school bus inspected and certified under section 169.451;

(b) the transportation of rubbish as defined in section 443.27;

(c) a commuter van as defined in section 221.011, subdivision 27;

(d) authorized emergency vehicles as defined in section 169.01, subdivision 5, including ambulances, and tow trucks when picking up and transporting disabled or wrecked motor vehicles and when carrying proper and legal warning devices;

(e) the transportation of grain samples under conditions prescribed by the board;

(f) the delivery of agricultural lime;

(g) the transportation of dirt and sod within an area having a 50-mile radius from the home post office of the person performing the transportation;

(h) a person while exclusively engaged in the transportation of sand, gravel, bituminous asphalt mix, concrete ready mix, concrete blocks or tile, or crushed rock to or from the point of loading or a place of gathering within an area having a 50-mile radius from that person's home post office or a 50-mile radius from the site of construction or maintenance of public roads and streets;

(i) the transportation of pulpwood, cordwood, mining timber, poles, posts, decorator evergreens, wood chips, sawdust, shavings, and bark from the place where the products are produced to the point where they are to be used or shipped;

(j) a person while engaged exclusively in transporting fresh vegetables from farms to canneries or viner stations, from viner stations to canneries, or from canneries to canneries during the harvesting, canning, or packing season, or transporting potatoes, sugar beets, wild rice, or rutabagas from the field of production to the first place of delivery or unloading, including a processing plant, warehouse, or railroad siding;

(k) a person engaged in transporting property or freight, other than household goods and petroleum products in bulk, entirely within the corporate limits of a city or between contiguous cities except as provided in section 221.296;

(l) the transportation of unprocessed dairy products in bulk within an area having a 100-mile radius from the home post office of the person providing the transportation;

(m) a person engaged in transporting agricultural, horticultural, dairy, livestock, or other farm products within an area having a 25-mile radius from the person's home post office. The carrier may transport other commodities within the 25-mile radius if the destination of each haul is a farm. (THE OWNER OF A TRUCK OPERATING UNDER THIS PROVISION SHALL IMPRINT THE OWNER'S NAME AND ADDRESS IN PROMINENT VISIBLE LETTERS ON THE OUTSIDE OF THE CAB OF THE TRUCK.)

Sec. 18. Minnesota Statutes 1984, section 221.031, subdivision 2, is amended to read:

Subd. 2. [PRIVATE CARRIERS.] (a) Private carriers operating vehicles licensed and registered for a gross weight of

more than 12,000 pounds, shall comply with rules adopted under this section applying to maximum hours of service of drivers, safe operation of vehicles, equipment, parts and accessories, leasing of vehicles or vehicles and drivers, and inspection, repair, and maintenance.

(b) In addition to the requirements in paragraph (a), private carriers operating vehicles licensed and registered for a gross weight in excess of 26,000 pounds shall comply with rules adopted under this section relating to driver qualifications.

(c) The requirements as to driver qualifications and maximum hours of service for drivers do not apply to private carriers who are (1) public utilities as defined in section 216B.02, subdivision 4; (2) cooperative electric associations organized under chapter 308; (3) telephone companies as defined in section 237.01, subdivision 2; or (4) who are engaged in the transportation of construction materials, tools and equipment from shop to job site or job site to job site, for use by the private carrier in the new construction, remodeling, or repair of buildings, structures or their appurtenances.

(d) The driver qualification rule (DOES) *and the hours of service rules* do not apply to vehicles controlled by a farmer and operated by a farmer or farm employee to transport agricultural products or farm machinery or supplies to or from a farm if the vehicle is not used in the operations of a motor carrier and not carrying hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with section 221.033.

Sec. 19. Minnesota Statutes 1984, section 221.031, subdivision 6, is amended to read:

Subd. 6. [VEHICLE IDENTIFICATION RULE.] The following carriers shall comply with the vehicle identification rule of the commissioner:

- (1) motor carriers, regardless of the weight of the vehicle;
- (2) private carriers operating vehicles licensed and registered for a gross weight of 12,000 pounds or more; and
- (3) vehicles providing transportation described in section 221.025 which are licensed and registered for a gross weight of 12,000 pounds or more except those providing transportation described in section 221.025, clauses (a), (c), and (d).

The vehicle identification rule of the commissioner may not be more stringent than the marking requirements imposed on private carriers by the United States department of transportation under Code of Federal Regulations, title 49, section 397.21, clauses (b) and (c).

Vehicles described in clauses (2) and (3) that are operated by farmers or farm employees and have four or fewer axles are not required to comply with the vehicle identification rule of the commissioner.

Sec. 20. Minnesota Statutes 1984, section 221.033, is amended to read:

221.033 [REGULATION OF HAZARDOUS MATERIALS.]

Subdivision 1. [REQUIREMENTS.] Except as provided in subdivisions 2 and 3, no person may transport or have transported or shipped within the state of Minnesota a hazardous material, hazardous substance, or hazardous waste except in compliance with United States Code, title 49, sections 1801 to 1811 and the provisions of Code of Federal Regulations, title 49, sections 171 to 199.

Subd. 2. [EXCEPTION.] Farmers or their employees transporting diesel fuel, gasoline, agricultural chemicals, or agricultural fertilizers for use on the transporter's farm are not required to comply with the driver qualification rules of the commissioner or with the shipping paper requirements of the Code of Federal Regulations, title 49, parts 172.200 and 177.817 or with part 397.7(B) or 397.9(A) of the Federal Motor Carrier Safety Regulations when:

(1) transporting diesel fuel or gasoline in motorized tank truck vehicles of less than 1,500 gallon capacity owned by the transporter, or in tanks securely mounted in other motor vehicles with a gross vehicle weight of less than 12,000 pounds and owned by the transporter; or

(2) transporting agricultural chemicals and agricultural fertilizers.

Subd. 3. [VARIANCE, RULES.] The commissioner shall adopt rules which provide a procedure for granting a variance from those regulations adopted under subdivision 1 which prescribe specifications for tank motor vehicles used to transport gasoline. The variance may be granted only to persons who transport gasoline in tank motor vehicles with a capacity of 3,000 gallons or less which were manufactured between 1950 and 1975 according to American society of mechanical engineers specifications in effect at the time of manufacture. The commissioner shall prescribe alternative requirements to assure the safety of the tank motor vehicles operated under the variance, and shall register each tank motor vehicle operated under the variance.

Sec. 21. Minnesota Statutes 1984, section 221.131, is amended by adding a subdivision to read:

Subd. 6. [COURIER SERVICE CARRIERS; IDENTIFICATION CARDS.] The commissioner shall issue distinct annual identification cab cards for vehicles that provide courier service under a permit issued by the board. A courier service identification cab card may not be issued for a vehicle that has a registered gross vehicle weight or gross vehicle weight rating in excess of 15,000 pounds.

Sec. 22. Minnesota Statutes 1984, section 221.161, subdivision 1, is amended to read:

Subdivision 1. [FILING; HEARING UPON BOARD INITIATIVE.] Every permit carrier, including a livestock carrier *but not including a local cartage carrier*, shall file and maintain with the commissioner a (SCHEDULE OF) *tariff showing rates and charges for the transportation of persons or property. The filing with and acceptance by the commissioner of these tariffs, in accordance with the rules relating to the (SCHEDULES) tariffs, constitutes notice to the public and interested parties of the contents of the tariffs. (SCHEDULES) Tariffs must be prepared and filed in accordance with the rules and regulations of the commissioner. The commissioner shall not accept for filing (SCHEDULES) tariffs which are unjust and unreasonable or unjustly discriminatory or unduly preferential or prejudicial or otherwise in violation of the provisions of this section. If the (SCHEDULES) tariffs appear to be unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial or otherwise in violation of this section, the board after notification and investigation by the department may suspend and postpone the effective date of the (SCHEDULES) tariffs and assign the (SCHEDULES) tariffs for hearing upon notice to the permit carrier filing the proposed (SCHEDULES) tariffs and to other interested parties, including users of the service and competitive carriers by motor vehicle and rail. At the hearing, the burden of proof is on the permit carrier filing the proposed (SCHEDULE OF RATES AND CHARGES) tariff to sustain the validity of the proposed schedule of rates and charges. (SCHEDULES OF RATES AND CHARGES) Tariffs for the transportation of livestock are not subject to rejection, suspension, or postponement by the board, except as provided in subdivisions 2 and 3. The tariffs and subsequent supplements to them or reissues of them must state the effective date, which may not be less than ten days following the date of filing, unless the period of time is reduced by special permission of the (BOARD) commissioner.*

Sec. 23. Minnesota Statutes 1984, section 221.185, subdivision 4, is amended to read:

Subd. 4. [FAILURE TO COMPLY.] *Except as provided in subdivision 5a, failure to comply with the requirements of sections 221.141 and 221.296 relating to bonds and insurance, 221.131 relating to permit renewal, 221.071, 221.131, or 221.296*

relating to annual vehicle registration or permit renewal, or to request a hearing within 45 days of the date of suspension, is deemed an abandonment of the motor carrier's permit or certificate and the permit or certificate must be canceled by the commissioner.

Sec. 24. Minnesota Statutes 1984, section 221.185, is amended by adding a subdivision to read:

Subd. 5a. [REINSTATEMENT AFTER CANCELLATION.] A motor carrier whose permit or certificate is canceled for failure to comply with sections 221.141 and 221.296 relating to bonds and insurance may ask the board to review the cancellation. Upon review, the board shall rescind the cancellation if: (1) the motor carrier presents evidence showing that before the effective date of the notice of cancellation issued under section 221.185, subdivision 5, the motor carrier had obtained and paid for the insurance required by sections 221.141 and 221.296, and the rules of the commissioner, and (2) the commissioner informs the board that the motor carrier has complied with the requirements of sections 221.141 and 221.296 and the rules of the commissioner.

Sec. 25. Minnesota Statutes 1984, section 221.231, is amended to read:

221.231 [RECIPROCAL AGREEMENTS.]

The commissioner may enter into reciprocal agreements with the regulatory bodies of other states and the provinces of the Dominion of Canada, whereby the payment of the (VEHICLE FEE) fees provided in section (221.131 HEREOF) 27 may be waived in whole or in part (AS TO RESIDENTS OF OR CORPORATIONS OR PARTNERSHIPS) for motor carriers having an established place of business in (THE) that state or province (, ENTERING INTO THE RECIPROCAL AGREEMENT WITH THE COMMISSIONER,); provided that reciprocal privileges are extended under (SUCH) the agreement to (RESIDENTS) motor carriers of this state (AND TO CORPORATIONS OR PARTNERSHIPS WHO HAVE AN ESTABLISHED PLACE OF BUSINESS IN THIS STATE).

Sec. 26. Minnesota Statutes 1984, section 221.291, subdivision 1, is amended to read:

Subdivision 1. [VIOLATION.] Except as provided in subdivisions 3 and 4, a person who commits, procures, aids or abets or conspires to commit, or attempts to commit, aid or abet in the violation of a provision of this chapter or a valid order or rule of the commissioner or board issued hereunder, whether individually or in connection with one or (OTHER) more per-

sons or as principal, agent, or accessory, shall be guilty of a misdemeanor, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate a provision of this chapter, is likewise guilty of a misdemeanor. Every distinct violation is a separate offense.

Sec. 27. [221.60] [REGISTRATION OF INTERSTATE CARRIERS.]

Subdivision 1. [PROCEDURE.] A motor carrier may transport persons or property for hire in interstate commerce in Minnesota only if it first:

(1) complies with section 221.141;

(2) either registers with the commissioner the Interstate Commerce Commission operating authority that it intends to exercise, or registers and describes the transportation it performs under an exemption contained in the Interstate Commerce Act, United States Code, title 49; and

(3) purchases an interstate identification stamp or an interstate registration trip permit for each vehicle to be used in interstate transportation in Minnesota.

Subd. 2. [FORM AND FEES.] A motor carrier engaged in interstate commerce shall register its interstate transportation authority or exemption before February 1 of each year on a form prescribed by the commissioner. The fee for the initial registration is \$25. The fee for each identification stamp is \$5; however, a lesser fee may be collected pursuant to a reciprocal agreement authorized by section 28. No fee may be collected from a local cartage carrier that provides interstate transportation only within the zone described in United States Code, title 49, section 10526(b)(1)(1984). A local cartage carrier shall register its interstate transportation each year when it pays the local cartage carrier permit or annual renewal fee.

Subd. 3. [FAILURE TO REGISTER.] Failure to register for three consecutive years cancels the carrier's registration. The commissioner must give 30 days notice of the cancellation to the carrier at the carrier's last known address.

Subd. 4. [CAB CARD.] A carrier required to register under this section shall obtain the National Association of Regulatory Utility Commissioners cab card described in Code of Federal Regulations, title 49, section 1023.36, and affix the stamp to the cab card. A cab card bearing a current Minnesota interstate identification stamp must be carried in the cab of a vehicle operated for hire in interstate commerce in Minnesota.

Subd. 5. [TEMPORARY INTERSTATE REGISTRATION.] An interstate registration trip permit valid for ten days from the date of issue may be issued to a motor carrier engaged in interstate commerce that:

(1) *complies with section 221.141;*

(2) *either registers its interstate operating authority or registers and describes the transportation it performs under an exemption contained in the Interstate Commerce Act, United States Code, title 49; and*

(3) *pays a state fee of \$5 for each permit.*

Subd. 6. [TRANSFER OF AUTHORIZATION DOCUMENT.] A motor carrier engaged in interstate commerce may not transfer or sell or allow another carrier to use its interstate identification stamp, its interstate registration trip permit, or its cab card. However, a cab card and identification stamp may be transferred to a leased vehicle operated under the authority of the motor carrier to whom the cab card and identification stamp were issued.

Sec. 28. Minnesota Statutes 1984, section 221.65, is amended to read:

221.65 [RECIPROCAL AGREEMENTS.]

Nothing in (SECTIONS 221.61 TO 221.68) *this chapter* shall be construed to impair the authority of the commissioner to enter into reciprocal agreements with the regulatory bodies of other states and the provinces of the Dominion of Canada, as provided in section 221.231.

For the purposes of section 221.231, the commissioner shall be deemed to be the successor of the department of public service. The commissioner may exercise any power, duty or function heretofore conferred by law or agreement upon the department of public service to the extent necessary to preserve any reciprocal agreement heretofore concluded under the provisions of section 221.231. Nothing in this section shall be construed to prevent the negotiation of new or replacement agreements as conditions and circumstances may warrant.

Sec. 29. Minnesota Statutes 1984, section 221.67, is amended to read:

221.67 [SERVICE OF PROCESS.]

The use of any of the public highways of this state for the transportation of persons or property for compensation by a

motor carrier in interstate commerce shall be deemed an irrevocable appointment by the carrier of the secretary of state to be his true and lawful attorney upon whom may be served all legal process in any action or proceeding brought under (SECTION 221.66) *this chapter* against him or his executor, administrator, personal representative, heirs, successors or assigns. This use is a signification of agreement by the interstate motor carrier that any process in any action against him or his executor, administrator, personal representative, heirs, successors, or assigns which is so served shall be of the same legal force and validity as if served upon him personally. Service shall be made by serving a copy thereof upon the secretary of state or by filing a copy in his office, together with payment of a fee of \$15, and the service shall be sufficient service upon the absent motor carrier if notice of the service and a copy of the process are within ten days thereafter sent by mail by the plaintiff to the defendant at his last known address and the plaintiff's affidavit of compliance with the provisions of *this section and sections (221.61 TO) 27, 221.65, and 221.68* is attached to the summons.

Sec. 30. Minnesota Statutes 1984, section 221.68, is amended to read:

221.68 [VIOLATIONS; PENALTIES.]

Any person who violates or procures, aids, or abets violation of, or fails to comply with, the provisions of sections (221.61 TO 221.68) *27 to 29* or any valid order or rule of the commissioner or board issued hereunder shall be guilty of a misdemeanor; and, additionally, shall be subject to a penalty of \$50 for each and every day of such failure to so comply, to be recovered for the state in a civil action. Each distinct violation shall be a separate offense.

Sec. 31. Minnesota Statutes 1984, section 221.81, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the terms used in this section have the meanings given them in this subdivision.

(a) "Building mover" means a person, corporation, or other entity who raises, supports off the foundation, and moves buildings on and over public streets and highways. Building mover does not include a person who moves manufactured homes or *modular homes*, farmers moving their own farm buildings, or persons moving buildings which are less than 16 feet wide by 20 feet long.

(b) "Political subdivision" means a city, town, or county.

(c) "Road authority" has the meaning given it in section 160.02, subdivision 9.

Sec. 32. Minnesota Statutes 1984, section 505.18, is amended to read:

505.18 [MINNESOTA COORDINATE SYSTEM.]

The system of plane coordinates which has been established by the *National Ocean Survey/National Geodetic Survey, formerly the United States Coast and Geodetic Survey or its successors*, for defining and stating the *geographic* positions or locations of points on the surface of the earth within the state of Minnesota is hereafter to be known and designated as the "Minnesota Coordinate System of 1927 and the Minnesota Coordinate System of 1983."

For the purpose of the use of this system the state is divided into a "North Zone," a "Central Zone," and a "South Zone."

The area now included in the following counties shall constitute the North Zone: Beltrami, Clearwater, Cook, Itasca, Kittson, Koochiching, Lake, Lake of the Woods, Mahnommen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, and Saint Louis.

The area now included in the following counties shall constitute the Central Zone: Aitkin, Becker, Benton, Carlton, Cass, Chisago, Clay, Crow Wing, Douglas, Grant, Hubbard, Isanti, Kanabec, Mille Lacs, Morrison, Otter Tail, Pine, Pope, Stearns, Stevens, Todd, Traverse, Wadena, and Wilkin.

The area now included in the following counties shall constitute the South Zone: Anoka, Big Stone, Blue Earth, Brown, Carver, Chippewa, Cottonwood, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Jackson, Kandiyohi, Lac qui Parle, Le Sueur, Lincoln, Lyon, McLeod, Martin, Meeker, Mower, Murray, Nicollet, Nobles, Olmsted, Pipestone, Ramsey, Redwood, Renville, Rice, Rock, Scott, Sherburne, Sibley, Steele, Swift, Wabasha, Waseca, Washington, Watonwan, Winona, Wright, and Yellow Medicine.

Sec. 33. Minnesota Statutes 1984, section 505.19, is amended to read:

505.19 [ZONES; LAND DESCRIPTIONS.]

As established for use in the North Zone, the Minnesota Coordinate System of 1927 or the Minnesota Coordinate System of 1983 shall be named, and in any land description in which it is used it shall be designated, the "Minnesota Coordinate System of 1927, North Zone or the Minnesota Coordinate System of 1983, North Zone."

As established for use in the Central Zone, the Minnesota Coordinate System of 1927 or the Minnesota Coordinate System of 1983 shall be named, and in any land description in which it is used it shall be designated, the "Minnesota Coordinate System of 1927, Central Zone or the Minnesota Coordinate System of 1983, Central Zone."

As established for use in the South Zone, the Minnesota Coordinate System of 1927 or the Minnesota Coordinate System of 1983 shall be named, and in any land description in which it is used it shall be designated, the "Minnesota Coordinate System of 1927, South Zone or the Minnesota Coordinate System of 1983, South Zone."

Sec. 34. Minnesota Statutes 1984, section 505.20, is amended to read:

505.20 [X- AND Y-COORDINATES.]

The plane (COORDINATES OF) *coordinate values* for a point on the earth's surface, to be used (IN EXPRESSING) to express the geographic position or location of such point in the appropriate zone of this system, shall consist of two distances, expressed in U.S. Survey feet and decimals of a foot when using the Minnesota Coordinate System of 1927 and expressed in meters and decimals of a meter when using the Minnesota Coordinate System of 1983. One of these distances, to be known as the "x-coordinate," shall give the position in an east-and-west direction; the other, to be known as the "y-coordinate," shall give the position in a north-and-south direction. These coordinates shall be made to depend upon and conform to (THE COORDINATES, ON THE MINNESOTA COORDINATE SYSTEM, OF THE TRIANGULATION AND TRAVERSE STATIONS OF THE UNITED STATES COAST AND GEODETIC SURVEY WITHIN THE STATE OF MINNESOTA, AS THOSE COORDINATES HAVE BEEN DETERMINED BY THE SAID SURVEY) *plane rectangular coordinate values* for the monumented horizontal control stations of the North American Horizontal Geodetic Control Network as published by the National Ocean Survey/National Geodetic Survey (NOS/NGS) or its successors and whose plane coordinates have been computed on the systems defined in this chapter. The station may be used for establishing a survey connection to either Minnesota Coordinate System, 1927 or 1983.

Sec. 35. Minnesota Statutes 1984, section 505.22, is amended to read:

505.22 [(DEFINITION OF) MINNESOTA COORDINATE (SYSTEM) SYSTEMS DEFINED.]

(a) For purposes of more precisely defining the Minnesota Coordinate System of 1927, the following definition by the

(UNITED STATES COAST AND) *National Ocean Survey/ National Geodetic Survey* is adopted:

The Minnesota Coordinate System of 1927, North Zone, is a Lambert conformal *conic* projection of the Clarke spheroid of 1866, having standard parallels at north latitudes 47 degrees 02 minutes and 48 degrees 38 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 93 degrees 06 minutes west of Greenwich and the parallel 46 degrees 30 minutes north latitude. This origin is given the coordinates: x equals 2,000,000 feet and y equals 0 feet.

The Minnesota Coordinate System of 1927, Central Zone, is a Lambert conformal *conic* projection of the Clarke spheroid of 1866, having standard parallels at north latitudes 45 degrees 37 minutes and 47 degrees 03 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 94 degrees 15 minutes west of Greenwich and the parallel 45 degrees 00 minutes north latitude. This origin is given the coordinates: x equals 2,000,000 feet and y equals 0 feet.

The Minnesota Coordinate System of 1927, South Zone, is a Lambert conformal *conic* projection of the Clarke spheroid of 1866, having standard parallels at north latitudes 43 degrees 47 minutes and 45 degrees 13 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 94 degrees 00 minutes west of Greenwich with the parallel 43 degrees 00 minutes north latitude, such origin being given the coordinates: x equals 2,000,000 feet and y equals 0 feet.

(b) (THE POSITION OF THE MINNESOTA COORDINATE SYSTEM SHALL BE AS MARKED ON THE GROUND BY TRIANGULATION OR TRAVERSE STATIONS ESTABLISHED IN CONFORMITY WITH STANDARDS ADOPTED BY THE UNITED STATES COAST AND GEODETIC SURVEY FOR FIRST ORDER AND SECOND ORDER WORK, WHOSE GEODETIC POSITIONS HAVE BEEN RIGIDLY ADJUSTED ON THE NORTH AMERICAN DATUM OF 1927, AND WHOSE COORDINATES HAVE BEEN COMPUTED ON THE SYSTEM HEREIN DEFINED. ANY SUCH STATION MAY BE USED FOR ESTABLISHING A SURVEY CONNECTION WITH THE MINNESOTA COORDINATE SYSTEM) *For purposes of more precisely defining the Minnesota Coordinate System of 1983, the following definition by the National Ocean Survey/National Geodetic Survey is adopted:*

The Minnesota Coordinate System of 1983, North Zone, is a Lambert conformal conic projection of the North American Geocentric Datum of 1983, having standard parallels at north

latitudes 47 degrees 02 minutes and 48 degrees 38 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 93 degrees 06 minutes west of Greenwich with the parallel 46 degrees 30 minutes north latitude. This origin is given the coordinates: x equals 800,000 meters and y equals 100,000 meters.

The Minnesota Coordinate System of 1983, Central Zone, is a Lambert conformal conic projection of the North American Geocentric Datum of 1983, having standard parallels at north latitudes 45 degrees 37 minutes and 47 degrees 03 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 94 degrees 15 minutes west of Greenwich with the parallel 45 degrees 00 minutes north latitude. This origin is given the coordinates: x equals 800,000 meters and y equals 100,000 meters.

The Minnesota Coordinate System of 1983, South Zone, is a Lambert conformal conic projection of the North American Geocentric Datum of 1983, having standard parallels at North latitudes 43 degrees 47 minutes and 45 degrees 13 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 94 degrees 00 minutes west of Greenwich with the parallel 43 degrees 00 minutes north latitude. This origin is given the coordinates: x equals 800,000 meters and y equals 100,000 meters.

Sec. 36. Minnesota Statutes 1984, section 505.23, is amended to read:

505.23 [WHERE COORDINATES RECORDED.]

No coordinates based on the Minnesota Coordinate System, purporting to define the position of a point on a land boundary, shall be presented to be recorded in any public land records or deed records unless such point is within one-half mile of a (TRIANGULATION OR TRAVERSE) *horizontal control* station established in conformity with the standards prescribed in section (505.25) 505.20; provided that said one-half mile limitation may be modified by a duly authorized state agency to meet local conditions.

Sec. 37. Minnesota Statutes 1984, section 505.24, is amended to read:

505.24 [LIMITATION OF USE.]

The use of the term "Minnesota Coordinate System of 1927, North, Central, or South Zone or Minnesota Coordinate System of 1983, North, Central, or South Zone" on any map, report of survey, or other document, shall be limited to coordinates based on the Minnesota Coordinate System *as defined in this chapter.*

Sec. 38. [505.28] [LAST USE OF 1927 COORDINATE SYSTEM.]

The Minnesota Coordinate System of 1927 must not be used after December 31, 1992. The Minnesota Coordinate System of 1988 is the sole coordinate system that may be used after that date.

Sec. 39. Laws 1979, chapter 280, section 2, as amended by Laws 1982, chapter 617, section 25, is amended to read:

Sec. 2. [APPROPRIATION.] Subdivision 1. \$52,000,000, or so much thereof as is determined to be needed, is appropriated from the Minnesota state transportation fund to the department of transportation to be expended for disbursement in the form of grants by the commissioner of transportation for construction and reconstruction of key bridges on the state transportation system and shall be allocated pursuant to subdivisions 2 and 3. The appropriation shall not lapse, but shall remain available until expended.

Subd. 2. \$50,000,000 or so much thereof as is needed, is available for expenditure at a rate not exceeding \$12,500,000 per fiscal year for grants to political subdivisions for construction and reconstruction of key bridges on highways, streets and roads under their jurisdiction. The grants shall not exceed the following aggregate amounts:

- (1) To counties . . . (\$8,500,000) \$11,500,000
- (2) To home rule charter and statutory cities . . . (\$1,000,000) \$1,500,000
- (3) To towns . . . \$21,000,000

Additional grants may be made in an aggregate amount not to exceed (\$19,500,000) \$16,500,000 to the political subdivisions to match federal-aid grants for construction and reconstruction of key bridges under their jurisdiction. Appropriations made in subdivisions 1, 2, or 3 may also be used for the following purposes:

- (1) The costs of abandoning an existing bridge that is deficient and is in need of replacement, but where no replacement will be made.
- (2) The costs of constructing a road or street that would facilitate the abandonment of an existing bridge determined to be deficient. The construction of the road or street must be judged to be more cost efficient than the reconstruction or replacement of the existing bridge.

Subd. 3. An additional amount not to exceed (\$2,000,000) \$1,500,000 is available for grants for preliminary engineering and environmental studies pursuant to section 3.

Sec. 40. [SPECIAL PERMIT.]

Subdivision 1. [PERMIT TO BE ISSUED.] Notwithstanding any law to the contrary the commissioner of transportation shall issue one special permit authorizing the operation for testing purposes of a three vehicle combination consisting of a motor vehicle, a "motorized hitch" and a trailer. The permit is valid for one year from the date of issuance. The annual fee for the permit is \$30. The permit is subject to all applicable provisions of Minnesota Statutes 1984, section 169.86, except as otherwise provided in this subdivision. The holder of the permit is responsible for all liability for personal injury, property damage or time lost, which may occur as a result of the operation of the combination for which the permit is issued, and must, if a claim is made against the state or a department, division officer or employee thereof arising from such operation, defend, indemnify and hold them harmless.

Subd. 2. [REPEALER.] This section is repealed July 31, 1986.

Sec. 41. [161.1231] [PARKING FACILITIES FOR I-394.]

Subdivision 1. [AUTHORITY TO CONSTRUCT.] Notwithstanding section 161.123 or any other law, the commissioner may acquire land by purchase, gift, or eminent domain for parking facilities described in this section and may construct, operate, repair, and maintain parking facilities primarily to serve vehicles traveling the route in the interstate highway system described in section 161.123, clause (2), also known as I-394. Other vehicles may use the parking facilities when space is available.

Subd. 2. [RULES AND PROCEDURES.] The commissioner shall adopt rules and establish procedures for the operation and use of the parking facilities. The rules are exempt from the requirements of chapter 14. A copy of the rules that regulate use of the facilities by drivers must be posted in each parking facility. The rules must:

(1) establish incentives, which must include preferential parking locations, to encourage drivers of vehicles that travel I-394 and that are occupied by two or more persons to use the facilities;

(2) define peak travel hours and provide that during peak travel hours single-occupant vehicles be charged a surcharge to bring the parking fee for those vehicles to approximately the same level as parking fees charged in the private parking ramps located in Minneapolis;

(3) provide preferential parking locations for vehicles licensed and operated under section 168.021;

(4) establish application, permit, and use requirements; and

(5) provide for removal and impoundment of vehicles and assessment of a service fee on vehicles parked in violation of this section and the rules adopted under it.

Subd. 3. [FEDERAL AID.] The commissioner may cooperate with the federal government or any agency of the federal government and may comply with the law of the United States and regulations adopted under those laws so that federal money available for construction of parking ramps described in the Surface Transportation Assistance Act of 1982, section 127, may be obtained.

Subd. 4. [AGREEMENTS; LEASES.] (a) The commissioner may make agreements with or may lease the parking facilities to the city of Minneapolis or to a private party. The agreement or lease may allow the city of Minneapolis or private party to operate the facilities according to the commissioner's rules and procedures and to collect the fees established by the commissioner. The commissioner shall require a private operator to obtain liability insurance in an amount prescribed by the commissioner to insure the operator and the state against all claims occurring because of the existence of the agreement or lease. The agreement may provide for reasonable compensation.

(b) The commissioner may negotiate the agreement or lease without requiring competitive bids. The terms of an agreement or lease must be approved by the federal agency that grants money for the construction of the facilities.

Subd. 5. [FEES.] The commissioner shall establish and collect fees for use of the parking facilities. The fees must be established and adjusted in compliance with United States Code, title 23, section 137, and are not subject to Minnesota Statutes, chapter 14, including section 14.38, subdivisions 5 to 9, or section 16A.128.

Subd. 6. [ENFORCEMENT.] This section must be enforced in the same manner as parking ordinances or laws are enforced in Minneapolis. The commissioner may revoke the permit or refuse to issue a permit to a person who repeatedly violates subdivision 7 or the rules of the commissioner.

Subd. 7. [PROHIBITION.] A person may not park a motor vehicle in a parking facility described in subdivision 1 except in compliance with subdivision 5 and the rules of the commissioner adopted under subdivision 2. Violation of this subdivision is a misdemeanor.

Subd. 8. [SPECIAL ACCOUNT.] Fees collected by the commissioner under this section must be deposited in the state treasury and credited to a special account. Money in the account is appropriated to the commissioner to operate, repair, and maintain the parking facilities and the high occupancy vehicle lanes on I-394.

Subd. 9. [LOAN BY MINNEAPOLIS.] Notwithstanding the provisions of any statute or home rule charter to the contrary, the city of Minneapolis may incur indebtedness and may issue and sell bonds and other obligations pledging the full faith and credit of the city to its payment for the purpose of loaning and may loan money to the commissioner for deposit in the state treasury to the credit of the trunk highway fund in an amount sufficient for the construction of parking facilities described in subdivision 1 without submitting the question of the issuance of the bonds to the electors. Except as provided in this subdivision, the bonds shall be issued and sold according to the provisions of chapter 475. When funds are received by the state from federal aid allotted to the construction of the parking facilities described in subdivision 1, the commissioner must pay those funds to the city from the trunk highway fund together with any interest or inflation adjustment thereon which is included in the federal aid.

Subd. 10. [LOCAL APPROVAL.] Subdivisions 1 to 8 are effective the day following final enactment. Subdivision 9 is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Minneapolis.

Sec. 42. [STUDY.]

The transportation committees of the senate and of the house of representatives, the subcommittee on agriculture, transportation and semi-state agencies of the senate finance committee and the division on agriculture, transportation and semi-state agencies of the house of representatives appropriations committee, shall jointly study:

- (1) appropriate sizes and weights of vehicles and combinations on streets and highways in the state;*
- (2) the economic effects of current and proposed limits on sizes and weights; and*
- (3) the expenditure and revenue implications of current and proposed limits on sizes and weights.*

The study shall utilize existing staff of the committees conducting the study. The committees shall jointly report to the legislature on the results of the study by January 15, 1986.

Sec. 43. [REPEALER.]

Minnesota Statutes 1984, sections 221.296, subdivision 2; 221.61; 221.62; 221.63; 221.64; and 221.66, are repealed. Section 7 is repealed January 1, 1988.

Sec. 44. [EFFECTIVE DATE.]

Sections 1, 2, 8, 9, 12, 13, 14, 17, 18, 19, 20, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, and 42 are effective the day following final enactment. Section 3 is effective June 1, 1985. Section 4 is effective January 1, 1988. Sections 5, 6, and 7 are effective January 1, 1986."

Delete the title and insert :

"A bill for an act relating to transportation; removing the 24-foot restriction on county state-aid money needs; changing the definition of urban and rural counties; providing for apportionments in calendar years 1986 and 1987; 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; modifying penalties for certain seasonal weight violations; providing for priority list of market artery highways which need upgrading; permitting certain wide loads; establishing good faith exception to excessive gross weight penalties for shippers; providing certain exemptions from weight record requirements; 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; exempting certain persons from certain hazardous material rules and allowing variances; providing for rescission of canceled permits if a carrier has insurance coverage; excluding modular home movers from regulation as building movers; creating a new state-surveying coordinate system; providing for a special permit to test certain three-vehicle combinations until July 31, 1986; allowing and prescribing certain parking facilities for interstate highway I-394; removing and modifying certain restrictions on the expenditure of proceeds from state transportation bonds; directing the commissioner of transportation to issue a special permit for a certain combination of vehicles; requiring joint legislative study; prescribing a fee; prescribing a penalty; amending Minnesota Statutes 1984, sections 117.075; 161.20, subdivision 2; 162.07, subdivisions 2, 3, and 4; 168.013, subdivisions 1e and 3; 169.833; 169.862; 169.871, by adding a subdivision; 169.872, subdivision 1; 174A.06; 221.011, subdivisions 13 and 25; 221.025; 221.031, subdivisions 2 and 6; 221.033; 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; 505.18; 505.19; 505.20; 505.22; 505.23; 505.24; Laws 1979, chapter 280, section 2, as amended;

proposing coding for new law in Minnesota Statutes, chapters 161, 162, 221, and 505; repealing Minnesota Statutes 1984, sections 221.296, subdivision 2; 221.61; 221.62; 221.63; 221.64; and 221.66."

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

Senate Conferees: KEITH LANGSETH, CLARENCE M. PURFEERST, GARY M. DECramer, ROBERT J. SCHMITZ and LYLE G. MEHRKENS.

House Conferees: VIRGIL J. JOHNSON, DOUGLAS W. CARLSON, TONY L. BENNETT, TERRY M. DEMPSEY and BERNARD L. LIEDER.

Johnson moved that the report of the Conference Committee on S. F. No. 43 be adopted and that the bill be repassed as amended by the Conference Committee. 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 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.

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

There were 127 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Begich	Brandl	Carlson, L.	Dimler
Anderson, R.	Bennett	Brinkman	Clark	Dyke
Backlund	Bishop	Brown	Clausnitzer	Elioff
Battaglia	Blatz	Burger	Cohen	Ellingson
Beard	Boerboom	Carlson, D.	Dempsey	Erickson
Becklin	Boo	Carlson, J.	DenOuden	Fjoslien

Forsythe	Kiffmeyer	Nelson, K.	Rees	Thiede
Frederick	Knuth	Neuenschwander	Rest	Thorson
Frederickson	Kostohryz	Norton	Rice	Tjornhom
Frerichs	Krueger	O'Connor	Richter	Tomlinson
Greenfield	Kvam	Ogren	Riveness	Tompkins
Gruenes	Levi	Olson, E.	Rodosovich	Tunheim
Gutknecht	Lieder	Omann	Rose	Uphus
Halberg	Long	Onnen	Sarna	Valan
Hartinger	Marsh	Osthoff	Schafer	Valento
Harile	McDonald	Otis	Scheid	Vanasek
Haukoos	McEachern	Ozment	Schoenfeld	Vellenga
Heap	McKasy	Pappas	Schreiber	Voss
Himle	McLaughlin	Peterson	Seaberg	Waltman
Jacobs	McPherson	Piepho	Shaver	Welle
Jaros	Metzen	Piper	Sherman	Wenzel
Jennings, L.	Miller	Poppenhagen	Simoneau	Wynia
Johnson	Minne	Price	Solberg	Spk. Jennings, D.
Kahn	Munger	Quinn	Sparby	
Kalis	Murphy	Quist	Stanius	
Kelly	Nelson, D.	Redalen	Svigum	

Those who voted in the negative were:

Olsen, S. Segal

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 676.

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. 676

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.

May 20, 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. 676, 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. 676 be further amended as follows:

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 busi-

ness, 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. [TOWN LIQUOR LICENSES.]

Notwithstanding any other law, a town described in section 368.01, subdivision 1a, which erroneously issued an off-sale liquor license pursuant to section 340.11, subdivision 10b, prior to January 1, 1985, may continue to renew the license thus issued and the license shall remain in effect for so long as renewed.

Sec. 4. [OFF-SALE LICENSE.]

Notwithstanding any law to the contrary, the town board of the town of Cannon Falls in Goodhue county may issue an off-sale license to an establishment located within the town, with the approval of the county board and the commissioner of public safety. The license fee shall be fixed by the town board in an amount not to exceed \$500. A license issued pursuant to this section shall be governed by the appropriate provisions of Minnesota Statutes, chapter 340, except as otherwise provided by this section.

Sec. 5. [PINE COUNTY OFF-SALE LICENSE.]

Notwithstanding any law to the contrary, the Pine county board may issue one off-sale liquor license to a premises located within the town of Finlayson, provided that the establishment is not located within three miles of a home rule charter or statutory city with a municipal liquor store and with the approval of the commissioner of public safety. The fee for the license shall be fixed by the county board in an amount not to exceed \$500 per year. A license issued under this section shall otherwise be governed by Minnesota Statutes, chapter 340.

Sec. 6. [KANABEC COUNTY OFF-SALE LICENSE.]

Notwithstanding any law to the contrary, the Kanabec county board may issue one off-sale liquor license to a premises located within the town of Haybrook, provided that the establishment is not located within three miles of a municipality with a municipal liquor store and with the approval of the commissioner of public safety. The fee for the license shall be fixed by the county board in an amount not to exceed \$500 per year. A license issued under this section shall otherwise be governed by Minnesota Statutes, chapter 340.

Sec. 7. [DEFINITIONS.]

Subdivision 1. For the purpose of sections 7 to 17, the terms defined in this section have the following meanings.

Subd. 2. "City" means the city of Mora.

Subd. 3. "Special services" means all services rendered or contracted for by the city, including, but not limited to:

(a) the repair, maintenance, operation, and construction of any improvements authorized by Minnesota Statutes, section 429.021;

(b) parking services rendered or contracted for by the city; and

(c) any other service provided to the public by the city that is authorized by law or charter provision. Special services do not include any service that is ordinarily provided throughout the city from general fund revenues of the city unless an increased level of the service is provided in the special service district.

Subd. 4. "Special service district" means a defined area within the city where special services are rendered and the costs of the special services are paid from revenues collected from taxes and service charges imposed within that area.

Subd. 5. "Assessed value" means the assessed value as most recently certified by the commissioner of revenue before the effective date of the ordinance or resolution adopted pursuant to section 8 or 9.

Subd. 6. "Land area" means the land area in the district which is subject to property taxation.

Sec. 8. [ESTABLISHMENT OF SPECIAL SERVICE DISTRICT.]

Subdivision 1. [ORDINANCE.] The governing body of the city may adopt an ordinance establishing a special service district. Only property which is zoned for commercial, business, or industrial use under a municipal zoning ordinance may be included in a district. The ordinance shall describe with particularity the area within the city to be included in the district and the special services to be furnished in the district. The ordinance may not be adopted until after a public hearing has been held on the question. Notice of the hearing shall include:

(a) the time and place of hearing;

(b) a map showing the boundaries of the proposed district; and

(c) a statement that all persons owning property in the proposed district will be given opportunity to be heard at the hearing.

Subd. 2. [NOTICE.] Notice of the hearing shall be given by publication in two issues of the official newspaper of the city. The two publications shall be a week apart and the hearing shall be held at least three days after the last publication. Not less than ten days before the hearing, notice shall also be mailed to the owner of each parcel within the area proposed to be included in the district. For the purpose of giving mailed notice, owners shall be those shown on the records of the county auditor. Other records may be used to supply the necessary information. For properties which are tax exempt or subject to taxation on a gross earnings basis in lieu of property tax and are not listed on the records of the county auditor, the owners shall be ascertained by any practicable means and mailed notice given them. At the public hearing any person affected by the proposed district may be heard orally in respect to any issues relevant to the proposed district. The hearing may be adjourned from time to time and the ordinance establishing the district may be adopted at any time within six months after the date of the conclusion of the hearing by a vote of the majority of the governing body of the city.

Sec. 9. [TAXING AUTHORITY; NOTICE AND HEARING REQUIREMENTS.]

Subdivision 1. [TAXES; HEARING.] Ad valorem taxes may be levied on taxable nonhomestead property or service charges may be imposed by the city within the special service district at a rate or amount sufficient to produce the revenues required to provide special services within the district. To determine the appropriate mill rate, nonhomestead taxable property or value shall be determined without regard to captured or original assessed value under Minnesota Statutes, section 273.76 or to the distribution or contribution value under Minnesota Statutes, section 473F.08. Taxes and service charges shall not be imposed to finance a special service if the service is ordinarily provided by the city from its general fund revenues unless the service is provided in the district at an increased level, in which case only an amount to pay for the increased level may be imposed. A service charge shall not be imposed on the receipts from the sale of intoxicating liquor, food, or lodging. Before the levy of taxes or imposition of service charges in a district, for each calendar year, notice shall be given and hearing shall be held pursuant to section 8 and notice shall also be mailed to any individual or business organization subject to a service charge. For purposes of this section the notice shall also include:

(a) A statement that all interested persons will be given an opportunity to be heard at the hearing regarding a proposed tax levy or service charge.

(b) The estimated cost of improvements to be paid for in whole or in part by taxes or service charges imposed pursuant to this section, the estimated cost of operating and maintaining

the improvements during the first year after completion of the improvements, the proposed method and source of financing the improvements, and the annual cost of operating and maintaining the improvements.

(c) *The proposed rate or amount of taxes to be extended or the proposed service charge to be imposed in the district during the calendar year and the nature and character of special services to be rendered in the district during the calendar year.*

(d) *A statement that the petition requirements of section 14 have either been met or do not apply to the proposed taxes or service charge.*

Within six months of the public hearing, the city may adopt a resolution levying a tax or imposing a service charge within the district not exceeding the amount or rate expressed in the notice issued pursuant to this section.

Subd. 2. [EXEMPTION OF CERTAIN PROPERTIES FROM TAXES.] *Property exempted from taxation by Minnesota Statutes, section 272.02, is exempt from any ad valorem taxes imposed pursuant to this act.*

Subd. 3. [LEVY LIMIT EXEMPTION.] *Taxes and service charges imposed pursuant to this act shall not be included in the calculation of levies or limits on levies provided by other law or home rule charter provision.*

Subd. 4. [EXCLUSION FROM HOMESTEAD CREDIT.] *Taxes levied under this section shall not be reduced pursuant to Minnesota Statutes, section 273.13, subdivision 6, 7, 7d, or 14a.*

Sec. 10. [ENLARGEMENT OF SPECIAL SERVICE DISTRICTS.]

Boundaries of a special service district may be enlarged only after hearing and notice as provided in sections 8 and 9. Notice shall be served in the original district and in the area proposed to be added to the district. Property added to the district shall be subject to all taxes levied and service charges imposed within the district after the property becomes a part of the district. The petition requirement in section 8 and the veto power in section 15 shall only apply to owners, individuals, and business organizations in the area proposed to be added to the district.

Sec. 11. [COLLECTION OF TAXES.]

Ad valorem taxes levied within a special service district shall be collected and paid over as other ad valorem taxes, but shall shall be spread only upon the assessed value of property described in the ordinance. Service charges imposed shall be col-

lected as provided by ordinance. Taxes collected pursuant to this act shall not be included in computations under Minnesota Statutes, section 273.76, chapter 473F, or any other law that applies to general ad valorem levies.

Sec. 12. [BONDS.]

At any time after a contract for the construction of all or part of an improvement authorized pursuant to this act has been entered into or the work has been ordered done by day labor, the governing body of the city may issue obligations in the amount it deems necessary to defray in whole or in part the expense incurred and estimated to be incurred in making the improvement, including every item of cost from inception to completion and all fees and expenses incurred in connection with the improvement or the financing. The obligations shall be payable primarily out of the proceeds of the tax levied pursuant to section 9, or from any other special assessment or nontax revenues available to be pledged for their payment under charter or other statutory authority, or from any two or more of such sources. The governing body may, by resolution adopted prior to the sale of obligations, pledge the full faith, credit, and taxing power of the municipality to assure payment of the principal and interest if the proceeds of the tax levy in the district are insufficient to pay the principal and interest. The obligations shall be issued in accordance with Minnesota Statutes, chapter 475, except that an election shall not be required, and the amount of the obligations shall not be included in determining the net debt of the city under the provisions of any law or charter limiting debt.

Sec. 13. [ADVISORY BOARD.]

The governing body of the city may create and appoint an advisory board for each special service district in the city to advise the governing body in connection with the construction, maintenance, and operation of improvements, and the furnishing of special services in a district. The advisory board shall make recommendations to the governing body on the requests and complaints of owners, occupants, and users of property within the district and members of the public. Before the adoption of any proposal by the governing body to provide services or impose taxes or service charges within the district, the advisory board of the district shall have an opportunity to review and comment upon the proposal.

Sec. 14. [PETITION REQUIRED.]

No action may be taken pursuant to section 8 unless owners of ten percent or more of the land area of the proposed special service district and owners of ten percent or more of the assessed value of the proposed district file a petition requesting a public hearing on the proposed action with the city clerk. No action may

be taken pursuant to section 8 to impose an ad valorem tax unless owners of ten percent or more of the land area subject to a proposed tax and owners of ten percent or more of the assessed value subject to a proposed tax file a petition requesting a public hearing on the proposed action with the city clerk. No action may be taken pursuant to section 9 to impose a service charge unless ten percent or more of the individual or business organizations subject to the proposed service charge file a petition requesting a public hearing on the proposed action with the city clerk. If the boundaries of a proposed district are changed or the land area or assessed value subject to a tax or the individuals or business organizations subject to a service charge are changed after the public hearing, a petition meeting the requirements of this section must be filed with the city clerk before the ordinance establishing the district or resolution imposing the tax or service charge may become effective.

Sec. 15. [VETO POWER OF OWNERS.]

Subdivision 1. [NOTICE OF RIGHT TO FILE OBJECTIONS.] Except as provided in section 16, the effective date of any ordinance or resolution adopted pursuant to sections 8 and 9 shall be at least 45 days after it is adopted. Within five days after adoption of the ordinance or resolution, a copy of the ordinance or resolution shall be mailed to the owner of each parcel included in the special service district and any individual or business organization subject to a service charge in the same manner that notice is mailed pursuant to section 8. The mailing shall include a notice that owners subject to a tax and individuals and business organizations subject to a service charge have a right to veto the ordinance or resolution by filing the required number of objections with the city clerk before the effective date of the ordinance or resolution.

Subd. 2. [REQUIREMENT FOR VETO.] If owners of 35 percent of the land area in the district and owners of 35 percent of the assessed value in the district file an objection to the ordinance adopted by the city pursuant to section 8 with the city clerk before the effective date of the ordinance, the ordinance shall not become effective. If owners of 35 percent of the land area subject to a tax and owners of 35 percent of the assessed value subject to a tax file an objection to the resolution adopted levying an ad valorem tax pursuant to section 8 with the city clerk before the effective date of the resolution, the resolution shall not become effective. If 35 percent of individuals and business organizations subject to a service charge file an objection to the resolution adopted imposing a service charge pursuant to section 9 with the city clerk before the effective date of the resolution, the resolution shall not become effective.

Sec. 16. [EXCLUSION FROM PETITION REQUIREMENTS AND VETO POWER.]

The petition requirement of section 14 and the right of owners and those subject to a service charge to veto a resolution in section 15 do not apply to second or subsequent years' applications of a tax or service charge which is authorized to be in effect for more than one year pursuant to a resolution which has met the petition requirements of section 14 and which has not been vetoed under section 15 for the first year's application. A resolution levying a tax or imposing a service charge for more than one year shall not be adopted unless the notice of public hearing required by section 9 and the notice mailed with the adopted resolution pursuant to section 15 include the following information:

(a) In the case of improvements, the maximum rate or amount of taxes to be levied or the maximum service charge to be imposed in any year and the maximum number of years the taxes will be levied or service charges imposed to pay for the improvement.

(b) In the case of operating and maintenance services, the maximum rate or amount of taxes to be levied or the maximum service charge to be imposed in any year and the maximum number of years, or a statement that the tax will be imposed for an indefinite number of years, the taxes will be levied or service charges imposed to pay for operation and maintenance services.

The resolution may provide that the maximum amount of tax to be levied or maximum service charge to be imposed in any year will increase or decrease from the maximum amount authorized in the preceding year based on an indicator of increased cost or a percentage amount established by the resolution.

Sec. 17. [REPORT TO LEGISLATURE.]

The administrator of the city of Mora shall file a written report with the chairman of the house local and urban affairs committee and the chairman of the senate local and urban government committee on or before January 31, 1986. The report shall apprise the committee as to the activities undertaken pursuant to this act and recommend any changes that should be considered if the legislature were to enact statewide legislation for the establishment of special service districts.

Sec. 18. [164.152] [BARRICADED ROADS; LIABILITY.]

When a town board, by resolution, closes and barricades a road under its jurisdiction to motor vehicle use, for seasonal recreation use or other purposes, the town board and its officers and employees are exempt from liability for any claim for injury to person or property arising from any use, whether recreational or otherwise, of the barricaded road.

Sec. 19. [EFFECTIVE DATE.]

Sections 1 to 3 are effective the day following final enactment. Section 4 is effective on approval by the town board of the town of Cannon Falls. Section 5 is effective on approval by the Pine county board. Section 6 is effective on approval by the Kanabec county board. Sections 7 to 17 are effective on approval by the Mora city council. All approvals must comply with section 645.021."

Delete the title and insert:

"A bill for an act relating to local government; authorizing the conduct of town business and elections outside the town; renewal of certain town off-sale liquor licenses; exempting town boards from liability arising from use of certain roads; authorizing the town board of Cannon Falls and the county boards of Pine and Kanabec counties to issue one off-sale liquor license each; permitting the establishment of special service districts in the city of Mora; amending Minnesota Statutes 1984, sections 204B.16, subdivision 1; and 365.51; proposing coding for new law in Minnesota Statutes, chapter 164."

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

Senate Conferees: FLORIAN CHMIELEWSKI, BETTY A. ADKINS and JIM GUSTAFSON.

House Conferees: SYLVESTER B. UPHUS, DENNIS C. FREDERICKSON and LONA A. MINNE.

Uphus moved that the report of the Conference Committee on S. F. No. 676 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 676, 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 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.

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

There were 125 yeas and 4 nays as follows:

Those who voted in the affirmative were :

Anderson, G.	Elioff	Knickerbocker	Onnen	Shaver
Anderson, R.	Ellingson	Knuth	Otis	Sherman
Backlund	Erickson	Kostohryz	Ozment	Simoneau
Battaglia	Fjoslien	Krueger	Pappas	Skoglund
Beard	Forsythe	Kvam	Pauly	Solberg
Becklin	Frederick	Lieder	Peterson	Sparby
Begich	Frederickson	Marsh	Piepho	Stanius
Bennett	Frerichs	McDonald	Piper	Swiggum
Bishop	Greenfield	McEachern	Poppenhagen	Thorson
Blatz	Gruenes	McKasy	Price	Tjornhom
Boerboom	Gutknecht	McPherson	Quinn	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	Nelson, K.	Rodosovich	Vellenga
Carlson, L.	Jaros	Neuenschwander	Rose	Voss
Clausnitzer	Jennings, L.	Norton	Sarna	Waltman
Cohen	Johnson	O'Connor	Schafer	Welle
Dempsey	Kahn	Ogren	Schoenfeld	Wenzel
DenOuden	Kalis	Olsen, S.	Schreiber	Wynia
Dimler	Kelly	Olson, E.	Seaberg	Zaffke
Dyke	Kiffmeyer	Omann	Segal	Spk. Jennings, D.

Those who voted in the negative were :

Clark	Long	Osthoff	Scheid
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The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker :

I hereby announce the passage by the Senate of the following House File, herewith returned :

H. F. No. 1645, A bill for an act relating to economic development; creating a special enterprise zone for a large manufacturing facility; providing for the taxation of the facility; authorizing the issuance of bonds; providing assistance to locate a large manufacturing facility in the state; appropriating money; amending Minnesota Statutes 1984, sections 273.1312, subdivisions 3 and 4; and 273.1314, subdivisions 3, 4, 6, 7, 8, 9, and by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on :

H. F. No. 1070, A bill for an act relating to occupations and professions; requiring the commissioner of corrections to estab-

lish a program to prevent sexual exploitation by psychotherapists; extending the sexual exploitation task force; establishing a legislative study commission on the regulation of psychotherapists; appropriating money; amending Minnesota Statutes 1984, section 241.021, by adding a subdivision; and Laws 1984, chapter 631, section 1, subdivisions 1 and 4; proposing coding for new law in Minnesota Statutes, chapter 241.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

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 Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

SPECIAL ORDERS

S. F. No. 1356 which was temporarily laid over earlier today was again reported to the House.

Bishop moved to amend S. F. No. 1356, as follows:

Page 1, after line 9, insert:

“ARTICLE 1
CONFORMITY”

Page 6, after line 28, insert:

“ARTICLE 2
CORRECTIONS

Section 1. [EFFECT OF AMENDMENTS AND REPEALS.]

Subdivision 1. [CONFLICTS; PREVAILING LAW.] Regardless of the order of final enactment of this article and the acts it amends, the amendments or repeals in this article shall be given effect. Notwithstanding Minnesota Statutes, sections 645.26, subdivision 3, 645.33, or other law, an amendment in this article shall prevail over any other act amending the same provisions of law in an irreconcilable manner.

Subd. 2. [EFFECTIVE DATE.] Subdivision 1 is effective the day following its final enactment.

Sec. 2. [CORRECTION.]

Subdivision 1. [INCORRECT REFERENCE.] Laws 1985, chapter 37, section 2, is amended to read:

Sec. 2. [LOCAL APPROVAL.]

Section 1 is effective upon approval by the Roseville city council and compliance with Minnesota Statutes, section (654.021) 645.021.

Subd. 2. [EFFECTIVE DATE.] Subdivision 1 is effective the day following final enactment of Laws 1985, chapter 37, section 2.

Sec. 3. [CORRECTION.]

Subdivision 1. [CHAPTER 340 RECODIFICATION; INSTRUCTION TO REVISOR.] *If a provision in Minnesota Statutes, chapter 340 is amended by the 1985 regular session and H. F. No. 1145 is enacted by the 1985 regular session the revisor shall codify the amendment consistent with the recodification of chapter 340 by H. F. No. 1145 notwithstanding any law to the contrary.*

Subd. 2. [EFFECTIVE DATE.] Subdivision 1 is effective the day following its final enactment.

Sec. 4. [CORRECTION.] Subdivision 1. [Number of board members incorrectly added.] S. F. No. 954, section 1, subdivision 1, if enacted at the 1985 regular session, is amended to read:

Subdivision 1. [CREATION AND MEMBERSHIP.] The board of governors of the Big Island Veterans Camp—Lake Minnetonka supervises and manages the camp. The board consists of (NINE) eight members. Two members each are appointed by the state level organization of the American Legion,

the Disabled American Veterans, the Military Order of the Purple Heart, and the Veterans of Foreign Wars provided that at least two appointees are Vietnam veterans. The commissioner of veterans affairs or the commissioner's designee may attend and participate in an advisory capacity at any of the board meetings. The term of each member of the board is two years or until the appointment and qualification of a successor. The board selects a chairperson and secretary from its membership who serve terms of one year.

Subd. 2. [EFFECTIVE DATE.] *Subdivision 1 is effective the day following final enactment of S. F. No. 954 at the 1985 regular session.*

Sec. 5. [CORRECTION.]

Subdivision 1. [INCORRECT NUMBER IN LEGAL DESCRIPTION.] S. F. No. 1171, section 1, subdivision 2, if enacted at the 1985 regular session is amended to read:

Subd. 2. [LAND DESCRIPTION.] The commissioner of natural resources shall offer an easement in the land described in this subdivision to Olmsted county.

(a) A parcel of land in the northwest quarter of section 5, township 106 north, range 13 west, Olmsted county Minnesota, described as follows:

Beginning at the northwest corner of the northwest quarter; thence north 88 degrees 46 minutes 17 seconds east (for the purpose of this description the north line of the northwest quarter is assumed to be north 88 degrees 46 minutes 17 seconds east) along the north line of the northwest quarter for a distance of 1313.61 feet; thence south 01 degrees 13 minutes 43 seconds east for a distance of 100.00 feet; thence south 87 degrees 06 minutes 46 seconds west for a distance of 941.55 feet; thence south 86 degrees 31 minutes 53 seconds west for a distance of 233.94 feet; thence south 52 degrees 23 minutes 06 seconds west for a distance of 117.75 feet; thence south 00 degrees 06 minutes 36 seconds west for a distance of 304.96 feet; thence south 01 degrees 51 minutes 26 seconds east for a distance of 180.21 feet; thence south 01 degrees 11 minutes 25 seconds east for a distance of 1870.77 feet more or less to the south line of the northwest quarter; thence westerly along the south line of said quarter to the southwest corner of the northwest quarter for a distance of 46.00 feet; thence north 01 degrees 02 minutes 19 seconds west along the west line of the northwest quarter for a distance of 2561.96 feet to the northwest corner of the northwest quarter and the point of beginning.

(b) A parcel of land consisting of the west 46 feet of the southwest quarter of section 5 lying north of the north right-of-

way line of trunk highway No. 14. The parcel is subject to all existing roadway easements.

(c) A parcel of land in the northeast quarter in section 6, township 106 north, range 13 west, Olmsted county Minnesota, described as follows:

Beginning at the northeast corner of the northeast quarter of section 6; thence south 89 degrees 34 minutes 27 seconds west (for the purposes of this description the north line of the northeast quarter is assumed to be south 89 degrees 34 minutes 27 seconds west) along the north line of said quarter a distance of 910.58 feet; thence south 00 degrees 07 minutes 33 seconds east for a distance of 86.23 feet; thence south 85 degrees 58 minutes 28 seconds east for a distance of 621.63 feet; thence south 48 degrees 17 minutes 20 seconds east for a distance of 133.16 feet; thence south 08 degrees 23 minutes 21 seconds east for a distance of 251.13 feet; thence south 02 degrees 01 minutes 48 seconds east for a distance of (200.95) 220.95 feet; thence south 01 degrees 11 minutes 25 seconds east for a distance of 690.71 feet to the north line of the south 1180 feet of the northeast quarter; thence north 88 degrees 47 minutes 30 seconds east for a distance of 157.13 feet to the east line of the northeast quarter; thence north 01 degrees 02 minutes 19 seconds west along the east line of the northeast quarter for a distance of 1381.96 feet to the northeast corner of the northeast quarter and the point of beginning. The parcel is subject to all existing roadway easements.

The parcels in paragraphs (a), (b), and (c) containing 14.0 acres more or less.

(d) A parcel of land in the southeast quarter and the south one-half of the northeast quarter of section 31, township 107 north, range 13 west, Olmsted county Minnesota, described as follows:

Beginning at the southeast corner of the southeast quarter; thence north 00 degrees 43 minutes 30 seconds west (for the purpose of this description the east line of the southeast quarter is assumed to be north 00 degrees 43 minutes 30 seconds west) along the east line of said quarter for a distance of 848.56 feet; thence north 31 degrees 33 minutes 48 seconds west for a distance of 394.73 feet; thence northerly 1000.11 feet along a nontangential curve, concave southwesterly, a central angle of 07 degrees 24 minutes 14 seconds, a radius of 7739.44 feet, and the chord of said curve bears north 18 degrees 57 minutes 13 seconds west for a distance of 999.41 feet; thence north 22 degrees 39 minutes 20 seconds west for a distance of 545.41 feet to the north line of the southeast quarter; thence continuing north 22 degrees 39 minutes 20 seconds west for a distance of 1411.85 feet to the north line of the south one-half of the northeast quarter; thence south 89 degrees 35 minutes 55 seconds west along the north line of the south one-half of the northeast quar-

ter for a distance of 216.10 feet; thence south 22 degrees 39 minutes 20 seconds east for a distance of 1412.11 feet to the north line of the southeast quarter; thence continuing south 22 degrees 39 minutes 20 seconds east for a distance of 626.99 feet; thence southerly 1349.73 feet along a tangential curve, concave southwesterly, a central angle of 10 degrees 15 minutes 26 seconds, a radius of 7539.44 feet, and the chord of said curve bears south 17 degrees 31 minutes 37 seconds east for a distance of 1347.93 feet; thence south 06 degrees 05 minutes 53 seconds east, not tangent to curve, for a distance of 539.30 feet; thence south 39 degrees 31 minutes 07 seconds west for a distance of 153.23 feet; thence south 84 degrees 04 minutes 49 seconds west for a distance of 552.74 feet; thence south 00 degrees 07 minutes 33 seconds east for a distance of 63.77 feet to the south line of the southeast quarter; thence north 89 degrees 34 minutes 27 seconds east along the south line of the southeast quarter for a distance of 910.58 feet to the southeast corner of the southeast quarter to the point of beginning.

Less the Chicago and Northwestern Railroad right-of-way in the south one-half of the northeast quarter. The parcel is subject to all existing roadway easements.

This parcel contains 22.21 acres more or less.

(e) A parcel of land in the southwest quarter of the southwest quarter of section 32, township 107 north, range 13 west, Olmsted county Minnesota, described as follows:

Beginning at the southwest corner of the southwest quarter; thence north 00 degrees 43 minutes 30 seconds west (for the purpose of this description the west line of the southwest quarter is assumed to be north 00 degrees 43 minutes 30 seconds west) along the west line of said quarter quarter for a distance of 848.56 feet; thence southeasterly 654.77 feet along a nontangential curve, concave southwesterly, a central angle of 04 degrees 46 minutes 24 seconds, a radius of 7859.44 feet, and the chord of said curve bears south 10 degrees 06 minutes 08 seconds east for a distance of 654.58 feet; thence south 47 degrees 06 minutes 34 seconds east for a distance of 127.00 feet; thence south 86 degrees 49 minutes 24 seconds east for a distance of 174.20 feet; thence north 88 degrees 46 minutes 17 seconds east for a distance of 941.35 feet to the east line of the southwest quarter of the southwest quarter; thence south 00 degrees 38 minutes 36 seconds east for a distance of 100.00 feet along the east line of the southwest quarter of the southwest quarter to the southeast corner of the southwest quarter of the southwest quarter; thence south 88 degrees 46 minutes 17 seconds west along the south line of said quarter quarter for a distance of 1313.61 feet to the southwest corner of the southwest quarter of the southwest quarter and the point of beginning. The parcel is subject to all existing roadway easements.

This parcel contains 4.27 acres more or less.

(f) That part of the southeast quarter and that part of the south one-half of the northeast quarter of section 31, lying south of the south right-of-way line of the Chicago and Northwestern railroad, township 107 north, range 13 west, Olmsted county Minnesota, described as follows:

Commencing at the southwest quarter of the southeast quarter; thence north 00 degrees 43 minutes 24 seconds west (for the purpose of this description the west line of the southeast quarter is assumed to be north 00 degrees 43 minutes 24 seconds west) along the west line of southeast quarter for a distance of 2100.00 feet to the point of beginning; thence north 89 degrees 16 minutes 36 seconds east for a distance of 1911.81 feet; thence north 22 degrees 39 minutes 20 seconds west to the north line of the southeast quarter for a distance of 571.30 feet; thence continuing north 22 degrees 39 minutes 20 seconds west to the south right-of-way line of said railroad for a distance of 64.75 feet; thence south 75 degrees 01 minutes 33 seconds west along the south right-of-way line of said railroad for a distance of 239.27 feet to the north line of the southeast quarter; thence continuing south 75 degrees 01 minutes 33 seconds west along the south right-of-way line of said railroad for a distance of 1488.13 feet to the west line of the southeast quarter; thence south 00 degrees 43 minutes 24 seconds east along the west line of the southeast quarter for a distance of 164.79 feet to the point of beginning. Said tract is subject to all existing roadway easements.

This parcel contains 16.11 acres more or less.

Subd. 2. [EFFECTIVE DATE.] *Subdivision 1 is effective the day after final enactment of S. F. No. 1171.*

Sec. 6. [CORRECTION.] Subdivision 1. [TRANSPosed NUMBERS.] H. F. No. 98, section 6, if enacted at the 1985 regular session is amended to read:

Sec. 6. [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 1984 shall be paid to the city of Faribault following application to the commissioner of finance pursuant to section (432A.02) 423A.02.

Subd. 2. [EFFECTIVE DATE.] *Subdivision 1 is effective the day following its final enactment.*

Sec. 7. [CORRECTION.] Subdivision 1. [OMITTED LINE.] H. F. No. 98, section 8, if enacted at the 1985 regular session is amended to read:

Sec. 8. [APPROPRIATION.]

There is hereby appropriated during the 1986-87 biennium, the amount of \$11,429,317 for the purpose of funding the post retirement adjustments provided for in this section. The appropriation shall be apportioned to the retirement funds paying the post retirement adjustment as follows:

	FY 1986	FY 1987
public employees retirement fund	\$1,849,896	\$1,821,454
public employees police and fire fund	76,338	76,551
teachers retirement fund	1,569,042	1,566,075
state patrol retirement fund	59,328	59,489
state employees retirement fund	1,316,736	1,320,386
<i>Minneapolis employees retirement fund</i>	<i>852,714</i>	<i>861,308</i>

Subd. 2. [EFFECTIVE DATE.] *Subdivision 1 is effective July 1, 1985.*"

Amend the title as follows:

Page 1, line 4, after "clarity;" insert "correcting various legislative enactments;"

Page 1, line 7, after "631.09" insert "; Laws 1985, chapter 37, section 2; Laws enacted at the 1985 regular session styled as S. F. Nos. 954, section 1, subdivision 1; 1171, section 1, subdivision 2; H. F. No. 98, sections 6 and 8"

The motion prevailed and the amendment was adopted.

Bishop moved to amend S. F. No. 1356, as amended, as follows:

Page 6, after line 28, insert:

"Sec. 9. 1985 S. F. No. 1363, section 85 is repealed and Laws 1984, chapter 468, section 1, is reenacted."

Renumber the sections in order

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 1356, 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; 429.061, subdivision 1; and 631.09.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

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

There were 121 yeas and 9 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Brinkman	O'Connor	Simoneau	Thiede	Welle
Gruenes	Sarna	Stanius	Valento	

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

ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, February 3, 1986. 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 3, 1986.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

COMMUNICATIONS AND ANNOUNCEMENTS RECEIVED
SUBSEQUENT TO ADJOURNMENT

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 17, 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 Files:

H. F. No. 308, relating to intoxicating liquor; hours for Sunday sale; amending Minnesota Statutes 1984, section 340.14, subdivision 5.

H. F. No. 385, relating to occupations and professions; providing advertising restrictions for plumbers; proposing coding for new law in Minnesota Statutes, chapter 326.

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

H. F. No. 191, 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, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 471.

H. F. No. 143, 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.

H. F. No. 231, 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; providing for the debt limit of the city of McGregor; requiring land within the Fond du Lac Indian reservation to be offered for sale to the

Fond du Lac band; authorizing a private sale of certain tax-forfeited land in St. Louis county; authorizing the city of Thomson to levy in excess of its per capita limitation for 1985.

H. F. No. 368, relating to crimes; requiring notice of dishonor for issuing a worthless check to cite laws creating civil and criminal liability; amending Minnesota Statutes 1984, section 332.50, subdivisions 2 and 3; and 609.535, subdivision 3.

H. F. No. 216, relating to financial institutions; credit unions; specifying certain powers; authorizing the establishment of detached banking facilities in the city of Savage; amending Minnesota Statutes 1984, section 52.04, subdivision 1; repealing Minnesota Statutes 1984, section 52.04, subdivision 2.

H. F. No. 835, 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.

H. F. No. 374, 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.

H. F. No. 521, relating to Winona county; authorizing the conveyance of certain erroneously acquired highway right of way.

H. F. No. 576, 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.

Sincerely,

RUDY PERPICH
Governor

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 20, 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 Files:

H. F. No. 18, relating to game and fish; authorizing resident fishing license for military persons training at Camp Ripley; amending Minnesota Statutes 1984, section 98.47, by adding a subdivision.

H. F. No. 449, relating to attachments; providing 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; 570.10; and 570.13; proposing coding for new law in Minnesota Statutes, chapter 570.

Sincerely,

RUDY PERPICH
Governor

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

May 20, 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>
207		126	May 17	May 17
219		127	May 17	May 17
352		128	May 17	May 17

<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>
661		129	May 17	May 17
1254		130	May 17	May 17
901		131	May 17	May 17
1458		132	May 17	May 17
1485		133	May 17	May 17
	97	134	May 17	May 17
	143	135	May 17	May 17
	191	136	May 17	May 17
	216	137	May 17	May 17
	231	138	May 17	May 17
	308	139	May 17	May 17
	368	140	May 17	May 17
	374	141	May 17	May 17
	385	142	May 17	May 17
	521	143	May 17	May 17
	576	144	May 17	May 17
	835	145	May 17	May 17
1131		146	May 20	May 20
375		147	May 20	May 20
800		148	May 20	May 20
709		149	May 20	May 20
1049		150	May 20	May 20
1077		151	May 20	May 20
954		152	May 20	May 20
	449	153	May 20	May 20

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

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

May 20, 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>
	18	154	May 20	May 20
71		155	May 20	May 20
82		156	May 20	May 20
118		157	May 20	May 20
228		158	May 20	May 20
583		159	May 20	May 20
693		160	May 20	May 20
781		161	May 20	May 20
814		162	May 20	May 20
1358		163	May 20	May 20
1374		164	May 20	May 20
1388		165	May 20	May 20
1429		166	May 20	May 20

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 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 Files:

H. F. No. 274, relating to crimes; defining "dangerous weapon" to include flammable liquids; amending Minnesota Statutes 1984, section 609.02, subdivision 6.

H. F. No. 345, 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; removing bonding requirements for self-insuring political subdivisions; providing for mandatory arbitration of certain insurance claims; amending Minnesota Statutes 1984, sections 65B.43, by adding subdivisions; 65B.44, subdivisions 1 and 3; 65B.47, by adding subdivisions; 65B.48, subdivision 3a; 65B.49, subdivisions 3, 4, and by adding a subdivision; and 65B.525, subdivision 1.

H. F. No. 889, 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; allowing certain municipalities to set shorter voting hours; amending Minnesota Statutes 1984, sections 160.17, subdivision 1; 160.25, subdivision 3; 163.11, subdivision 5a, and by adding a subdivision; 164.06; 204C.05, subdivision 1; 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, chapter 379; repealing Minnesota Statutes 1984, section 375.18, subdivisions 4, 5, and 6.

H. F. No. 937, 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.

H. F. No. 1235, relating to state lands; authorizing conveyance of certain state trail lands no longer needed for trails; repealing

a prior land conveyance; amending Laws 1981, chapter 190, section 3; repealing Laws 1984, chapter 502, article 13, section 15.

Sincerely,

RUDY PERPICH
Governor

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

May 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>
	274	167	May 21	May 21
	345	168	May 21	May 21
	889	169	May 21	May 21
	987	170	May 21	May 21
	1235	171	May 21	May 21
45		172	May 21	May 21
63		173	May 21	May 21
542		174	May 21	May 21
609		175	May 21	May 21
798		176	May 21	May 21
904		177	May 21	May 21

<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>
1347		178	May 21	May 21
1353		179	May 21	May 21
1414		180	May 21	May 21
1499		181	May 21	May 21

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 23, 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 Files:

H. F. No. 58, relating to the town of Moorhead; allowing the town certain powers.

H. F. No. 227, relating to horse racing; providing for racing days at county fairs; amending Minnesota Statutes 1984, section 240.14, subdivision 3.

H. F. No. 592, relating to local government; permitting the establishment of special service districts in the city of New Ulm; providing taxing and other financial authority for New Ulm.

H. F. No. 755, relating to horseracing; authorizing the legislative auditor to perform certain audits; requiring the commission to adopt certain medication rules; authorizing the attorney general to prosecute certain felonies; amending Minnesota Statutes 1984, sections 240.02, by adding a subdivision; 240.24; and 240.26, by adding a subdivision.

H. F. No. 1045, relating to taxation; making administrative and technical changes to income tax and property tax refund provisions; amending Minnesota Statutes 1984, sections 60A.13, subdivision 1a; 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, subdivision 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.

Sincerely,

RUDY PERPICH
Governor

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

May 23, 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>
243		182	May 23	May 23
331		183	May 23	May 23
364		184	May 23	May 23
448		185	May 21	May 21
547		186	May 23	May 23

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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>
581		187	May 23	May 23
597		188	May 23	May 23
616		189	May 23	May 23
643		190	May 23	May 23
664		191	May 23	May 23
721		192	May 23	May 23
825		193	May 23	May 23
925		194	May 23	May 23
1036		195	May 23	May 23
1148		196	May 23	May 23
1187		197	May 23	May 23
1202		198	May 23	May 23
1220		199	May 23	May 23
1234		200	May 23	May 23
1238		201	May 23	May 23
1244		202	May 23	May 23
1278		203	May 23	May 23
1404		204	May 23	May 23
1447		205	May 23	May 23
1506		206	May 23	May 23
	58	207	May 23	May 23
	227	208	May 23	May 23
	592	209	May 23	May 23
1045		210	May 23	May 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>
	755	211	May 23	May 23
1249		212	May 23	May 23
147		213	May 23	May 23
1434		214	May 23	May 23
675		215	May 23	May 23
1279		216	May 23	May 23
658		217	May 23	May 23
566		218	May 23	May 23
557		219	May 23	May 23
521		220	May 23	May 23
374		221	May 23	May 23
821		222	May 23	May 23
1320		223	May 23	May 23
319		224	May 23	May 23
1171		225	May 23	May 23
966		226	May 23	May 23

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 24, 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 Files:

H. F. No. 245, 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.

H. F. No. 533, 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.

H. F. No. 779, relating to taxation; changing certain income tax provisions relating to corporations; amending Minnesota Statutes 1984, sections 290.05, subdivision 1; 290.391; and 290.42.

H. F. No. 1645, relating to economic development; creating a special enterprise zone for a large manufacturing facility; providing for the taxation of the facility; authorizing the issuance of bonds; providing assistance to locate a large manufacturing facility in the state; appropriating money; amending Minnesota Statutes 1984, sections 273.1312, subdivisions 3 and 4; and 273.1314, subdivisions 3, 4, 6, 7, 8, 9, and by adding a subdivision.

Sincerely,

RUDY PERPICH
Governor

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

May 24, 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>
	245	227	May 24	May 24
	533	228	May 24	May 24
	779	229	May 24	May 24
	1645	230	May 24	May 24
274		231	May 24	May 24
455		232	May 24	May 24
919		233	May 24	May 24
986		234	May 24	May 24
1088		235	May 24	May 24
1219		236	May 24	May 24
1225		237	May 24	May 24
1357		238	May 24	May 24
1398		239	May 24	May 24

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 24, 1985

The Honorable David M. Jennings
Speaker of the House
463 State Office Building
St. Paul, MN 55155

Dear Speaker Jennings:

This letter is to advise you that I have today vetoed H. F. No. 1032, a bill regarding the city of Belle Plaine.

I have concerns about this bill in that it re-writes general laws which will affect only one community of the state. This bill also codifies, (in section 3), a special law which relates to only one community. The reinstatement of the name "borough" is contrary to the general policy of eliminating numerous classifications in the state.

Finally, it is my understanding that most, if not all, of what is accomplished by this piece of legislation can be done by the city without statutory change.

Pursuant to the requirement of Article IV, Section 23 of the Minnesota Constitution, this letter is being forwarded to you so that these objections may be entered in the Journal. An executed copy of this letter has been appended to the bill, which I am also returning to you.

Sincerely,

RUDY PERPICH
Governor

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 28, 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. 282, relating to education; declaring the purpose of public education in Minnesota; changing the name of and provisions about the Minnesota school for the deaf and the Minnesota braille and sight saving school; requiring annual development of two-year plans for the academies; allowing for certain positions at the academies to be in the unclassified ser-

vice; amending Minnesota Statutes 1984, sections 128A.01; 128A.02; 128A.03; and 128A.05; proposing coding for new law in Minnesota Statutes, chapter 120.

Sincerely,

RUDY PERPICH
Governor

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

May 28, 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>
	282	240	May 28	May 28
87		241	May 28	May 28
281		242	May 28	May 28
863		243	May 28	May 28
1045		244	May 28	May 28
1067		245	May 28	May 28
1118		246	May 28	May 28
1130		247	May 28	May 28
1363		248	May 28	May 28

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 29, 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 Files:

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

H. F. No. 648, 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.

H. F. No. 857, 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; amending Minnesota Statutes 1984, sections 60B.44, subdivision 1; 60B.46, by adding subdivisions; and 60C.05, subdivision 1.

H. F. No. 957, relating to agriculture; providing that local governments may enter agreements; providing for soil and water conservation; imposing a penalty; amending Minnesota Statutes 1984, sections 40.19, subdivisions 1, 2, 5, 6, 7, 8, 9, 11, 13, and by adding subdivisions; 40.20; 40.21; 40.22, subdivisions 1 and 2; 40.23; 40.25; 40.26; 40.28; Laws 1979, chapter 315, sections 1; and 2, as amended; proposing coding for new law in Minnesota Statutes, chapter 40; repealing Minnesota Statutes 1984, sections 40.19, subdivisions 3, 4, 10, 12, 14, and 15; and 40.24.

Sincerely,

RUDY PERPICH
Governor

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

May 29, 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>
19		249	May 29	May 29
459		250	May 29	May 29
882		251	May 29	May 29
916		252	May 29	May 29
	186	253	May 29	May 29
	648	254	May 29	May 29
	857	255	May 29	May 29
	957	256	May 29	May 29

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 30, 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 Files:

H. F. No. 98, relating to retirement; expanding the availability of certain appropriations for actuarial services; authorizing amendments for the Duluth, Minneapolis, and St. Paul teachers retirement fund associations; approving the rescission of exemption from modification of pension coverage for Faribault firefighters and police relief associations; providing lump sum payments to certain retired or disabled public employees; appropriating money; amending Laws 1979, chapter 109, section 1, as amended.

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

H. F. No. 1070, 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; establishing a legislative study commission on the regulation of psychotherapists; appropriating money; amending Minnesota Statutes 1984, section 241.021, by adding a subdivision; and Laws 1984, chapter 631, section 1, subdivisions 1 and 4; proposing coding for new law in Minnesota Statutes, chapter 241.

H. F. No. 729, relating to retirement; public plans generally; amending Minnesota Statutes 1984, sections 69.011, subdivision 1; 69.26; 353.01, subdivision 2a; 353.34, by adding a subdivision; 423A.02; 423A.15; 424A.02, subdivisions 6 and 9, and by adding a subdivision; and Laws 1965, chapter 592, section 4, as amended; Laws 1969, chapters 576, sections 3, subdivision 1; and 4, subdivision 1; 950, sections 1, subdivision 1, as amended; and 4, as amended; Laws 1981, chapter 68, section 42, subdivision 1; Laws 1982, chapter 574, sections 3, subdivision 9; and 5; Laws 1983, chapter 100, section 1; and Laws 1984, chapters 564, section 48; and 574, section 18; proposing coding for new law in Minnesota Statutes, chapter 423A; 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.

H. F. No. 1233, relating to intoxicating liquor; permitting counties and certain towns to issue off-sale licenses and combination licenses in town; amending Minnesota Statutes 1984, section 340.11, subdivisions 10a and 10b.

H. F. No. 1256, relating to natural resources; altering certain provisions regarding water permit and annual water appropriation processing fees; amending Minnesota Statutes 1984, sections 104.03, by adding a subdivision; 105.41, subdivision 5; and 105.44, subdivision 10.

Sincerely,

RUDY PERPICH
Governor

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

May 30, 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>
647		257	May 30	May 30
1140		258	May 30	May 30
	98	259	May 30	May 30
	155	260	May 30	May 30
	729	261	May 30	May 30
	1070	262	May 30	May 30
	1233	263	May 30	May 30
	1256	264	May 30	May 30
1362		265	May 30	May 30

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 31, 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 Files:

H. F. No. 35, relating to agriculture; making certain changes in the family farm security program; amending Minnesota Statutes 1984, sections 41.56, subdivisions 3, 4, and 4a; 41.57, subdivisions 2 and 3; 41.59, subdivision 1; and 41.61, subdivision 1; 223A.01; 336.9-307; proposing coding for new law in Minnesota Statutes, chapter 92.

H. F. No. 78, 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.

H. F. No. 83, relating to courts; authorizing the chief judge in Hennepin and Ramsey counties to extend the principal assignment of certain juvenile court judges.

H. F. No. 242, relating to commerce; requiring manufacturers to make certain new motor vehicle warranty disclosures directly to consumers; requiring a study of protection for purchasers of agricultural vehicles; amending Minnesota Statutes 1984, section 325F.665, subdivision 3.

H. F. No. 535, 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.

H. F. No. 633, relating to traffic regulations; providing for a temporary definition of school bus; providing for book racks and "MN" designation on school buses; amending Minnesota Statutes 1984, section 169.44, by adding subdivisions.

H. F. No. 646, relating to public records; providing for fees of the county recorder and secretary of state; changing grounds

for appeal from resolution of county board setting salaries or budgets for certain county officials; amending Minnesota Statutes 1984, sections 268.161, subdivision 1; 270.69, by adding a subdivision; 272.483; 336.9-407; 357.18, subdivision 1; 384.151, subdivision 7; 385.373, subdivision 7; 386.015, subdivision 7; 386.77; 387.20, subdivision 7; 388.18, subdivision 6; 485.018, subdivision 7; 505.08, subdivision 2; 508.47, subdivision 4; 508.-82; 508A.11; 508A.47, subdivision 4; and 508A.82.

H. F. No. 786, 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 transferring certain functions to the commissioner of commerce; abolishing the telecommunications council; amending Minnesota Statutes 1984, sections 4.31, subdivision 5; 14.02, subdivision 4; 15.0591, subdivision 2; 16B.20, subdivision 2; 16B.33, subdivision 2; 115.74, subdivision 1; 116C.41, subdivision 2; 121.83; 161.1419, subdivision 2; 238.01; 238.02, subdivision 14, and by adding subdivisions; 238.03; 238.08, subdivisions 2, 3, and 4; 238.11, subdivision 2; 238.15; 238.16, subdivision 2; 238.17, subdivisions 1 and 5; 238.22, by adding subdivisions; 238.24, subdivision 10; 250.05; 254A.04; 270.41; 343.01, subdivision 3; 473.129, subdivision 6; and 611.215, subdivision 1; amending Laws 1984, chapter 654, article 2, section 151, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 238; repealing Minnesota Statutes 1984, sections 3.29, subdivisions 1 to 11; 16C.01; 238.02, subdivision 4; 238.04 to 238.06; 238.09; 238.10; 238.11, subdivision 1; 238.12, subdivision 3; 238.13; 238.14; 238.16, subdivision 1; and 238.17, subdivisions 6, 7, and 8.

H. F. No. 828, relating to economic security; clarifying the community action program financial assistance requirements; amending Minnesota Statutes 1984, sections 268.52, subdivisions 1 and 2; and 268.53, subdivision 2.

H. F. No. 848, relating to children and families; providing judicial procedures to protect the welfare of alleged child abuse victims and their families; requiring juvenile and criminal courts to give docket priority to child abuse cases; providing for the examination of child witnesses; clarifying the admissibility of certain out-of-court statements; merging the crimes of "intrafamilial sexual abuse" and "criminal sexual conduct" and limiting the discretion of courts to stay sentences of familial sexual abuse defendants; requiring recordkeeping and tape recording guidelines with respect to interviews with child abuse victims; eliminating certain notice requirements; 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; 595.02, subdivision 3; 609.343; 609.344;

609.345; 626.556, subdivision 11, and by adding a subdivision; and 630.36; proposing coding for new law in Minnesota Statutes, chapters 626 and 631; repealing Minnesota Statutes 1984, sections 609.364 to 609.3644.

H. F. No. 1175, relating to children; expanding the definition of a medically neglected child; providing for intervention of commissioner of human services after a report of medical neglect; 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, subdivisions 2, 10, and by adding a subdivision.

H. F. No. 1458, relating to claims against the state; providing for payment of various claims; appropriating money.

Sincerely,

RUDY PERPICH
Governor

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

May 31, 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>
196		266	May 31	May 31
251		267	May 31	May 31
276		268	May 31	May 31
279		269	May 31	May 31
565		270	May 31	May 31

<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>
		271	May 31	May 31
		272	May 31	May 31
		273	May 31	May 31
		274	May 31	May 31
1176		275	May 31	May 31
	35	276	May 31	May 31
	78	277	May 31	May 31
	83	278	May 31	May 31
	535	279	May 31	May 31
	633	280	May 31	May 31
	646	281	May 31	May 31
	828	282	May 31	May 31
	1175	283	May 31	May 31

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

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

May 31, 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>
	242	284	May 31	May 31
	786	285	May 31	May 31
	848	286	May 31	May 31
	1458	287	May 31	May 31

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

June 4, 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 Files:

H. F. No. 140, relating to financial institutions; providing for deposits by minors and deposits in multi-party accounts; regulating multi-party accounts; providing for deposits of public funds in thrift institutions; amending Minnesota Statutes 1984, sections 48.30; 51A.28; 52.13; 118.005; 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; 528.02, subdivision 15; and 528.12.

H. F. No. 213, 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 Stat-

utes 1984, sections 13.46, subdivisions 3 and 4; 626.556, subdivisions 10b, 11 and by adding a subdivision; and 626.557, subdivision 12, and by adding a subdivision.

H. F. No. 264, 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 killing of dangerous animals; imposing penalties; amending Minnesota Statutes 1984, section 609.205; proposing coding for new law in Minnesota Statutes, chapters 346 and 609.

H. F. No. 558, relating to metropolitan government; permitting the city of Bloomington and the transportation department to contract for a highway improvement; providing conditions for the disposal of certain sports facilities property; 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, sections 473.556, subdivision 6; and 473.704, by adding a subdivision.

H. F. No. 1109, relating to state government; concerning the state procurement of goods and services from small businesses; modifying geographical distribution requirements and preference program limitations; providing for a warranty for certain purchases; amending Minnesota Statutes 1984, sections 16B.06, by adding a subdivision; 16B.19, subdivisions 5, 6, 9, and by adding a subdivision; 16B.21, subdivision 1; 16B.22; and 645.445, subdivision 5.

H. F. No. 1227, relating to crimes; providing that a psychotherapist who engages in sexual contact or penetration with a patient under certain circumstances 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.

H. F. No. 1589, 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; authorizing a court to order the release of certain information; amending Minnesota Statutes 1984, sections 13.03, subdivision 3, and by adding subdivisions; 13.08, subdivision 1, and by adding a subdivision; 13.39, by adding a subdivision; 13.43, subdivision 4; 13.46, subdivisions 1, 2, 3, 7, and 10; 13.65, subdivision 12; 13.71; 13.72, by adding subdivisions; 13.82, subdivisions 1 and 5, and by adding subdivisions; 13.83, by adding a subdivision; 13.84, subdivisions 1 and 6; 144.335, subdivision 2; and

254A.09; repealing Minnesota Statutes 1984, sections 13.73 and 13.81; proposing coding for new law in Minnesota Statutes, chapters 13 and 144.

Sincerely,

RUDY PERPICH
Governor

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

June 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. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1985</i>	<i>Date Filed 1985</i>
35		288	June 4	June 4
295		289	June 4	June 4
928		290	June 4	June 4
930		291	June 4	June 4
	140	292	June 4	June 4
	213	293	June 4	June 4
	264	294	June 4	June 4
	558	295	June 4	June 4
	1109	296	June 4	June 4
	1227	297	June 4	June 4
	1589	298	June 4	June 4

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

June 5, 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 Files:

H. F. No. 315, 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; granting the city of Roseville and the city of White Bear Lake located in Ramsey county the powers of a port authority; permitting the establishment of special service districts in the cities of Sartell, Sauk Rapids, St. Cloud, Isle, Mora, Becker, and Waite Park; amending Minnesota Statutes 1984, sections 161.14, subdivision 6; and 368.85, subdivision 6.

H. F. No. 384, relating to the cities of Minneapolis and Blaine; permitting the establishment of special service districts in the city of Minneapolis and providing taxing and other authority; authorizing the Blaine city council members to serve as a housing and redevelopment authority.

H. F. No. 1037, relating to utilities; exempting small, qualifying energy facilities from the certificate of need process; amending Minnesota Statutes 1984, section 216B.243, subdivision 8.

H. F. No. 1145, 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.

Sincerely,
RUDY PERPICH
Governor

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

June 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>
43		299	June 5	June 5
472		300	June 5	June 5
	315	301	June 5	June 5
	384	302	June 5	June 5
743		303	June 5	June 5
	1037	304	June 5	June 5
	1145	305	June 5	June 5

Sincerely,

JOAN ANDERSON GROWE
 Secretary of State

STATE OF MINNESOTA
 OFFICE OF THE GOVERNOR
 SAINT PAUL 55155

June 7, 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. 265, relating to commerce; providing for uninsured and underinsured motorist coverage; authorizing annual aggregate policy limits for dram shop insurance; providing for practices and procedures relating to dram shop actions; modifying provisions relating to the assigned risk plan; amending Minnesota Statutes 1984, sections 65B.43, by adding subdivisions; 65B.49, subdivision 4, and by adding a subdivision; 340.11, subdivisions 21 and 23, and by adding a subdivision; 340.12; 340.135; 340.95; and 340.951.

Sincerely,

RUDY PERPICH
Governor

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

June 7, 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>
401		306	June 7	June 7
676		307	June 7	June 7
1183		308	June 7	June 7
	265	309	June 7	June 7

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

DISPOSITION OF BILLS UPON ADJOURNMENT

REPORT PURSUANT TO HOUSE RULE 9.4

Pursuant to House Rule 9.4, the following bills were returned to the standing committee last acting on the bill:

H. F. Nos. 618 and 1642 and S. F. No. 285 to the Committee on Agriculture.

H. F. Nos. 376, 414, 687, 1015 and 1402 and S. F. Nos. 125, 568 and 908 to the Committee on Appropriations.

H. F. Nos. 606, 659, 760, 838, 1146 and 1392 and S. F. No. 879 to the Committee on Commerce and Economic Development.

H. F. No. 1163 and S. F. Nos. 31, 1014 and 1029 to the Committee on Crime and Family Law.

H. F. Nos. 725 and 1183 and S. F. No. 880 to the Committee on Environment and Natural Resources.

H. F. Nos. 325, 1016 and 1568 to the Committee on General Legislation and Veterans Affairs.

H. F. Nos. 237, 784, 1040 and 1165 and S. F. Nos. 887, 944 and 1203 to the Committee on Governmental Operations.

H. F. No. 123 and S. F. No. 381 to the Committee on Health and Human Services.

H. F. Nos. 330, 405, 563, 568, 650, 984 and 1224 and S. F. No. 979 to the Committee on Judiciary.

H. F. Nos. 56 and 887 to the Committee on Labor-Management Relations.

H. F. Nos. 773 and 812 and S. F. No. 1512 to the Committee on Local and Urban Affairs.

H. F. No. 1185 and S. F. No. 896 to the Committee on Regulated Industries and Energy.

H. F. Nos. 529 and 1202 and S. F. No. 1099 to the Committee on Rules and Legislative Administration.

H. F. Nos. 495, 610, 969 and 1581 and S. F. Nos. 115, 302 and 1190 to the Committee on Taxes.

H. F. Nos. 1098 and 1260 to the Committee on Transportation.

REPORT PURSUANT TO JOINT RULE 3.02 (A)

Pursuant to joint rule 3.02 (a), H. F. Nos. 88, 268, 418, 440, 513, 674, 702, 756, 847, 850, 856, 961, 1639 and 1641 which were being considered by a Conference Committee at the time of adjournment were returned to the House and laid on the table. The Conference Committees were discharged.

REPORT PURSUANT TO JOINT RULE 3.02 (B)

Pursuant to joint rule 3.02 (b), H. F. Nos. 1051 and 1406 were returned to the Committee on Education; H. F. No. 696 to the Committee on Health and Human Services; and H. F. Nos. 944 and 1543 to the Committee on Local and Urban Affairs.

REPORT PURSUANT TO JOINT RULE 3.02 (C)

Pursuant to joint rule 3.02 (c), the following bill was returned to the House by the Governor with his objections and laid on the table:

H. F. No. 1032.

CERTIFICATE

I certify that the Journal of the House for Monday, May 20, 1985, including subsequent proceedings, has been corrected and is hereby approved.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

JOURNAL
OF THE
HOUSE
OF REPRESENTATIVES

SPECIAL SESSION

OF THE
LEGISLATURE

STATE OF MINNESOTA

1985

RAMALEY PRINTING COMPANY



STATE OF MINNESOTA
SPECIAL SESSION - 1985

FIRST DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, JUNE 19, 1985

In obedience to the Proclamation of the Honorable Rudy Perpich, Governor of the State of Minnesota, summoning the two Houses of the Legislature to meet in Special Session, the members of the House of Representatives assembled in the chamber of the House of Representatives at the Capitol in Saint Paul on Wednesday, the nineteenth day of June, 1985, at 4:00 p.m.

PROCLAMATION FOR SPECIAL SESSION 1985

Whereas, The Minnesota Legislature failed to reach agreement during its regular session on essential legislation affecting the health, safety and welfare of Minnesota citizens; and

Whereas, The unfinished business of the Legislature includes essential items dealing with tax reform, education, operations of state government and operations of local governments; and

Whereas, It is critical for the longterm fiscal stability of the state government, the economic future of the state and the needs of the people of Minnesota that such issues be resolved; and

Whereas, The period of time allowed by the Minnesota Constitution for passage of such legislation has expired and an extraordinary occasion is thereby created; and

Whereas, Article IV, Section 12 of the Constitution of the State of Minnesota provides that a special session of the Legislature may be called on extraordinary occasions; and

Whereas, Elected leaders of the Legislature have agreed on an agenda and procedures to complete a special session in the shortest time possible;

Now, Therefore, I, Rudy Perpich, Governor of the State of Minnesota, do hereby summon you, members of the Legislature,

to convene in Special Session on Wednesday, June 19, 1985, at four o'clock in the afternoon on that day, in the Capitol in Saint Paul, Minnesota.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Minnesota to be affixed at the State Capitol this seventeenth day of June in the year of our Lord one thousand nine hundred and eighty-five, and of the State the one hundred twenty-seventh.

JOAN ANDERSON GROWE
Secretary of State

RUDY PERPICH
Governor

At the hour of 4:00 p.m. and pursuant to the Proclamation of the Governor and pursuant to Minnesota Statutes, 1984, Section 3.073, the Honorable David M. Jennings, Speaker of the House, called the House of Representatives to order.

Prayer was offered by Pastor Julie Matula, Jubilee Christian Faith Center, Hastings, Minnesota.

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

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	.....	Mike Jaros
District 8A	.....	Mary Murphy
District 8B	.....	Ben Boo
District 9A	.....	Joel Carlson
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	
District 28A	Carol Dyke
District 28B	Dennis C. Frederickson
District 29A	David M. 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 members answered to the call by legislative district.

Erickson was excused.

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

Anderson, G.	Ellingson	Kvam	Ozment	Simoneau
Anderson, R.	Fjoslien	Levi	Pappas	Skoglund
Backlund	Forsythe	Lieder	Pauly	Solberg
Battaglia	Frederick	Long	Peterson	Sparby
Beard	Frederickson	Marsh	Piepho	Stanius
Becklin	Frerichs	McDonald	Piper	Staten
Begich	Greenfield	McEachern	Poppenhagen	Sviggum
Bennett	Gruenes	McKasy	Price	Thiede
Bishop	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	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	
Elioff	Krueger	Otis	Sherman	

The Speaker declared a quorum was present and pursuant to Minnesota Statutes 1984, Section 3.073, the Speaker declared the House of Representatives organized for the 1985 Special Session.

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

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

This is to notify you that the Senate is now duly organized for the 1985 Special Session, pursuant to the Minnesota Constitution and Minnesota Statutes.

PATRICK E. FLAHAVEN, Secretary of the Senate

There being no objection the order of business reverted to Introduction and First Reading of House Bills.

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

The following House Files were introduced:

Forsythe introduced:

H. F. No. 1, A bill for an act relating to capital improvements; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; reducing and canceling certain appropriations; authorizing issuance of state bonds; appropriating money; amending Minnesota Statutes 1984, sections 15.50, subdivision 2; 115A.49; 115A.52; and 115A.54, by adding a subdivision.

The bill was read for the first time. There being no objection, H. F. No. 1 was laid on the table.

Knickerbocker, Sviggum, Simoneau, Sarna and Gutknecht introduced:

H. F. No. 2, 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; 176.021, subdivision 7; 352.01, subdivision 11; 352.029; 352.22, subdivision 3; 352.95, subdivision 1; 352B.10; 352E.01, subdivision 2; 352E.04; 353.01, subdivision 16; 353.27, subdivision 12; 353.271, subdivision 2; 353.656, subdivision 1; 353.657, subdivision 2a; 354.44, subdivisions 5 and 6; 354.48, subdivisions 3, 6, and 7; 354.49, subdivision 2; 354.55, subdivision 11; 354.62, subdivision 2; 354A.35, subdivision 1; 356.20, subdivision 4; 356.215, subdivision 4; 356.216; 356.70; and Laws 1984, chapter 501, section 1; proposing coding for new law in Minnesota Statutes, chapter 352D; repealing Minnesota Statutes 1984, sections 352.113, subdivision 5; and 354.621.

The bill was read for the first time. There being no objection, H. F. No. 2 was laid on the table.

Olsen, S.; Backlund; Thiede; Erickson and Kostohryz introduced:

H. F. No. 3, A bill for an act relating to education; providing for aids to education, aids to libraries, state payments for teacher retirement contributions, and the distribution of tax revenues; granting certain powers and duties to school boards, school districts, the state board of education, the state board of teaching,

and the higher education coordinating board; modifying certain components of foundation aid; modifying the basic maintenance mill rate; modifying computation of pupil units; repealing revenue equity; modifying the computation of transportation aid, special education aid, secondary vocational aid, and other aids; establishing the Minnesota school of the arts and resource center; providing for measurement of pupil progress; establishing mastery learning pilot projects; requiring the state board of teaching to field test plans for assessment of new teachers; appropriating money; amending Minnesota Statutes 1984, sections 5.35; 116J.37, subdivision 1; 120.03, subdivision 1; 120.06, subdivision 1; 120.10, subdivision 1; 120.11; 120.15; 120.17, subdivisions 1, 2, 3, 3a, and by adding subdivisions; 121.151; 121.608; 121.609; 121.88; 121.882; 121.904, subdivision 4a; 121.912, subdivision 1; 121.931, subdivision 7; 121.936, subdivisions 1 and 2; 122.531, subdivisions 5 and 6; 122.541, by adding a subdivision; 122.86, subdivision 1; 123.36, subdivision 1; 123.39, by adding a subdivision; 123.58, by adding a subdivision; 123.702, subdivision 1; 123.705, subdivision 1; 123.741, subdivisions 6 and 7; 123.742, subdivisions 1, 3, 4, 5, and by adding subdivisions; 123.7431; 123.935, by adding a subdivision; 124.09; 124.10; 124.14, subdivision 4, and by adding a subdivision; 124.17, subdivision 1, and by adding a subdivision; 124.19, subdivisions 1 and 5; 124.195, subdivisions 7, 8, 9, 10, and 11; 124.2138, subdivision 2; 124.223; 124.225, subdivisions 1, 3, 4b, 7a, 7b, 8a, 8b, and 10; 124.245; 124.246, subdivision 2; 124.247, subdivision 3; 124.26, subdivision 1; 124.271, subdivision 2b, and by adding a subdivision; 124.2711; 124.272, subdivision 3; 124.273, subdivision 1b; 124.32, subdivisions 1b, 1d, 2, 5, 7, 10, and by adding a subdivision; 124.573, subdivisions 2 and 3a; 124.574, subdivision 2b; 124.646, subdivision 1; 124.76, subdivision 2; 124A.01; 124A.02, subdivisions 7, 8, 9, 16, and by adding a subdivision; 124A.03, subdivisions 3, 4, and by adding a subdivision; 124A.033, subdivisions 2, 3, and 5; 124A.037; 124A.06, subdivisions 1, 3a, and by adding subdivisions; 124A.08, subdivision 3a; 124A.10, subdivision 3a; 124A.12, subdivision 3a; 124A.14, subdivisions 3 and 5a; 124A.16, subdivision 4; 125.03, by adding a subdivision; 125.05, subdivision 1, and by adding a subdivision; 125.12, by adding a subdivision; 125.182, subdivision 1; 125.185, subdivision 4; 125.60, subdivisions 3 and 7; 126.64, subdivision 2; 129B.02, by adding a subdivision; 129B.04, by adding a subdivision; 129B.17; 129B.20; 129B.21; 129B.35; 129B.36, subdivisions 1, 4, and 5; 129B.37, subdivision 1; 129B.38; 129B.39; 129B.40; 134.35; 134.351, subdivision 1; 275.125, subdivisions 5, 5b, 5d, 8, 8a, 8b, 11a, 11b, 11c, and by adding a subdivision; 298.28, subdivision 1; 354.092; 354.094, subdivision 1; 354.43, subdivision 3; 354.51, subdivision 5; 354.53, subdivision 1; 354.66, subdivisions 3 and 4; 354A.092; 354A.093; 354A.094, subdivisions 2 and 4; 354A.12, subdivision 2; 355.208; 355.209; 355.287; 355.288; and 355.46, subdivision 3; amending Laws 1973, chapter 683, section 26, as amended, and section 26, subdivision 17, as amended; Laws 1983, chapter 314, article 8, section 11; and Laws 1985, chapter 280, section 4; proposing coding for new law in Minnesota Statutes, chapters 120;

121; 123; 124; 124A; 126; 129B; 129C; 136A; and 471; repealing Minnesota Statutes 1984, sections 120.03, subdivisions 2, 3, and 4; 120.17, subdivision 1a; 120.172, subdivision 3; 120.68; 121.11, subdivision 7a; 121.601; 122.531, subdivision 3a; 122.84; 122.85; 122.89; 123.705, subdivision 2; 123.742, subdivision 2; 123.80, subdivisions 2 and 3; 124.201, subdivisions 3, 4, and 5; 124.2138, subdivision 2; 124.225, subdivisions 4a, 8c, 8d, 8e, 8f, 8g, and 8h; 124.247, subdivision 6; 124.271, subdivisions 2, 2a, and 2c; 124.32, subdivision 9a; 124A.02, subdivisions 4a, 17, and 18; 124A.03, subdivision 5; 124A.035, subdivision 6; 124A.037; 125.05, subdivision 5; 125.611, subdivisions 3, 4, 5, 6, and 7; 126.64, subdivision 1; 129B.03; 129B.10; 129B.18; 129B.19; 129B.33, subdivisions 2, 3, 4, and 6; 129B.34; 129B.36, subdivisions 2 and 3; 275.125, subdivision 2j; 354.43, subdivisions 1, 4, and 5; 354A.12, subdivision 3; 355.46, subdivisions 1, 2, and 5; and 355.47; repealing Laws 1984, chapter 463, article 9, section 9.

The bill was read for the first time. There being no objection, H. F. No. 3 was laid on the table.

Forsythe introduced:

H. F. No. 4, 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. There being no objection, H. F. No. 4 was laid on the table.

Sviggum, Pappas, McPherson and Knuth introduced:

H. F. No. 5, A bill for an act relating to state government; requiring state agencies to provide services and materials in languages other than English; regulating the career executive service; specifying executive branch conflicts of interest; per-

mitting the governor to set salaries for certain full- and part-time officials of metropolitan agencies; providing for review of state trooper arbitration awards; regulating approved complements; regulating liquidation of vacation leave; requiring approval of commissioner of administration to grant right-of-way over state-owned land to railroad company; amending Minnesota Statutes 1984, sections 15.62, subdivision 2; 15A.081, subdivision 1, and by adding a subdivision; 16A.123, subdivision 3; 16B.65, subdivision 3; 43A.17, subdivision 8; 43A.21, subdivision 5; 43A.38, subdivision 5; 62D.22, subdivision 7; 222.025, subdivision 1; and 299D.03, subdivision 11; proposing coding for new law in Minnesota Statutes, chapter 15; repealing Minnesota Statutes 1984, section 15A.081, subdivision 7.

The bill was read for the first time. There being no objection, H. F. No. 5 was laid on the table.

Sviggum; Olsen, S., and Neuenschwander introduced:

H. F. No. 6, 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; creating a hazardous substance injury compensation fund; establishing a board to administer the fund; limiting compensable losses; prescribing claims procedures; allowing partial subrogation rights; imposing a penalty; appropriating money; 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 read for the first time. There being no objection, H. F. No. 6 was laid on the table.

Schreiber introduced:

H. F. No. 7, A resolution memorializing the President and Congress to retain the federal income tax deduction for state and local taxes.

The bill was read for the first time. There being no objection, H. F. No. 7 was laid on the table.

Blatz introduced:

H. F. No. 8, A bill for an act relating to commerce; authorizing industrial loan and thrifts to sell certain evidences of indebtedness; authorizing the FDIC to act as receiver or liquidator of a closed financial institution and providing a right of subrogation; 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; and providing alternative loan disclosure requirements; providing an inflation adjustment for amounts exempt from creditors; providing penalties; amending Minnesota Statutes 1984, sections 48.151; 49.05, by adding subdivisions; 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, 2, 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. There being no objection, H. F. No. 8 was laid on the table.

Johnson, Valan, Norton, Kalis and Shaver introduced:

H. F. No. 9, A bill for an act relating to water; providing for comprehensive local water management; authorizing counties to develop and implement county water and related land resources plans; providing additional authorities to counties; providing additional duties of the water resources board; proposing coding for new law as Minnesota Statutes, chapter 110B.

The bill was read for the first time. There being no objection, H. F. No. 9 was laid on the table.

Schreiber, McKasy, Dempsey and Himle introduced:

H. F. No. 10, A bill for an act relating to financing and operation of state and local government; simplifying Minnesota income tax law by increasing conformity to federal income tax law; changing income tax rates, rate brackets, credits, and deductions; providing for computation of interest on overpayments; reducing the estate tax; changing corporate income tax provisions; re-scheduling payments and increasing the budget reserve; reducing sales tax rate on farm machinery and providing sales tax exemptions; changing taxation of agricultural gasoline; changing the tax credit on fermented malt beverages; changing motor vehicle excise taxes for certain automobiles; authorizing lodging taxes for towns and unorganized territories; recodifying property tax law; changing property tax exemptions, classes, classification ratios, and credits; changing the taxation of telephone companies; providing for the allocation of industrial revenue bonds; providing economic development incentives; establishing a jobs program; providing for retention of mortgage registration and deed taxes by counties; altering provisions relating to the iron range resources and rehabilitation board; changing mining taxes; authorizing reimbursement to local units of government for certain railroad property tax abatements; giving enforcement powers to the department of revenue; changing provisions relating to leased state lands; increasing cigarette taxes and allocating the proceeds; providing for studies; imposing duties on the commissioner of revenue, commissioner of natural resources, and the state auditor; changing property tax provisions relating to collection of property tax, confessions of judgment, special assessments, and sale of tax forfeit lands; changing property tax refund benefit schedules and definitions; changing local government aids; authorizing the issuance of bonds; changing computation of adjusted levy limit base; changing tax court jurisdiction; changing certain dates; changing and adding definitions; changing provisions relating to the Hennepin county park reserve district; updating income tax provisions to changes in the Internal Revenue Code; providing penalties; appropriating money; amending Minnesota Statutes 1984, sections 10A.31, subdivisions 1 and 3; 13.04, subdivision 2; 13.58; 15A.081, subdivisions 1 and 8; 16A.128, subdivision 2; 16A.15, subdivisions 1 and 6; 16A.641, subdivision 11; 16B.60, subdivision 5; 18.023, subdivision 7; 37.17, subdivision 1; 41.55; 47.58, subdivisions 2 and 3; 60A.15, subdivision 12; 60A.199, subdivision 8; 84B.08, subdivision 6; 85A.05, subdivision 5; 86.33; 92.46, subdivision 1; 93.55, subdivision 2; 97.488, subdivision 1a; 110A.28, subdivisions 11 and 12; 115A.58, subdivision 6; 116.16, subdivisions 1 and 2; 116.17, subdivision 6; 116.18, subdivisions 1, 2a, and 3a; 116C.63, subdivision 4; 116J.035, by adding a subdivision; 116J.64, subdivision 6; 116L.03, subdivision 7; 116L.04, by adding a subdivision; 116M.03, by adding a subdivision; 116M.06, subdivisions 2 and 3; 116M.07, subdivision 11, and by adding subdivisions; 116M.08, subdivision 11; 117.55; 121.904, subdivision 4c, and by adding a subdivision;

124.155, subdivision 2; 124.2131, subdivision 3; 124.2137, subdivision 1; 124.2138, subdivision 4; 124.2139; 124.46, subdivision 3; 124A.02, subdivisions 11 and 12; 129A.02, subdivision 2; 136.40, subdivision 7; 136.63, by adding a subdivision; 136C.06; 136C.43, subdivision 6; 145.882; 145.883, subdivision 8, and by adding a subdivision; 145.884, subdivision 1; 145.885; 145.886; 167.52; 168.012, subdivision 9; 174.51, subdivision 6; 178.03, by adding a subdivision; 245.87; 248.07; 248.08; 256.01, subdivision 4; 256.736, subdivisions 1, 3, 4, 5, 7, and by adding subdivisions; 256.737; 256C.24; 256C.25, subdivision 1; 256C.26; 256D.02, subdivision 18; 256D.03, subdivision 2; 256D.09, subdivision 3; 268.31; 268.32; 268.33; 268.34; 268.36; 268.672, subdivisions 6 and 12; 268.673, subdivisions 3, 4, 5, and 6; 268.676; 268.677; 268.678, subdivisions 1, 3, 4, 5, and 6; 268.679; 268.681; 268.682; 270.68, subdivision 4; 270A.07, subdivision 5; 271.01, subdivision 5; 271.12; 272.02, subdivision 1, as amended, and by adding a subdivision; 272.03, subdivision 1; 272.039; 272.04, subdivision 1; 272.115, subdivision 4; 273.11, subdivision 8; 273.1104, subdivision 1; 273.1105, subdivision 2; 273.111, subdivision 11; 273.115, subdivision 7; 273.116, subdivision 7; 273.118; 273.121; 273.123, subdivisions 1 and 4; 273.13, subdivisions 4, as amended, 6, 7, 7a, 8a, 9, 14a, 15a, 17b, 19, and by adding subdivisions; 273.1311; 273.1313, subdivisions 1, 2, 3, and by adding a subdivision; 273.1314, subdivisions 8 and 16a; 273.1315; 273.133, by adding a subdivision; 273.135, subdivisions 1 and 2; 273.136, subdivisions 1, 2, 3, and 4; 273.1391, subdivisions 1 and 2; 273.1392; 273.1393, as added; 273.38; 273.42, subdivision 2; 273.74, subdivision 2, and by adding a subdivision; 273.75, subdivision 4; 274.19, subdivisions 1, 2, 3, 4, 6, 7, and by adding a subdivision; 275.50, subdivision 5; 275.51, subdivision 3h; 276.04; 277.03; 277.10; 278.01, subdivisions 1 and 2; 278.05, subdivision 5; 279.01, subdivision 1, as amended; 279.06; 279.37, subdivisions 1, 3, 4, 8, and by adding a subdivision; 281.17; 281.23, subdivision 1; 281.29; 282.01, subdivision 7a; 282.021; 282.261, by adding a subdivision; 287.05, subdivision 1; 287.08; 287.09; 287.12; 287.21, subdivision 2; 287.23; 287.25; 287.27; 287.28; 287.29, subdivision 1; 287.33; 287.35; 290.01, subdivisions 19, 20, as amended, 20a, 20b, 20d, 20e, 20f, and 21; 290.032, subdivisions 1 and 2; 290.05, subdivision 3; 290.06, subdivisions 2c, 2d, 2f, 3f, 3g, and 11; 290.067, subdivision 1; 290.068, subdivisions 1, 2, 3, 4, and 5; 290.069, subdivisions 2, 2a, 4a, 4b, 5, 6, and 7; 290.07, subdivisions 5 and 7; 290.071, subdivision 5; 290.079, subdivision 1; 290.08, subdivision 26; 290.088; 290.089, subdivisions 2, 3, and 7; 290.09, subdivisions 1, 2, 7, and 19; 290.091; 290.095, subdivisions 7, 9, and 11; 290.10; 290.12, subdivision 2; 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; 290.18, subdivision 2; 290.19, subdivision 1; 290.21, subdivisions 4 and 8; 290.23, subdivision 5; 290.26, subdivision 2; 290.31, subdivisions 2, 4, and 5; 290.37, subdivision 1; 290.38; 290.41, subdivisions 1, 2, and by adding a subdivision; 290.50, subdivisions 1,

5, and 6; 290.53, subdivisions 9 and 11; 290.65, subdivision 16; 290.92, subdivisions 2a, 11, 13, 15, 18, 19, as amended, and 21; 290.93, subdivisions 1, 3, 5, 6, 7, 9, and 10; 290.931, subdivision 1; 290.936; 290A.03, subdivisions 3, as amended, 6, 12, 13, and 14; 290A.04, subdivisions 1, 2, and 3; 290A.06; 290A.07, subdivisions 2a and 3; 290A.19, as amended; 291.005, subdivision 1; 291.03, subdivision 1; 291.075; 291.09, subdivisions 1a, 2a, and 3a; 291.11, subdivision 1; 291.15, subdivisions 1 and 3; 291.215, subdivision 1; 291.32; 294.09, subdivision 1; 295.01, subdivision 10; 295.34, subdivision 1; 296.01, subdivision 24; 296.02, subdivisions 7 and 8; 296.18, subdivision 1, as amended; 296.22, subdivision 13; 297.02, subdivision 1; 297.03, subdivisions 5 and 6; 297.13, subdivision 1; 297.22, subdivision 1; 297.32, subdivisions 1, 2, and by adding a subdivision; 297.35, subdivision 1; 297A.01, subdivisions 14 and 15; 297A.02, subdivision 2; 297A.14; 297A.15, subdivision 5; 297A.25, subdivision 1; 297A.35, subdivision 1; 297A.39, subdivision 8; 297B.02; 297B.03; 297C.02, as added; 298.01, subdivision 1, as amended; 298.03; 298.031, subdivisions 2 and 3; 298.09, subdivision 4; 298.223; 298.225, as amended; 298.24, subdivision 4; 298.27; 298.28, subdivisions 1, as amended, and 2; 298.282, subdivisions 1, 4, and 5; 298.292; 298.293; 299.01, subdivision 1, as amended; 299.05; 299F.26, subdivision 1; 325D.41; 360.301, subdivision 1; 462.445, subdivision 13; 462A.22, subdivision 1, as amended; 462C.02, by adding subdivisions; 462C.03, subdivision 1, and by adding a subdivision; 462C.04, subdivision 2; 462C.09, subdivisions 2a, 3, and by adding a subdivision; 473.556, subdivision 4; 473F.02, subdivisions 3 and 4; 474.16, subdivision 3, and by adding subdivisions; 474.17; 474.19; 474.20; 474.22; 474.23; 475.52, subdivision 6; 475.54, subdivision 1, and by adding a subdivision; 475.56; 475.58, subdivision 1; 475.60, subdivision 2; 475.67, subdivision 8, and by adding a subdivision; 475.754; 475A.06, subdivision 6; 477A.011, subdivisions 3, 10, and by adding subdivisions; 477A.012; 477A.013; 477A.018; 514.03, subdivision 3; 524.3-1202; and 583.02; Laws 1967, chapter 721, section 2, as amended; Laws 1979, chapter 288, section 2, subdivisions 2, 3, and 4, and section 3; Laws 1981, chapter 223, section 4, subdivisions 2 and 3; Laws 1982, chapter 523, article XXX, section 4, subdivision 1, as amended; Laws 1984, chapter 502, article 5, section 19, subdivision 1, and article 11, section 6; Laws 1985, chapter 83, section 7; proposing coding for new law in Minnesota Statutes, chapters 16A; 116; 124; 144; 145; 248; 256C; 256D; 268; 270; 272; 273; 290; 297A; 297B; 298; 325E; 462C; and 474; proposing coding for new law as Minnesota Statutes, section 267; repealing Minnesota Statutes 1984, sections 41.53, subdivision 3; 41.59, subdivisions 2 and 3; 55.10, subdivision 2; 62E.03, subdivision 2; 116.18, subdivision 2; 129A.02, subdivision 4; 145.884, subdivision 2; 245.84, subdivision 2; 256.736, subdivisions 1 and 2; 256D.02, subdivision 8a; 256D.111, subdivision 1a; 256D.112; 268.011; 268.012; 268.013; 268.12, subdivisions 1 and 1a; 268.671; 268.672, subdivisions 2, 8, 10, and 11; 268.673, subdivisions 1 and 2; 268.674; 268.675; 268.676, subdivision 3; 268.678, subdivisions 2, 7, and 8; 268.679, subdivisions 1 and

2; 268.68; 268.683; 268.684; 268.685; 268.686; 268.80; 268.81; 268.82; 268.83; 268.84; 270.75, subdivision 7; 273.1105; 273.13, subdivisions 2, 2a, 3, 4, 5a, 6, 6a, 7, 7b, 7c, 7d, 8a, 9, 10, 11, 12, 14a, 16, 17, 17a, 17b, 17c, 17d, 19, 20, and 21; 273.133; 273.15; 287.27; 287.29, subdivision 3; 287.32; 290.01, subdivisions 20c and 26; 290.012; 290.06, subdivisions 3d, as amended, 3e, 14, 16, 17, 18, and 19; 290.069, subdivision 4; 290.077, subdivision 4; 290.08, subdivisions 23 and 24; 290.089, subdivisions 4 and 6; 290.09, subdivision 29; 290.101, as amended; 290.13, subdivision 4; 290.39, subdivision 2; 290.41, subdivision 5; 290A.04, subdivisions 2a and 2b; 291.015; 291.03, subdivisions 3, 4, 5, 6, and 7; 291.05; 291.051; 291.06; 291.065; 291.07; 291.08; 291.09, subdivision 5; 291.111; 291.131, subdivisions 5 and 6; 291.132; 291.15, subdivision 2; 291.18; 291.20; 291.29, subdivision 5; 295.34; 297.02, subdivision 2; 385.36; 462C.09, subdivision 2; 474.16, subdivision 4; 474.18; 474.24; and 477A.0131; Laws 1982, chapter 523, article VII, section 3; and Laws 1984, chapter 502, article 2, section 4, and chapter 582, section 23.

The bill was read for the first time. There being no objection, H. F. No. 10 was laid on the table.

Vanasek moved that consideration of H. F. Nos. 1 through 10 be postponed until printed copies of these bills have been placed on each member's desk in the chamber for a reasonable amount of time to allow members time to read them.

A roll call was requested and properly seconded.

Levi moved to lay the Vanasek motion 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 71 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dimler	Johnson	Ozment	Swiggum
Backlund	Dyke	Kalis	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
Brinkman	Gutknecht	McKasy	Rose	Waltman
Burger	Halberg	McPherson	Schafer	Zaffke
Carlson, D.	Hartinger	Miller	Schreiber	Spk. Jennings, D.
Carlson, J.	Hartle	Olsen, S.	Seaberg	
Clausnitzer	Haukoos	Omann	Shaver	
Dempsey	Heap	Onnen	Sherman	
DenOuden	Himle	Osthoff	Stanius	

Those who voted in the negative were:

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

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

MOTION TO TAKE FROM THE TABLE

Knickerbocker moved that H. F. No. 2 be taken from the table. The motion prevailed and H. F. No. 2 was taken from the table.

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

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Knickerbocker moved that the rule therein be suspended and an urgency be declared so that H. F. No. 2 be given its second and third readings and be placed upon its final passage. The motion prevailed.

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

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

H. F. No. 2, 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; 176.021, subdivision 7; 352.01, subdivision 11; 352.-029; 352.22, subdivision 3; 352.95, subdivision 1; 352B.10; 352E.-01, subdivision 2; 352E.04; 353.01, subdivision 16; 353.27, subdivision 12; 353.271, subdivision 2; 353.656, subdivision 1; 353.657, subdivision 2a; 354.44, subdivisions 5 and 6; 354.48, subdivisions 3, 6, and 7; 354.49, subdivision 2; 354.55, subdivision 11; 354.62, subdivision 2; 354A.35, subdivision 1; 356.20, subdivision 4; 356.215, subdivision 4; 356.216; 356.70; and Laws 1984, chapter 501, section 1; proposing coding for new law in Minnesota Statutes, chapter 352D; repealing Minnesota Statutes 1984, sections 352.113, subdivision 5; and 354.621.

The bill was read for the third 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.	Fjoslien	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	Swiggum
Begich	Gruenes	McKasy	Price	Thiede
Bennett	Gutknecht	McLaughlin	Quinn	Thorson
Bishop	Halberg	McPherson	Quist	Tjornhom
Blatz	Hartinger	Metzen	Redalen	Tomlinson
Boerboom	Hartle	Miller	Rees	Tompkins
Boo	Haukoos	Minne	Rest	Tunheim
Brandl	Heap	Munger	Rice	Uphus
Brinkman	Himle	Murphy	Richter	Valan
Brown	Jacobs	Nelson, D.	Riveness	Valento
Burger	Jaros	Nelson, K.	Rodosovich	Vanasek
Carlson, D.	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	
Elioff	Krueger	Otis	Sherman	
Ellingson	Kvam	Ozment	Simoneau	

The bill was passed and its title agreed to.

Nelson, K., was excused between the hours of 5:25 p.m. and 8:30 p.m.

MOTION TO TAKE FROM THE TABLE

Forsythe moved that H. F. No. 4 be taken from the table.

A roll call was requested and properly seconded.

The question was taken on the Forsythe motion and the roll was called. There were 89 yeas and 35 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Boo	Clark	Ellingson	Frerichs
Beard	Brandl	Clausnitzer	Fjoslien	Greenfield
Bennett	Burger	Cohen	Forsythe	Gruenes
Blatz	Carlson, J.	Dempsey	Frederick	Halberg
Boerboom	Carlson, L.	Dyke	Frederickson	Hartinger

Hartle	Kostohryz	Olsen, S.	Rose	Thorson
Heap	Levi	Olson, E.	Schafer	Tjornhom
Himle	Lieder	Ozment	Schoenfeld	Tomlinson
Jacobs	Long	Pappas	Schreiber	Tompkins
Jaros	Marsh	Pauly	Seaberg	Uphus
Jennings, L.	McDonald	Poppenhagen	Segal	Valan
Johnson	McKasy	Price	Shaver	Valento
Kahn	McLaughlin	Quist	Sherman	Vellenga
Kalis	McPherson	Redalen	Skoglund	Waltman
Kelly	Miller	Rees	Sparby	Wynia
Kiffmeyer	Munger	Rest	Stanius	Zaffke
Knickerbocker	Neuenschwander	Rice	Staten	Spk. Jennings, D.
Knuth	Norton	Richter	Sviggum	

Those who voted in the negative were:

Anderson, R.	Carlson, D.	Murphy	Otis	Solberg
Backlund	Gutknecht	Nelson, D.	Peterson	Thiede
Battaglia	Krueger	O'Connor	Quinn	Tunheim
Becklin	Kvam	Ogren	Rodosovich	Vanasek
Begich	McEachern	Omann	Sarna	Voss
Brinkman	Metzen	Onnen	Scheid	Welle
Brown	Minne	Osthoff	Simoneau	Wenzel

The motion prevailed and H. F. No. 4 was taken from the table.

H. F. No. 4 was reported to the House.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Forsythe moved that the rule therein be suspended and an urgency be declared so that H. F. No. 4 be given its second and third readings and be placed upon its final passage.

A roll call was requested and properly seconded.

CALL OF THE HOUSE

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

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

Piper	Riveness	Shaver	Thorson	Voss
Poppenhagen	Rodosovich	Sherman	Tjornhom	Waltman
Price	Rose	Simoneau	Tomlinson	Welle
Quinn	Sarna	Skoglund	Tompkins	Wenzel
Quist	Schafer	Selberg	Tunheim	Wynia
Redalen	Scheid	Sparby	Uphus	Zaffke
Rees	Schoenfeld	Stanius	Valan	Spk. Jennings, D.
Rest	Schreiber	Staten	Valento	
Rice	Seaberg	Sviggum	Vanasek	
Richter	Segal	Thiede	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 Forsythe motion and the roll was called.

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

There were 78 yeas and 47 nays as follows :

Those who voted in the affirmative were :

Bennett	Frederick	Kalis	Pappas	Sparby
Bishop	Frederickson	Kelly	Pauly	Stanius
Blatz	Frerichs	Kiffineyer	Piepho	Staten
Boerboom	Greenfield	Levi	Piper	Sviggum
Boo	Gruenes	Long	Poppenhagen	Thorson
Brandl	Halberg	Marsh	Quist	Tjornhom
Burger	Hartinger	McDonald	Rest	Tomlinson
Carlson, J.	Hartle	McKasy	Rice	Uphus
Carlson, L.	Haukoos	McLaughlin	Rose	Valan
Clark	Heap	McPherson	Schafer	Vellenga
Clausnitzer	Himle	Miller	Schoenfeld	Waltman
Cohen	Jacobs	Munger	Schreiber	Wynia
Dempsey	Jaros	Norton	Seaberg	Zaffke
Dyke	Jennings, L.	O'Connor	Segal	Spk. Jennings, D.
Ellingson	Johnson	Olsen, S.	Shaver	
Forsythe	Kahn	Otis	Skoglund	

Those who voted in the negative were :

Anderson, G.	Fjoslien	Murphy	Quinn	Solberg
Anderson, R.	Knickerbocker	Nelson, D.	Redalen	Thiede
Backlund	Knuth	Neuenschwander	Rees	Tunheim
Battaglia	Kostohryz	Ogren	Richter	Vanasek
Beard	Krueger	Olson, E.	Riveness	Voss
Becklin	Kvam	Omann	Rodosovich	Welle
Begich	Lieder	Osthoff	Sarna	Wenzel
Brinkman	McEachern	Ozment	Scheid	
Carlson, D.	Metzen	Peterson	Sherman	
Elioff	Minne	Price	Simoneau	

The motion did not prevail.

Levi moved that H. F. No. 4 be laid on the table. The motion prevailed and H. F. No. 4 was laid on the table.

MOTION TO TAKE FROM THE TABLE

Sviggum moved that H. F. No. 5 be taken from the table. The motion prevailed and H. F. No. 5 was taken from the table.

H. F. No. 5 was reported to the House.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Sviggum moved that the rule therein be suspended and an urgency be declared so that H. F. No. 5 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Sviggum moved that the rules of the House be so far suspended that H. F. No. 5 be given its second and third readings and be placed upon its final passage. The motion prevailed.

H. F. No. 5 was read for the second time.

Voss moved to amend H. F. No. 5, as follows:

Page 9, lines 28 and 34, delete "*commissioner of administration*" and insert "*governor*"

Page 10, line 34, delete "*commissioner of administration*" and insert "*governor*"

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

Staten moved to amend H. F. No. 5, as follows:

Page 7, lines 24 and 25, after "*women*" insert "*and racial minorities*"

A roll call was requested and properly seconded.

The question was taken on the Staten 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.	Begich	Carlson, L.	Elioff	Jacobs
Battaglia	Brandl	Clark	Ellingson	Jaros
Beard	Brown	Cohen	Greenfield	Kahn

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

Those who voted in the negative were:

Backlund	Dimler	Kiffmeyer	Piepho	Thiede
Becklin	Dyke	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
Brinkman	Gutknecht	McPherson	Schafer	Waltman
Burger	Halberg	Miller	Schreiber	Zaffke
Carlson, D.	Hartering	Olsen, S.	Seaberg	Spk. Jennings, D.
Carlson, J.	Hartle	Olson, E.	Shaver	
Clausnitzer	Haukoos	Omann	Sherman	
Dempsey	Himle	Onnen	Stanius	
DenOuden	Johnson	Pauly	Sviggum	

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

H. F. No. 5, A bill for an act relating to state government; requiring state agencies to provide services and materials in languages other than English; regulating the career executive service; specifying executive branch conflicts of interest; permitting the governor to set salaries for certain full- and part-time officials of metropolitan agencies; providing for review of state trooper arbitration awards; regulating approved complements; regulating liquidation of vacation leave; requiring approval of commissioner of administration to grant right-of-way over state-owned land to railroad company; amending Minnesota Statutes 1984, sections 15.62, subdivision 2; 15A.081, subdivision 1, and by adding a subdivision; 16A.123, subdivision 3; 16B.65, subdivision 3; 43A.17, subdivision 8; 43A.21, subdivision 5; 43A.38, subdivision 5; 62D.22, subdivision 7; 222.025, subdivision 1; and 299D.03, subdivision 11; proposing coding for new law in Minnesota Statutes, chapter 15; repealing Minnesota Statutes 1984, section 15A.081, 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.

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

There were 99 yeas and 29 nays as follows:

Those who voted in the affirmative were:

Backlund	Elioff	Kostohryz	Ozment	Skoglund
Battaglia	Ellingson	Krueger	Pappas	Solberg
Beard	Forsythe	Kvam	Pauly	Sparby
Becklin	Frederickson	Levi	Piper	Stanius
Begich	Greenfield	Lieder	Price	Sviggum
Bennett	Gruenes	Long	Quinn	Thorson
Blatz	Gutknecht	Marsh	Redalen	Tjornhom
Boerboom	Halberg	McDonald	Rees	Tomlinson
Boo	Hartinger	McKasy	Rest	Tompkins
Brandl	Hartle	McPherson	Riveness	Tunheim
Brinkman	Haukoos	Metzen	Rodosovich	Valan
Burger	Himle	Minne	Rose	Valento
Carlson, J.	Jacobs	Munger	Scheid	Vanasck
Carlson, L.	Jennings, L.	Murphy	Schoenfeld	Vellenga
Clark	Johnson	Nelson, D.	Schreiber	Voss
Clausnitzer	Kahn	Neuenschwander	Seaberg	Welle
Cohen	Kalis	Norton	Segal	Wenzel
Dempsey	Kelly	Olsen, S.	Shaver	Zaffke
DenOuden	Knickerbocker	Onnen	Sherman	Spk. Jennings, D.
Dyke	Knuth	Otis	Simoneau	

Those who voted in the negative were:

Anderson, G.	Frederick	O'Connor	Poppenhagen	Staten
Bishop	Frerichs	Ogren	Quist	Thiede
Brown	Kiffineyer	Olson, E.	Rice	Uphus
Carlson, D.	McEachern	Omann	Richter	Waltman
Dimler	McLaughlin	Peterson	Sarna	Wynia
Fjoslien	Miller	Piepho	Schafer	

The bill was passed and its title agreed to.

MOTION TO TAKE FROM THE TABLE

Sviggum moved that H. F. No. 6 be taken from the table. The motion prevailed and H. F. No. 6 was taken from the table.

H. F. No. 6 was reported to the House.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Sviggum moved that the rule therein be suspended and an urgency be declared so that H. F. No. 6 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 Sviggum motion and the roll was called.

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

There were 81 yeas and 50 nays as follows :

Those who voted in the affirmative were :

Anderson, R.	Fjoslien	Kostohryz	Pauly	Thiede
Backlund	Forsythe	Krueger	Piepho	Thorson
Becklin	Frederick	Kvam	Poppenhagen	Tjornhom
Bennett	Frederickson	Levi	Price	Tomlinson
Bishop	Frerichs	Lieder	Quist	Tompkins
Blatz	Gruenes	Marsh	Redalen	Uphus
Boerbcorn	Gutknecht	McDonald	Rees	Valan
Boo	Hartle	McKasy	Richter	Valento
Brinkman	Haukoos	McPherson	Schafer	Voss
Burger	Heap	Metzen	Schreiber	Waltman
Carlson, D.	Himle	Miller	Seaberg	Welle
Carlson, J.	Jennings, L.	Neuenschwander	Segal	Zaffke
Clausnitzer	Johnson	Olsen, S.	Shaver	Spk. Jennings, D.
Dempsey	Kalis	Olson, E.	Sherman	
DenOuden	Kelly	Omann	Sparby	
Dimler	Kiffmeyer	Onnen	Stanius	
Dyke	Knickerbocker	Ozment	Sviggum	

Those who voted in the negative were :

Anderson, G.	Ellingson	Minne	Peterson	Schoenfeld
Battaglia	Greenfield	Munger	Piper	Simoneau
Beard	Halberg	Murphy	Quinn	Skoglund
Begich	Jacobs	Nelson, D.	Rest	Solberg
Brandl	Jaros	Norton	Rice	Staten
Brown	Kahn	O'Connor	Riveness	Tunheim
Carlson, L.	Knuth	Ogren	Rodosovich	Vanasek
Clark	Long	Osthoff	Rose	Vellenga
Cohen	McEachern	Oris	Sarna	Wenzel
Elioff	McLaughlin	Pappas	Scheid	Wynia

The motion did not prevail.

Levi moved that H. F. No. 6 be laid on the table. The motion prevailed and H. F. No. 6 was laid on the table.

O'Connor was excused for the remainder of today's session.

MOTION TO TAKE FROM THE TABLE

Schreiber moved that H. F. No. 7 be taken from the table. The motion prevailed and H. F. No. 7 was taken from the table.

H. F. No. 7 was reported to the House.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Schreiber moved that the rule therein be

suspended and an urgency be declared so that H. F. No. 7 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Schreiber moved that the rules of the House be so far suspended that H. F. No. 7 be given its second and third readings and be placed upon its final passage. The motion prevailed.

H. F. No. 7 was read for the second time.

Rest and Tomlinson moved to amend H. F. No. 7, as follows :

Page 2, line 13, delete "and modifying"

Page 2, line 14, delete everything after "local taxes"

Page 2, line 15, delete everything before the semicolon

Page 2, line 18, delete "in"

Page 2, delete line 19

Page 2, line 20, delete "income"

A roll call was requested and properly seconded.

The question was taken on the Rest and Tomlinson amendment and the roll was called.

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

There were 92 yeas and 35 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Elioff	Krueger	Peterson	Solberg
Anderson, R.	Ellingson	Lieder	Piper	Sparby
Backlund	Fjoslien	Long	Price	Stanius
Battaglia	Forsythe	McEachern	Quinn	Staten
Beard	Greenfield	McLaughlin	Redalen	Thorson
Becklin	Gruenes	Metzen	Rest	Tjornhom
Begich	Halberg	Minne	Rice	Tomlinson
Bishop	Hartinger	Munger	Riveness	Tunheim
Blatz	Hartle	Murphy	Rodosovich	Uphus
Boerboom	Heap	Nelson, D.	Rose	Vanasek
Brinkman	Jacobs	Neuenschwander	Sarna	Vellenga
Brown	Jaros	Norton	Scheid	Voss
Burger	Jennings, L.	Ogren	Schoenfeld	Waltman
Carlson, D.	Kahn	Olsen, S.	Schoenberg	Welle
Carlson, L.	Kalis	Olsen, E.	Segal	Wenzel
Clark	Kelly	Omann	Shaver	Wynia
Clausnitzer	Knickerbocker	Osthoff	Sherman	
Cohen	Knuth	Otis	Simoneau	
DenOuden	Kostohryz	Pappas	Skoglund	

Those who voted in the negative were:

Bennett	Frerichs	Marsh	Piepho	Sviggum
Boo	Gutknecht	McDonald	Poppenhagen	Thiede
Dempsey	Haukoos	McKasy	Quist	Tompkins
Dimier	Himle	McPherson	Rees	Valan
Dyke	Kiffmeyer	Miller	Richter	Valento
Frederick	Kvam	Onnen	Schafer	Zaffke
Frederickson	Levi	Pauly	Schreiber	Spk. Jennings, D.

The motion prevailed and the amendment was adopted.

H. F. No. 7, A resolution memorializing the President and Congress to retain the federal income tax deduction for state and local taxes.

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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

MOTION TO TAKE FROM THE TABLE

Blatz moved that H. F. No. 8 be taken from the table. The motion prevailed and H. F. No. 8 was taken from the table.

H. F. No. 8 was reported to the House.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Blatz moved that the rule therein be suspended and an urgency be declared so that H. F. No. 8 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Blatz moved that the rules of the House be so far suspended that H. F. No. 8 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 Blatz motion and the roll was called.

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

There were 113 yeas and 13 nays as follows :

Those who voted in the affirmative were :

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

Those who voted in the negative were:

Brandl	Kahn	Rice	Simoneau	Staten
Clark	Olson, E.	Sarna	Sparby	Wynia
Greenfield	Pappas	Schoenfeld		

The motion prevailed.

H. F. No. 8 was read for the second time.

H. F. No. 8, A bill for an act relating to commerce; authorizing industrial loan and thrifts to sell certain evidences of indebtedness; authorizing the FDIC to act as receiver or liquidator of a closed financial institution and providing a right of subrogation; 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; and providing alternative loan disclosure requirements; providing an inflation adjustment for amounts exempt from creditors; providing penalties; amending Minnesota Statutes 1984, sections 48.151; 49.05, by adding subdivisions; 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, 2, 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 third time 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 110 yeas and 17 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Clark	McEachern	Rice	Simoneau	Tomlinson
Greenfield	Ogren	Sarna	Sparby	Welle
Kahn	Olson, E.	Schoenfeld	Staten	Wynia
Kelly	Pappas			

The bill was passed and its title agreed to.

MOTION TO TAKE FROM THE TABLE

Johnson moved that H. F. No. 9 be taken from the table.

A roll call was requested and properly seconded.

The question was taken on the Johnson motion and the roll was called.

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

There were 97 yeas and 30 nays as follows:

Those who voted in the affirmative were:

Backlund	Carlson, D.	Ellingson	Halberg	Jennings, L.
Battaglia	Carlson, J.	Forsythe	Hartinger	Johnson
Becklin	Carlson, L.	Frederick	Hartle	Kahn
Bennett	Clark	Frederickson	Haukoos	Kelly
Boerboom	Clausnitzer	Frerichs	Heap	Kiffmeyer
Boo	Cohen	Greenfield	Himle	Knickerbocker
Brandl	Dyke	Gruenes	Jacobs	Knuth
Burger	Elioff	Gutknecht	Jaros	Kostohryz

Levi	Murphy	Quinn	Shaver	Valento
Lieder	Nelson, D.	Quist	Sherman	Vanasek
Long	Neuenschwander	Rees	Simoneau	Vellenga
Marsh	Norton	Rest	Skoglund	Voss
McDonald	Olsen, S.	Rice	Solberg	Waltman
McEachern	Osthoff	Riveness	Stanius	Welle
McKasy	Otis	Rose	Sviggun	Wynia
McLaughlin	Pauly	Sarna	Thorson	Zaffke
McPherson	Peterson	Scheid	Tjornhom	Spk. Jennings, D.
Metzen	Piepho	Schreiber	Tomlinson	
Minne	Poppenhagen	Seaberg	Tompkins	
Munger	Price	Segal	Valan	

Those who voted in the negative were:

Anderson, G.	Brown	Krueger	Ozment	Sparby
Anderson, R.	Dempsey	Kvam	Piper	Staten
Beard	DenOuden	Miller	Redalen	Thiede
Begich	Dimler	Ogren	Richter	Tunheim
Bishop	Fjoslien	Olson, E.	Schafer	Uphus
Brinkman	Kalis	Omann	Schoenfeld	Wenzel

The motion prevailed and H. F. No. 9 was taken from the table.

H. F. No. 9 was reported to the House.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Johnson moved that the rule therein be suspended and an urgency be declared so that H. F. No. 9 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 Johnson motion and the roll was called.

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

There were 92 yeas and 37 nays as follows:

Those who voted in the affirmative were:

Backlund	Clark	Gutknecht	Kiffmeyer	Minne
Batiaglia	Clausnitzer	Halberg	Knickerbocker	Munger
Becklin	Cohen	Hartinger	Knuth	Murphy
Bennett	Dempsey	Hartle	Kostohryz	Nelson, D.
Bishop	Elioff	Haukoos	Levi	Neuenschwander
Blatz	Ellingson	Heap	Lieder	Norton
Boerboom	Forsythe	Himle	Long	Olsen, S.
Boo	Frederick	Jacobs	Marsh	Osthoff
Brandl	Frederickson	Jaros	McDonald	Otis
Burger	Frerichs	Johnson	McKasy	Pappas
Carlson, J.	Greenfield	Kahn	McLaughlin	Pauly
Carlson, L.	Gruenes	Kelly	Metzen	Piepho

Poppenhagen	Rose	Sherman	Tjornhom	Vellenga
Price	Sarna	Simoneau	Tomlinson	Voss
Quist	Scheid	Stanius	Tompkins	Waltman
Rees	Schreiber	Staten	Valan	Welle
Rest	Seaberg	Svigum	Valento	Zaffke
Rice	Segal	Thorson	Vanasek	Spk. Jennings, D.
Riveness	Shaver			

Those who voted in the negative were:

Anderson, G.	Dyke	Miller	Quinn	Sparby
Anderson, R.	Fjoslien	Ogren	Redalen	Thiede
Beard	Jennings, L.	Olson, E.	Richter	Tunheim
Begich	Kalis	Omann	Rodosovich	Uphus
Brinkman	Krueger	Onnen	Schafer	Wenzel
Brown	Kvam	Ozment	Schoenfeld	
DenOuden	McEachern	Peterson	Skoglund	
Dimler	McPherson	Piper	Solberg	

The motion prevailed.

Johnson moved that the rules of the House be so far suspended that H. F. No. 9 be given its second and third readings and be placed upon its final passage. The motion prevailed.

H. F. No. 9 was read for the second time.

H. F. No. 9, A bill for an act relating to water; providing for comprehensive local water management; authorizing counties to develop and implement county water and related land resources plans; providing additional authorities to counties; providing additional duties of the water resources board; proposing coding for new law as Minnesota Statutes, chapter 110B.

The bill was read for the third time 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 91 yeas and 40 nays as follows:

Those who voted in the affirmative were:

Backlund	Carlson, J.	Frerichs	Himle	Kostohryz
Battaglia	Carlson, L.	Greenfield	Jacobs	Levi
Becklin	Clark	Gruenes	Jaros	Lieder
Bennett	Cohen	Gutknecht	Johnson	Long
Bishop	Elioff	Halberg	Kahn	Marsh
Blatz	Ellingson	Hartinger	Kelly	McDonald
Boerboom	Forsythe	Hartle	Kiffmeyer	McEachern
Brandl	Frederick	Haukoos	Knickerbocker	McKasy
Burger	Frederickson	Heap	Knuth	McLaughlin

Metzen	Pappas	Riveness	Simoneau	Vellenga
Minne	Pauly	Rose	Skoglund	Voss
Munger	Piepho	Sarna	Stanius	Welle
Murphy	Piper	Schafer	Thorson	Wynia
Nelson, D.	Poppenhagen	Scheid	Tjornhom	Zaffke
Neuenschwander	Price	Schreiber	Tomlinson	Spk. Jennings, D.
Norton	Quist	Seaberg	Tompkins	
Olsen, S.	Rees	Segal	Valan	
Osthoff	Rest	Shaver	Valento	
Otis	Rice	Sherman	Vanasek	

Those who voted in the negative were:

Anderson, G.	Clausnitzer	Krueger	Ozment	Sparby
Anderson, R.	Dempsey	Kvam	Peterson	Staten
Beard	DenOuden	McPherson	Quinn	Sviggum
Begich	Dimler	Miller	Redalen	Thiede
Boo	Dyke	Ogren	Richter	Tunheim
Brinkman	Fjoslien	Olson, E.	Rodosovich	Uphus
Brown	Jennings, L.	Omann	Schoenfeld	Waltman
Carlson, D.	Kalis	Onnen	Solberg	Wenzel

The bill was passed and its title agreed to.

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. 10.

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. 8.

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. 13.

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. 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 10, 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. There being no objection, S. F. No. 10 was laid on the table.

S. F. No. 8, A bill for an act relating to public safety; providing and enhancing penalties upon conviction of certain hit and run violations; subjecting rules relating to drunk driving to certain provisions of the administrative procedure act; providing for the application of certain traffic regulations; eliminating redundant and surplus language; providing for access to drivers license photographic negatives; providing for crime victim services and reparations; creating a crime victim ombudsman and advisory council; amending Minnesota Statutes 1984, sections 14.02, subdivision 4; 169.02, subdivision 1; 169.09, subdivision 14; 169.121, subdivision 1; 169.123, subdivision 2; 169.128; 169.129; 171.07, subdivision 1a; 611A.52; 611A.53, subdivision 2; 611A.54; 611A.55, subdivisions 1 and 2; and 611A.56, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 611A.

The bill was read for the first time. There being no objection, S. F. No. 8 was laid on the table.

S. F. No. 13, 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. There being no objection, S. F. No. 13 was laid on the table.

S. F. No. 4, A bill for an act relating to human services; creating a procedure for reconsideration of a resident's case mix classification; establishing approval procedures and requirements for hospital swing beds; restricting licensure of new nursing home beds; expanding the preadmission screening program; revising statutes relating to nursing home reimbursement; requiring nursing homes participating in the medical assistance program to be medicare certified; creating an appeal process for nursing home appraisals; authorizing the legislative commission on long-term health care to study cost containment strategies and collect data; authorizing bingo in nursing homes and senior citizen housing projects; requiring review by the commissioners of human services and health of proposals for revenue bond financing of health facility projects; appropriating money; amending Minnesota Statutes 1984, sections 144.50, subdivision 2; 144A.01, subdivisions 5, 7, and by adding a subdivision; 144A.04, subdivisions 4 and 6; 144A.071, subdivisions 1, 2, and 3; 144A.08, subdivision 3; 144A.10, subdivision 4, and by adding subdivisions; 144A.11, subdivisions 2 and 3a; 256B.02, subdivision 8; 256B.091, subdivisions 1, 2, 4, 5, and 8; 256B.421, subdivision 5; 256B.431, subdivisions 2b, 3, and 4, and by adding subdivisions; 256B.48, by adding a subdivision; 256B.50; 256B.504, subdivision 1; 349.214, by adding a subdivision; and 474.01, subdivisions 7a and 9; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time. There being no objection, S. F. No. 4 was laid on the table.

MOTION TO TAKE FROM THE TABLE

Heap moved that S. F. No. 10 be taken from the table. The motion prevailed and S. F. No. 10 was taken from the table.

S. F. No. 10 was reported to the House.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Heap moved that the rule therein be suspended and an urgency be declared so that S. F. No. 10 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Heap moved that the rules of the House be so far suspended that S. F. No. 10 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 10 was read for the second time.

S. F. No. 10, 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 third time 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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

MOTION TO TAKE FROM THE TABLE

Hartinger moved that S. F. No. 8 be taken from the table. The motion prevailed and S. F. No. 8 was taken from the table.

The Speaker called Halberg to the Chair.

S. F. No. 8 was reported to the House.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Hartinger moved that the rule therein be suspended and an urgency be declared so that S. F. No. 8 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Hartinger moved that the rules of the House be so far suspended that S. F. No. 8 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 8 was read for the second time.

S. F. No. 8, A bill for an act relating to public safety; providing and enhancing penalties upon conviction of certain hit and run violations; subjecting rules relating to drunk driving to certain provisions of the administrative procedure act; providing for the application of certain traffic regulations; eliminating redundant and surplus language; providing for access to drivers license photographic negatives; providing for crime victim services and reparations; creating a crime victim ombudsman and advisory council; amending Minnesota Statutes 1984, sections 14.02, subdivision 4; 169.02, subdivision 1; 169.09, subdivision 14; 169.121, subdivision 1; 169.123, subdivision 2; 169.128; 169.-129; 171.07, subdivision 1a; 611A.52; 611A.53, subdivision 2; 611A.54; 611A.55, subdivisions 1 and 2; and 611A.56, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 611A.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

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

There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Blatz	Carlson, L.	Elioff	Gutknecht
Backlund	Boerboom	Clark	Ellingson	Halberg
Battaglia	Boo	Clausnitzer	Fjoslien	Hartinger
Beard	Brinkman	Cohen	Forsythe	Hartle
Becklin	Brown	Dempsy	Frederick	Haukoos
Begich	Burger	DenOuden	Frederickson	Heap
Bennett	Carlson, D.	Dimler	Greenfield	Himle
Bishop	Carlson, J.	Dyke	Gruenes	Jacobs

Jaros	McKasy	Otis	Rose	Thorson
Jennings, L.	McLaughlin	Ozment	Sarna	Tjornhom
Johnson	McPherson	Pappas	Schafer	Tomlinson
Kahn	Metzen	Pauly	Scheid	Tompkins
Kalis	Miller	Peterson	Schoenfeld	Tunheim
Kelly	Minne	Piepho	Schreiber	Uphus
Kiffmeyer	Munger	Piper	Seaberg	Valan
Knickerbocker	Murphy	Poppenhagen	Segal	Valento
Knuth	Nelson, D.	Price	Shaver	Vanasek
Kostohryz	Nelson, K.	Quinn	Sherman	Vellenga
Krueger	Neuenschwander	Quist	Simoneau	Voss
Kvam	Norton	Redalen	Skoglund	Waltman
Levi	Ogren	Rees	Solberg	Welie
Lieder	Olsen, S.	Rest	Sparby	Wenzel
Long	Olson, E.	Rice	Stanius	Wynia
Marsh	Omann	Richter	Staten	Spk. Jennings, D.
McDonald	Onnen	Riveness	Sviggum	
McEachern	Osthoff	Rodosovich	Thiede	

The bill was passed and its title agreed to.

MOTION TO TAKE FROM THE TABLE

Rose moved that S. F. No. 13 be taken from the table. The motion prevailed and S. F. No. 13 was taken from the table.

S. F. No. 13 was reported to the House.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Rose moved that the rule therein be suspended and an urgency be declared so that S. F. No. 13 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Rose moved that the rules of the House be so far suspended that S. F. No. 13 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 13 was read for the second time.

S. F. No. 13, 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 third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

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

There were 124 yeas and 1 nay as follows :

Those who voted in the affirmative were :

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

Those who voted in the negative were :

Brandl

The bill was passed and its title agreed to.

The Speaker resumed the Chair.

MOTION TO TAKE FROM THE TABLE

Onnen moved that S. F. No. 4 be taken from the table. The motion prevailed and S. F. No. 4 was taken from the table.

S. F. No. 4 was reported to the House.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Onnen moved that the rule therein be suspended and an urgency be declared so that S. F. No. 4 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Onnen moved that the rules of the House be so far suspended that S. F. No. 4 be given its second and third readings and be placed upon its final passage. The motion prevailed.

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

S. F. No. 4, A bill for an act relating to human services; creating a procedure for reconsideration of a resident's case mix classification; establishing approval procedures and requirements for hospital swing beds; restricting licensure of new nursing home beds; expanding the preadmission screening program; revising statutes relating to nursing home reimbursement; requiring nursing homes participating in the medical assistance program to be medicare certified; creating an appeal process for nursing home appraisals; authorizing the legislative commission on long-term health care to study cost containment strategies and collect data; authorizing bingo in nursing homes and senior citizen housing projects; requiring review by the commissioners of human services and health of proposals for revenue bond financing of health facility projects; appropriating money; amending Minnesota Statutes 1984, sections 144.50, subdivision 2; 144A.01, subdivisions 5, 7, and by adding a subdivision; 144A.04, subdivisions 4 and 6; 144A.071, subdivisions 1, 2, and 3; 144A.08, subdivision 3; 144A.10, subdivision 4, and by adding subdivisions; 144A.11, subdivisions 2 and 3a; 256B.02, subdivision 8; 256B.091, subdivisions 1, 2, 4, 5, and 8; 256B.421, subdivision 5; 256B.431, subdivisions 2b, 3, and 4, and by adding subdivisions; 256B.48, by adding a subdivision; 256B.50; 256B.504, subdivision 1; 349.214, by adding a subdivision; and 474.01, subdivisions 7a and 9; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

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

There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Blatz	Carlson, L.	Ellingson	Hartinger
Anderson, R.	Boerboom	Clark	Fjoslien	Hartle
Backlund	Boo	Clausnitzer	Forsythe	Haukoos
Battaglia	Brandl	Cohen	Frederick	Himle
Bead	Brinkman	Dempsey	Frederickson	Jacobs
Becklin	Brown	DonOuden	Frerichs	Jaros
Begich	Burger	Dimler	Greenfield	Jennings, L.
Bennett	Carlson, D.	Dyke	Gruenes	Johnson
Bishop	Carlson, J.	Elioff	Halberg	Kahn

Kalis	Miller	Pauly	Scheid	Tomlinson
Kelly	Minne	Peterson	Schoenfeld	Tompkins
Kiffmeyer	Munger	Piepho	Schreiber	Tunheim
Knickerbocker	Murphy	Piper	Seaberg	Uphus
Knuth	Nelson, D.	Poppenhagen	Segal	Valan
Kostohryz	Nelson, K.	Price	Shaver	Valento
Krueger	Neuenschwander	Quinn	Sherman	Vanasek
Levi	Norton	Quist	Simoneau	Vellenga
Lieder	Ogren	Redalen	Skoglund	Voss
Long	Olsen, S.	Rees	Solberg	Waltman
Marsh	Olson, E.	Rest	Sparby	Welle
McDonald	Omann	Rice	Stanius	Wenzel
McEachern	Onnen	Riveness	Staten	Wynia
McKasy	Osthoff	Rodosovich	Svigum	Zaffke
McLaughlin	Otis	Rose	Thiede	Spk. Jennings, D.
McPherson	Ozment	Sarna	Thorson	
Metzen	Pappas	Schafer	Tjornhom	

The bill was passed and its title agreed to.

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 2, 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; 176.021, subdivision 7; 352.01, subdivision 11; 352.029; 352.22, subdivision 3; 352.95, subdivision 1; 352B.10; 352E.01, subdivision 2; 352E.04; 353.01, subdivision 16; 353.27, subdivision 12; 353.271, subdivision 2; 353.656, subdivision 1; 353.657, subdivision 2a; 354.44, subdivisions 5 and 6; 354.48, subdivisions 3, 6, and 7; 354.49, subdivision 2; 354.55, subdivision 11; 354.62, subdivision 2; 354A.35, subdivision 1; 356.20, subdivision 4; 356.215, subdivision 4; 356.216; 356.70; and Laws 1984, chapter 501, section 1; proposing coding for new law in Minnesota Statutes, chapter 352D; repealing Minnesota Statutes 1984, sections 352.113, subdivision 5; and 354.621.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 5, A bill for an act relating to state government; requiring state agencies to provide services and materials in languages other than English; regulating the career executive service; specifying executive branch conflicts of interest; permitting the governor to set salaries for certain full- and part-time officials of metropolitan agencies; providing for review of state trooper arbitration awards; regulating approved complements; regulating liquidation of vacation leave; requiring approval of commissioner of administration to grant right-of-way over state-owned land to railroad company; amending Minnesota Statutes 1984, sections 15.62, subdivision 2; 15A.081, subdivision 1, and by adding a subdivision; 16A.123, subdivision 3; 16B.65, subdivision 3; 43A.17, subdivision 8; 43A.21, subdivision 5; 43A.38, subdivision 5; 62D.22, subdivision 7; 222.025, subdivision 1; and 299D.03, subdivision 11; proposing coding for new law in Minnesota Statutes, chapter 15; repealing Minnesota Statutes 1984, section 15A.081, subdivision 7.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 8, A bill for an act relating to commerce; authorizing industrial loan and thrifts to sell certain evidences of indebtedness; authorizing the FDIC to act as receiver or liquidator of a closed financial institution and providing a right of subrogation; 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; and providing alternative loan disclosure requirements; providing an inflation adjustment for amounts exempt from creditors; providing penalties; amending Minnesota Statutes 1984, sections 48.151; 49.05, by adding subdivisions; 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, 2, 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 9, A bill for an act relating to water; providing for comprehensive local water management; authorizing counties to develop and implement county water and related land resources plans; providing additional authorities to counties; providing additional duties of the water resources board; proposing coding for new law as Minnesota Statutes, chapter 110B.

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. 17.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 17, A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes to the department of education, higher education coordinating board, state board of vocational technical education, state board for community colleges, state university board, University of Minnesota, and the Mayo medical foundation, with certain conditions; authorizing certain boards to establish certain salaries; providing for staff assistance, Indian scholarships and school district grants, tuition determination, average cost of instruction, authority to carry over appropriations, computer sales, financial aid, credit transferability, payroll deductions, surveys, studies, reports, notices, planning, policy development, mission statements, task forces, private proprietary schools, state university parking, annual appropriations, aid payments, review of vocational capital improvements, veterans' vocational program exemptions, vocational budgets and programs, endowed chairs, emergency rules, and pilot programs; amending Minnesota Statutes 1984, sections 15A.081, subdivision 1, and by add-

ing a subdivision; 121.02, by adding a subdivision; 124.48, by adding a subdivision; 135A.01; 135A.03; 135A.04; 135A.05; 135A.06; 136.031; 136.24; 136.67, subdivision 5; 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; 136A.15, subdivision 7; 136A.162; 136A.233, subdivision 2; 136C.04, subdivisions 4a, 15, and by adding a subdivision; 136C.07, by adding a subdivision; 136C.08, subdivision 2; 136C.13, subdivision 3, and by adding a subdivision; 136C.26, subdivisions 1, 4, and 5; 136C.-28, subdivision 2; 136C.29, subdivision 5; 136C.33, subdivision 1; 136C.34; 136C.36; 137.022; 141.23; 141.25, subdivisions 8, 9, 10, and by adding a subdivision; 141.26, subdivisions 2 and 5; 141.28, subdivision 4; 141.32; proposing coding for new law in Minnesota Statutes, chapters 124; 135A; 136; and 136A; repealing Minnesota Statutes 1984, sections 135A.07; 136A.121, subdivisions 8 and 14; 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.

The bill was read for the first time. There being no objection, S. F. No. 17 was laid on the table.

There being no objection the order of business reverted to Introduction and First Reading of House Bills.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Bishop introduced:

H. F. No. 11, A bill for an act relating to statutes; conforming various laws to judicial decisions of unconstitutionality and suggestions for clarity; correcting various legislative enactments; amending Minnesota Statutes 1984, sections 3.736, subdivision 3; 60A.11, subdivision 21; 65B.44, subdivision 6; 152.19, subdivision 5, as amended; 160.25, subdivision 3, as amended; 164.06, as amended; 181.13; 290.01, subdivision 20f; 290.091; 365.37, as amended; 429.061, subdivision 1; 444.075, subdivisions 1, as amended, and 1a, as added; 609.531, subdivision 6, as amended; and 631.09; Laws 1979, chapter 280, section 2, subdivision 2, as amended; Laws 1985, chapters 37, section 2; 152, section 1, subdivision 1; 172, sections 74, subdivisions 4, 5, and 7; 80, by adding a subdivision; 217, section 7; 225, section 1, subdivision 2; 259, sections 6 and 8; 261, sections 31 and 38; and 305, article 12, section 5; House File No. 3, article 11, section 23, subdivision 2, of the first special session; repealing Laws 1985, chapters 102, section 2; and 248, section 85.

The bill was read for the first time. There being no objection, H. F. No. 11 was laid on the table.

Shaver, Rose, Osthoff, Fjoslien and Kiffmeyer introduced:

H. F. No. 12, A bill for an act relating to charitable gambling; exempting certain organizations from regulation and tax; amending Minnesota Statutes 1984, sections 297A.25, by adding a subdivision; and 349.214, subdivision 2.

The bill was read for the first time. There being no objection, H. F. No. 12 was laid on the table.

Hartinger, Hartle, Wenzel, Zaffke and Poppenhagen introduced:

H. F. No. 13, A bill for an act relating to higher education; status of certain institutions for scholarship and grant-in-aid purposes.

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

MOTIONS AND RESOLUTIONS

Segal introduced:

House Resolution No. 1, A house resolution congratulating Keith Dawson of Saint Louis Park on 27 years of effective and dedicated assistance to youth in Saint Louis Park schools.

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

Sparby, Lieder, Brown and Olson, E., introduced:

House Resolution No. 2, A house resolution congratulating the Rural Electric Cooperative Association on 50 years of service to rural Minnesotans.

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

Segal introduced:

House Resolution No. 3, A house resolution commemorating Memorial Day 1985.

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

Anderson, G., introduced :

House Resolution No. 4, A house resolution wishing Theodor S. Slen a happy 100th birthday.

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

PROTEST AND DISSENT

Pursuant to Article IV, Section 11, of the Minnesota Constitution, we the undersigned members of the Minnesota House of Representatives, do hereby protest and dissent the actions of Majority Leader Connie Levi and members of the Independent-Republican House Caucus for preventing open government on the floor of the Minnesota House of Representatives. By refusing to allow consideration of a motion to enable members to have available and read proposed legislation before it is voted upon, they are denying members the opportunity to make informed decisions on matters of critical importance to the people of Minnesota.

The actions of the IR majority represent an irresponsible return to the closed door politics of the past. Since adjournment of the 1985 regular legislative session, decisions on key bills have been made in private closed-door meetings—out of view of not only the minority but of the public and the press.

Public perception—confirmed by Republican action this date—is that government is in the hands of back-door manipulators. A cloud of suspicion hangs over this body, undermining public confidence in the integrity of our members and the institutions of our democratic government.

The minority of this body asks that each member receive a copy of a bill in sufficient time to read it before voting on that bill. Responsible government demands no less. The Republican majority said “NO.”

Minnesota *had* a reputation of clean, open government. Republican insistence on conducting government under the shroud of secrecy and without full participation by the public or those elected to serve is anathema to the citizens of Minnesota.

Signatures :

Robert Vanasek
Richard A. Krueger
Phyllis Kahn
Fred Norton
Sandra L. Pappas

Wayne Simoneau
Alan Welle
Bob Neuenschwander
Randy C. Kelly
John Tomlinson

Randy Staten
Gloria Segal
Lee Greenfield
Wes Skoglund
Wally Sparby
John E. Brandl
Kathleen Vellenga
Peter S. Rodosovich
Gordon O. Voss
Phillip J. Riveness
Darby Nelson
Todd Otis
Linda Scheid
Karen Clark
Lyndon R. Carlson
James P. Metzen
Edgar Olson
Ann Wynia
Robert Ellingson
Richard Cohen
Dee Long
Mary Murphy

Charles Brown
Joe Begich
Jim Rice
Jerome Peterson
Patrick W. Beard
Rich O'Connor
John Sarna
Paul A. Ogren
Bob McEachern
Loren Jennings
Joe Quinn
Bernie Lieder
Ann H. Rest
Jim Tunheim
Len Price
Dan Knuth
Pat Piper
Dick Kostohryz
Willard Munger
Peter McLaughlin
Jerry Schoenfeld
Glen H. Anderson

ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 11:00 a.m., Thursday, June 20, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:00 a.m., Thursday, June 20, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA
SPECIAL SESSION - 1985

SECOND DAY

SAINT PAUL, MINNESOTA, THURSDAY, JUNE 20, 1985

The House of Representatives convened at 11:00 a.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	Kvam	Ozment	Simoneau
Anderson, R.	Fjoslien	Levi	Pappas	Skoglund
Backlund	Forsythe	Lieder	Pauly	Solberg
Battaglia	Frederick	Long	Peterson	Sparby
Beard	Frederickson	Marsh	Piepho	Stanius
Becklin	Frerichs	McDonald	Piper	Staten
Begich	Greenfield	McEachern	Poppenhagen	Sviggum
Bennett	Gruenes	McKasy	Price	Thiede
Bishop	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	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	
Elioff	Krueger	Otis	Sherman	

A quorum was present.

Erickson was excused.

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.

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, R.	Dyke	Kostohryz	Onnen	Simoneau
Backlund	Ellingson	Krueger	Ozment	Solberg
Beard	Fjoslien	Kvam	Pauly	Sparby
Becklin	Forsythe	Levi	Peterson	Stanius
Begich	Frederick	Lieder	Piper	Staten
Bennett	Frederickson	Long	Poppenhagen	Sviggum
Bishop	Frerichs	Marsh	Quinn	Thiede
Blatz	Greenfield	McDonald	Quist	Thorson
Boerboom	Gruenes	McEachern	Redalen	Tjornhom
Boo	Halberg	McKasy	Rees	Tompkins
Brinkman	Hartinger	McPherson	Rice	Tunheim
Brown	Hartie	Metzen	Richter	Uphus
Burger	Haukoos	Minne	Rodosovich	Valan
Carlson, D.	Jacobs	Murphy	Rose	Waltman
Carlson, J.	Jaros	Nelson, K.	Sarna	Wenzel
Carlson, L.	Johnson	Neuenschwander	Schreiber	Spk. Jennings, D.
Clausnitzer	Kalis	O'Connor	Seaberg	
Cohen	Kiffmeyer	Ogren	Segal	
Dempsey	Knickerbocker	Olsen, S.	Shaver	
Dimler	Knuth	Omann	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.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Dyke and Frederick introduced:

H. F. No. 14, A bill for an act relating to health; limiting recovery on medical malpractice claims; creating a patient's compensation fund; creating a residual malpractice insurance authority; establishing medical review panels; proposing coding for new law as Minnesota Statutes, chapter 147A.

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

MOTION TO TAKE FROM THE TABLE

Sviggum moved that H. F. No. 6 be taken from the table and be given its second reading. The motion prevailed and H. F. No. 6 was taken from the table.

H. F. No. 6 was reported to the House.

H. F. No. 6 was read for the second time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Sviggum moved that the rule therein be suspended and an urgency be declared so that H. F. No. 6 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 Sviggum motion and the roll was called.

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

There were 82 yeas and 43 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dyke	Kvam	Piepho	Sviggum
Backlund	Fjoslien	Levi	Popenhagen	Thiede
Becklin	Forsythe	Lieder	Price	Thorson
Bennett	Frederick	Marsh	Quist	Tjornhom
Bishop	Frederickson	McDonald	Redalen	Tomlinson
Blatz	Frerichs	McEachern	Rees	Tompkins
Boerboom	Gruenes	McKasy	Richter	Uphus
Boo	Gutknecht	McPherson	Rodosovich	Valan
Brinkman	Hartle	Metzen	Schafer	Valento
Brown	Haukoos	Miller	Schreiber	Voss
Burger	Heap	Neuenschwander	Seaberg	Waltman
Carlson, D.	Johnson	Olsen, S.	Segal	Welle
Carlson, J.	Kelly	Olsen, E.	Shaver	Zaffke
Clausnitzer	Kiffmeyer	Omann	Sherman	Spk. Jennings, D.
Dempsey	Knickerbocker	Onnen	Solberg	
DenOuden	Kostohryz	Ozment	Sparby	
Dimler	Krueger	Pauly	Stanius	

Those who voted in the negative were:

Battaglia	Halberg	Murphy	Piper	Simoneau
Beard	Jacobs	Nelson, D.	Quinn	Skoglund
Begich	Jaros	Nelson, K.	Rest	Staten
Carlson, L.	Kahn	Norton	Rice	Vanasek
Clark	Knuth	O'Connor	Riveness	Vellenga
Cohen	Long	Osthoff	Rose	Wenzel
Elioff	McLaughlin	Otis	Sarna	Wynia
Ellingson	Minne	Pappas	Scheid	
Greenfield	Munger	Peterson	Schoenfeld	

The motion did not prevail.

Sviggum moved that H. F. No. 6 be laid on the table. The motion prevailed and H. F. No. 6 was laid on the table.

Kahn was excused between the hours of 11:20 a.m. and 1:30 p.m.

MOTION TO TAKE FROM THE TABLE

Olsen, S., moved that H. F. No. 3 be taken from the table and be given its second reading. The motion prevailed and H. F. No. 3 was taken from the table.

H. F. No. 3 was reported to the House.

H. F. No. 3 was read for the second time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Olsen, S., moved that the rule therein be suspended and an urgency be declared so that H. F. No. 3 be given its third reading and be placed upon its final passage. The motion prevailed.

Olsen, S., moved that the rules of the House be so far suspended that H. F. No. 3 be given its third reading and be placed upon its final passage. The motion prevailed.

The Speaker called Halberg to the Chair.

H. F. No. 3, A bill for an act relating to education; providing for aids to education, aids to libraries, state payments for teacher retirement contributions, and the distribution of tax revenues; granting certain powers and duties to school boards, school districts, the state board of education, the state board of teaching, and the higher education coordinating board; modifying certain components of foundation aid; modifying the basic maintenance mill rate; modifying computation of pupil units; repealing revenue equity; modifying the computation of transportation aid, special education aid, secondary vocational aid, and other aids; establishing the Minnesota school of the arts and resource center; providing for measurement of pupil progress; establishing mastery learning pilot projects; requiring the state board of teaching to field test plans for assessment of new teachers; appropriating money; amending Minnesota Statutes 1984, sections 5.35; 116J.37, subdivision 1; 120.03, subdivision 1; 120.06, subdivision 1; 120.10, subdivision 1; 120.11; 120.15; 120.17, subdivisions 1, 2, 3, 3a, and by adding subdivisions; 121.151; 121.608; 121.609; 121.88; 121.882; 121.904, subdivision 4a; 121.912, subdivision 1; 121.931, subdivision 7; 121.936, sub-

divisions 1 and 2; 122.531, subdivisions 5 and 6; 122.541, by adding a subdivision; 122.86, subdivision 1; 123.36, subdivision 1; 123.39, by adding a subdivision; 123.58, by adding a subdivision; 123.702, subdivision 1; 123.705, subdivision 1; 123.741, subdivisions 6 and 7; 123.742, subdivisions 1, 3, 4, 5, and by adding subdivisions; 123.7431; 123.935, by adding a subdivision; 124.09; 124.10; 124.14, subdivision 4, and by adding a subdivision; 124.17, subdivision 1, and by adding a subdivision; 124.19, subdivisions 1 and 5; 124.195, subdivisions 7, 8, 9, 10, and 11; 124.2138, subdivision 2; 124.223; 124.225, subdivisions 1, 3, 4b, 7a, 7b, 8a, 8b, and 10; 124.245; 124.246, subdivision 2; 124.247, subdivision 3; 124.26, subdivision 1; 124.271, subdivision 2b, and by adding a subdivision; 124.2711; 124.272, subdivision 3; 124.273, subdivision 1b; 124.32, subdivisions 1b, 1d, 2, 5, 7, 10, and by adding a subdivision; 124.573, subdivisions 2 and 3a; 124.574, subdivision 2b; 124.646, subdivision 1; 124.76, subdivision 2; 124A.01; 124A.02, subdivisions 7, 8, 9, 16, and by adding a subdivision; 124A.03, subdivisions 3, 4, and by adding a subdivision; 124A.033, subdivisions 2, 3, and 5; 124A.037; 124A.06, subdivisions 1, 3a, and by adding subdivisions; 124A.08, subdivision 3a; 124A.10, subdivision 3a; 124A.12, subdivision 3a; 124A.14, subdivisions 3 and 5a; 124A.16, subdivision 4; 125.03, by adding a subdivision; 125.05, subdivision 1, and by adding a subdivision; 125.12, by adding a subdivision; 125.182, subdivision 1; 125.185, subdivision 4; 125.60, subdivisions 3 and 7; 126.64, subdivision 2; 129B.02, by adding a subdivision; 129B.04, by adding a subdivision; 129B.17; 129B.20; 129B.21; 129B.35; 129B.36, subdivisions 1, 4, and 5; 129B.37, subdivision 1; 129B.38; 129B.39; 129B.40; 134.35; 134.351, subdivision 1; 275.125, subdivisions 5, 5b, 5d, 8, 8a, 8b, 11a, 11b, 11c, and by adding a subdivision; 298.28, subdivision 1; 354.092; 354.094, subdivision 1; 354.43, subdivision 3; 354.51, subdivision 5; 354.53, subdivision 1; 354.66, subdivisions 3 and 4; 354A.092; 354A.093; 354A.094, subdivisions 2 and 4; 354A.12, subdivision 2; 355.208; 355.209; 355.287; 355.288; and 355.46, subdivision 3; amending Laws 1973, chapter 683, section 26, as amended, and section 26, subdivision 17, as amended; Laws 1983, chapter 314, article 8, section 11; and Laws 1985, chapter 280, section 4; proposing coding for new law in Minnesota Statutes, chapters 120; 121; 123; 124; 124A; 126; 129B; 129C; 136A; and 471; repealing Minnesota Statutes 1984, sections 120.03, subdivisions 2, 3, and 4; 120.17, subdivision 1a; 120.172, subdivision 3; 120.68; 121.11, subdivision 7a; 121.601; 122.531, subdivision 3a; 122.84; 122.85; 122.89; 123.705, subdivision 2; 123.742, subdivision 2; 123.80, subdivisions 2 and 3; 124.201, subdivisions 3, 4, and 5; 124.2138, subdivision 2; 124.225, subdivisions 4a, 8c, 8d, 8e, 8f, 8g, and 8h; 124.247, subdivision 6; 124.271, subdivisions 2, 2a, and 2c; 124.32, subdivision 9a; 124A.02, subdivisions 4a, 17, and 18; 124A.03, subdivision 5; 124A.035, subdivision 6; 124A.037; 125.05, subdivision 5; 125.611, subdivisions 3, 4, 5, 6, and 7; 126.64, subdivision 1; 129B.03; 129B.10; 129B.18; 129B.19; 129B.33, subdivisions 2, 3, 4, and 6; 129B.34; 129B.36, subdivisions 2 and 3; 275.125,

subdivision 2j; 354.43, subdivisions 1, 4, and 5; 354A.12, subdivision 3; 355.46, subdivisions 1, 2, and 5; and 355.47; repealing Laws 1984, chapter 463, article 9, section 9.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

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

There were 122 yeas and 9 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Jaros	Murphy	O'Connor	Tomlinson	Wynia
Kelly	Norton	Pappas	Vellenga	

The bill was passed and its title agreed to.

MOTION TO TAKE FROM THE TABLE

Forsythe moved that H. F. No. 1 be taken from the table and be given its second reading. The motion prevailed and H. F. No. 1 was taken from the table.

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

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

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Forsythe moved that the rule therein be suspended and an urgency be declared so that H. F. No. 1 be given its third reading and be placed upon its final passage. The motion prevailed.

Forsythe moved that the rules of the House be so far suspended that H. F. No. 1 be given its third reading and be placed upon its final passage. The motion prevailed.

The Speaker resumed the Chair.

Carlson, L.; Otis and Nelson, K., moved to amend H. F. No. 1, as follows:

Page 22, line 23, after "projects" insert: "This appropriation includes \$30,000 for repair of the air handling system, purchase of a vented incubator, a toxicant gas confinement system and related safety equipment for the environmental pathology laboratory."

The motion prevailed and the amendment was adopted.

Fjoslien, Krueger, Solberg and Stanius moved to amend H. F. No. 1, as amended, as follows:

Page 7, after line 12, insert:

"(3) Spruce Center Dam 90,000

This appropriation is added to the appropriation for the same project in Laws 1981, Chapter 361, section 3, subdivision 5."

Correct the paragraph, subdivision and section totals

Page 10, after line 40, insert:

"Subd. 4. Park and Trail Development 225,000

This appropriation is to the commissioner of energy and economic development for payment of a grant to the city of White Bear Lake."

Correct the section total

Page 19, after line 3, insert :

“Subd. 2. Itasca Community College 108,000”

Prepare working drawings for a library, college center, classroom buildings, and physical education building addition.”

Renumber the subdivisions in sequence

Correct the section total

Page 26, line 6, delete “154,442,000” and insert “154,865,000”

Correct the summary

The question was taken on the Fjoslien et al., amendment and the roll was called.

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

There were 117 yeas and 10 nays as follows :

Those who voted in the affirmative were :

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

Those who voted in the negative were:

DenOuden	Frerichs	Miller	Quist	Waltman
Dimler	Haukoos	Piepho	Tjornhom	Zaffke

The motion prevailed and the amendment was adopted.

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

Page 10, after line 26 insert:

“(p) To develop the Holmenkollen facility 4,000,000”

Correct the subdivision total

Correct the section total

Page 26, line 6, delete “154,442,000” and insert “158,442,000”

Correct the summary

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 32 yeas and 90 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Himle	O'Connor	Piper	Skoglund
Becklin	Jaros	Ogren	Poppenhagen	Vanasek
Bennett	Kelly	Osthoff	Riveness	Voss
Blatz	Knuth	Otis	Rose	Welle
Boo	Long	Ozment	Sarna	
Carlson, D.	McEachern	Pappas	Scheid	
Ellingson	Norton	Peterson	Schreiber	

Those who voted in the negative were:

Anderson, G.	Dempsey	Halberg	Levi	Omann
Backlund	DenOuden	Hartinger	Lieder	Onnen
Beard	Dimler	Hartle	Marsh	Pauly
Boerboom	Dyke	Haukoos	McDonald	Piepho
Brandl	Elioff	Heap	McKasy	Price
Brinkman	Fjoslien	Jacobs	McPherson	Quinn
Brown	Forsythe	Jennings, L.	Metzen	Quist
Burger	Frederick	Johnson	Miller	Redalen
Carlson, J.	Frederickson	Kalis	Minne	Rees
Carlson, L.	Frerichs	Kiffmeyer	Murphy	Rest
Clark	Greenfield	Knickerbocker	Neuenschwander	Rice
Clausnitzer	Gruenes	Krueger	Olsen, S.	Richter
Cohen	Gutknecht	Kvam	Olson, E.	Rodosovich

Schafer	Simoneau	Sviggum	Tompkins	Waltman
Schoenfeld	Solberg	Thuede	Tunheim	Wenzel
Seaberg	Sparby	Thorson	Valan	Wynia
Shaver	Stanius	Tjornhom	Valento	Zaffke
Sherman	Staten	Tomlinson	Vellenga	Spk. Jennings, D.

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

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

Page 18, after line 55, insert:

“(n) Independent School District No. 656,
Faribault 1,500,000

This appropriation is to construct a building addition of the main campus site. The total cost of the project must not be more than \$1,500,000.”

Correct all sum totals to reflect the appropriation made by clause (n)

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

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

There were 54 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslien	McEachern	Osthoff	Scheid
Anderson, R.	Frederick	McLaughlin	Otis	Segal
Beard	Greenfield	Metzen	Pappas	Skoglund
Becklin	Jaros	Munger	Peterson	Staten
Brandl	Jennings, L.	Nelson, D.	Piper	Tomlinson
Brinkman	Kahn	Nelson, K.	Price	Vanasek
Carlson, L.	Kalis	Neuenschwander	Quinn	Voss
Clark	Kelly	Norton	Riveness	Welle
Cohen	Knuth	O'Connor	Rodosovich	Wenzel
Elioff	Kostohryz	Ogren	Rose	Wynia
Ellingson	Long	Olson, E.	Sarna	

Those who voted in the negative were:

Backlund	Boo	DenOuden	Gutknecht	Jacobs
Battaglia	Brown	Dimler	Halberg	Johnson
Begich	Burger	Forsythe	Hartinger	Kiffmeyer
Bennett	Carlson, J.	Frederickson	Hartle	Knickerbocker
Bishop	Clausnitzer	Frerichs	Haukoos	Krueger
Boerboom	Dempsey	Cruenes	Himle	Kvam

Levi	Omamm	Rest	Simoneau	Uphus
Lieder	Onnen	Rice	Sparby	Valan
Marsh	Ozment	Richter	Stanius	Valento
McDonald	Pauly	Schafer	Svigum	Vellenga
McPherson	Piepho	Schoenfeld	Thiede	Waltman
Miller	Poppenhagen	Schreiber	Thorson	Zaffke
Minne	Quist	Seaberg	Tjornhom	Spk. Jennings, D.
Murphy	Redalen	Shaver	Tompkins	
Olsen, S.	Rees	Sherman	Tunheim	

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

H. F. No. 1, A bill for an act relating to capital improvements; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; reducing and canceling certain appropriations; authorizing issuance of state bonds; appropriating money; amending Minnesota Statutes 1984, sections 15.50, subdivision 2; 115A.49; 115A.52; and 115A.54, by adding a subdivision.

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 90 yeas and 43 nays as follows:

Those who voted in the affirmative were:

Anderson, C.	Elioff	Knickerbocker	O'Connor	Schoenfeld
Anderson, R.	Ellingson	Knuth	Olson, E.	Seaberg
Backlund	Fjoslien	Krueger	Onnen	Segal
Battaglia	Forsythe	Levi	Osthoff	Sherman
Beard	Frederick	Lieder	Otis	Simoneau
Becklin	Frederickson	Long	Ozment	Skoglund
Begich	Frerichs	Marsh	Pappas	Solberg
Bishop	Greenfield	McDonald	Pauly	Sparby
Boo	Gruenes	McKasy	Peterson	Stanius
Brown	Halberg	McLaughlin	Piepho	Staten
Burger	Hartinger	McPherson	Poppenhagen	Svigum
Carlson, J.	Hartle	Metzen	Price	Thorson
Carlson, L.	Heap	Minne	Quinn	Tunheim
Clark	Jacobs	Munger	Redalen	Uphus
Clausnitzer	Jaros	Murphy	Rees	Valan
Cohen	Jennings, L.	Nelson, D.	Rest	Wenzel
Dempsey	Johnson	Nelson, K.	Rice	Zaffke
Dyke	Kalis	Neuenschwander	Scheid	Spk. Jennings, D.

Those who voted in the negative were:

Bennett	Brandl	DenOuden	Haukoos	Kelly
Blatz	Brinkman	Dimler	Himle	Kiffmeyer
Boerboom	Carlson, D.	Gutknecht	Kahn	Kostohryz

Kvam	Omann	Rose	Tjornhom	Voss
McEachern	Piper	Sarna	Tomlinson	Waltman
Miller	Quist	Schafer	Tompkins	Welle
Norton	Richter	Schreiber	Valento	Wynia
Ogren	Riveness	Shaver	Vanasek	
Olsen, S.	Rodosovich	Thiede	Vellenga	

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

MOTION TO TAKE FROM THE TABLE

Schreiber moved that H. F. No. 10 be taken from the table and be given its second reading. The motion prevailed and H. F. No. 10 was taken from the table.

H. F. No. 10 was reported to the House.

H. F. No. 10 was read for the second time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Schreiber moved that the rule therein be suspended and an urgency be declared so that H. F. No. 10 be given its third reading and be placed upon its final passage. The motion prevailed.

Schreiber moved that the rules of the House be so far suspended that H. F. No. 10 be given its third reading and be placed upon its final passage. The motion prevailed.

The Speaker called Halberg to the chair.

Wenzel moved to amend H. F. No. 10, as follows:

Page 460, line 36, after the period insert "*The maternal and child health block grant money may not be distributed by local boards of health to qualified programs if those programs are offered by providers who also deliver abortion services.*"

Page 462, line 33, delete the second "or"

Page 463, line 2, delete the period and insert " ; or "

Page 463, after line 2, insert:

"(5) *do not provide abortion services to women.*"

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

Wenzel moved to amend H. F. No. 10, as follows:

Page 441, line 31 to page 476, line 4, delete article 19

Renumber the remaining articles

Amend the title accordingly

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

Schreiber moved that the name of Kvam be added as an author on H. F. No. 10. There being no objection it was so ordered.

H. F. No. 10, A bill for an act relating to financing and operation of state and local government; simplifying Minnesota income tax law by increasing conformity to federal income tax law; changing income tax rates, rate brackets, credits, and deductions; providing for computation of interest on overpayments; reducing the estate tax; changing corporate income tax provisions; rescheduling payments and increasing the budget reserve; reducing sales tax rate on farm machinery and providing sales tax exemptions; changing taxation of agricultural gasoline; changing the tax credit on fermented malt beverages; changing motor vehicle excise taxes for certain automobiles; authorizing lodging taxes for towns and unorganized territories; recodifying property tax law; changing property tax exemptions, classes, classification ratios, and credits; changing the taxation of telephone companies; providing for the allocation of industrial revenue bonds; providing economic development incentives; establishing a jobs program; providing for retention of mortgage registration and deed taxes by counties; altering provisions relating to the iron range resources and rehabilitation board; changing mining taxes; authorizing reimbursement to local units of government for certain railroad property tax abatements; giving enforcement powers to the department of revenue; changing provisions relating to leased state lands; increasing cigarette taxes and allocating the proceeds; providing for studies; imposing duties on the commissioner of revenue, commissioner of natural resources, and the state auditor; changing property tax provisions relating to collection of property tax, confessions of judgment, special assessments, and sale of tax forfeit lands; changing property tax refund benefit schedules and definitions; changing local government aids; authorizing the issuance of bonds; changing computation of adjusted levy limit base; changing tax court jurisdiction; changing certain dates; changing and adding definitions; changing provisions relating to the Hennepin county park reserve district; updating income tax provisions to changes in the Internal Revenue Code; providing penalties; appropriating

money; amending Minnesota Statutes 1984, sections 10A.31, subdivisions 1 and 3; 13.04, subdivision 2; 13.58; 15A.081, subdivisions 1 and 8; 16A.128, subdivision 2; 16A.15, subdivisions 1 and 6; 16A.641, subdivision 11; 16B.60, subdivision 5; 18.023, subdivision 7; 37.17, subdivision 1; 41.55; 47.58, subdivisions 2 and 3; 60A.15, subdivision 12; 60A.199, subdivision 8; 84B.08, subdivision 6; 85A.05, subdivision 5; 86.33; 92.46, subdivision 1; 93.55, subdivision 2; 97.488, subdivision 1a; 110A.28, subdivisions 11 and 12; 115A.58, subdivision 6; 116.16, subdivisions 1 and 2; 116.17, subdivision 6; 116.18, subdivisions 1, 2a, and 3a; 116C.63, subdivision 4; 116J.035, by adding a subdivision; 116J.64, subdivision 6; 116L.03, subdivision 7; 116L.04, by adding a subdivision; 116M.03, by adding a subdivision; 116M.06, subdivisions 2 and 3; 116M.07, subdivision 11, and by adding subdivisions; 116M.08, subdivision 11; 117.55; 121.904, subdivision 4c, and by adding a subdivision; 124.155, subdivision 2; 124.2131, subdivision 3; 124.2137, subdivision 1; 124.2138, subdivision 4; 124.2139; 124.46, subdivision 3; 124A.02, subdivisions 11 and 12; 129A.02, subdivision 2; 136.40, subdivision 7; 136.63, by adding a subdivision; 136C.06; 136C.43, subdivision 6; 145.882; 145.883, subdivision 8, and by adding a subdivision; 145.884, subdivision 1; 145.885; 145.886; 167.52; 168.012, subdivision 9; 174.51, subdivision 6; 178.03, by adding a subdivision; 245.87; 248.07; 248.08; 256.01, subdivision 4; 256.736, subdivisions 1, 3, 4, 5, 7, and by adding subdivisions; 256.737; 256C.24; 256C.25, subdivision 1; 256C.26; 256D.02, subdivision 13; 256D.03, subdivision 2; 256D.09, subdivision 3; 268.31; 268.32; 268.33; 268.34; 268.36; 268.672, subdivisions 6 and 12; 268.673, subdivisions 3, 4, 5, and 6; 268.676; 268.677; 268.678, subdivisions 1, 3, 4, 5, and 6; 268.679; 268.681; 268.682; 270.68, subdivision 4; 270A.07, subdivision 5; 271.01, subdivision 5; 271.12; 272.02, subdivision 1, as amended, and by adding a subdivision; 272.03, subdivision 1; 272.039; 272.04, subdivision 1; 272.115, subdivision 4; 273.11, subdivision 8; 273.1104, subdivision 1; 273.1105, subdivision 2; 273.111, subdivision 11; 273.115, subdivision 7; 273.116, subdivision 7; 273.118; 273.121; 273.123, subdivisions 1 and 4; 273.13, subdivisions 4, as amended, 6, 7, 7a, 8a, 9, 14a, 15a, 17b, 19, and by adding subdivisions; 273.1311; 273.1313, subdivisions 1, 2, 3, and by adding a subdivision; 273.1314, subdivisions 8 and 16a; 273.1315; 273.133, by adding a subdivision; 273.135, subdivisions 1 and 2; 273.136, subdivisions 1, 2, 3, and 4; 273.1391, subdivisions 1 and 2; 273.1392; 273.1393, as added; 273.38; 273.42, subdivision 2; 273.74, subdivision 2, and by adding a subdivision; 273.75, subdivision 4; 274.19, subdivisions 1, 2, 3, 4, 6, 7, and by adding a subdivision; 275.50, subdivision 5; 275.51, subdivision 3h; 276.04; 277.03; 277.10; 278.01, subdivisions 1 and 2; 278.05, subdivision 5; 279.01, subdivision 1, as amended; 279.06; 279.37, subdivisions 1, 3, 4, 8, and by adding a subdivision; 281.17; 281.23, subdivision 1; 281.29; 282.01, subdivision 7a; 282.021; 282.261, by adding a subdivision; 287.05, subdivision 1; 287.08; 287.09; 287.12; 287.21, subdivision 2; 287.23;

287.25; 287.27; 287.28; 287.29, subdivision 1; 287.33; 287.35; 290.01, subdivisions 19, 20, as amended, 20a, 20b, 20d, 20e, 20f, and 21; 290.032, subdivisions 1 and 2; 290.05, subdivision 3; 290.06, subdivisions 2c, 2d, 2f, 3f, 3g, and 11; 290.067, subdivision 1; 290.068, subdivisions 1, 2, 3, 4, and 5; 290.069, subdivisions 2, 2a, 4a, 4b, 5, 6, and 7; 290.07, subdivisions 5 and 7; 290.071, subdivision 5; 290.079, subdivision 1; 290.08, subdivision 26; 290.088; 290.089, subdivisions 2, 3, and 7; 290.09, subdivisions 1, 2, 7, and 19; 290.091; 290.095, subdivisions 7, 9, and 11; 290.10; 290.12, subdivision 2; 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; 290.18, subdivision 2; 290.19, subdivision 1; 290.21, subdivisions 4 and 8; 290.23, subdivision 5; 290.26, subdivision 2; 290.31, subdivisions 2, 4, and 5; 290.37, subdivision 1; 290.38; 290.41, subdivisions 1, 2, and by adding a subdivision; 290.50, subdivisions 1, 5, and 6; 290.53, subdivisions 9 and 11; 290.65, subdivision 16; 290.92, subdivisions 2a, 11, 13, 15, 18, 19, as amended, and 21; 290.93, subdivisions 1, 3, 5, 6, 7, 9, and 10; 290.931, subdivision 1; 290.936; 290A.03, subdivisions 3, as amended, 6, 12, 13, and 14; 290A.04, subdivisions 1, 2, and 3; 290A.06; 290A.07, subdivisions 2a and 3; 290A.19, as amended; 291.005, subdivision 1; 291.03, subdivision 1; 291.075; 291.09, subdivisions 1a, 2a, and 3a; 291.11, subdivision 1; 291.15, subdivisions 1 and 3; 291.215, subdivision 1; 291.32; 294.09, subdivision 1; 295.01, subdivision 10; 295.34, subdivision 1; 296.01, subdivision 24; 296.02, subdivisions 7 and 8; 296.18, subdivision 1, as amended; 296.22, subdivision 13; 297.02, subdivision 1; 297.03, subdivisions 5 and 6; 297.13, subdivision 1; 297.22, subdivision 1; 297.32, subdivisions 1, 2, and by adding a subdivision; 297.35, subdivision 1; 297A.01, subdivisions 14 and 15; 297A.02, subdivision 2; 297A.14; 297A.15, subdivision 5; 297A.25, subdivision 1; 297A.35, subdivision 1; 297A.39, subdivision 8; 297B.02; 297B.03; 297C.02, as added; 298.01, subdivision 1, as amended; 298.03; 298.031, subdivisions 2 and 3; 298.09, subdivision 4; 298.223; 298.225, as amended; 298.24, subdivision 4; 298.27; 298.28, subdivisions 1, as amended, and 2; 298.282, subdivisions 1, 4, and 5; 298.292; 298.293; 299.01, subdivision 1, as amended; 299.05; 299F.26, subdivision 1; 325D.41; 360.301, subdivision 1; 462.445, subdivision 13; 462A.22, subdivision 1, as amended; 462C.02, by adding subdivisions; 462C.03, subdivision 1, and by adding a subdivision; 462C.04, subdivision 2; 462C.09, subdivisions 2a, 3, and by adding a subdivision; 473.556, subdivision 4; 473F.02, subdivisions 3 and 4; 474.16, subdivision 3, and by adding subdivisions; 474.17; 474.19; 474.20; 474.22; 474.23; 475.52, subdivision 6; 475.54, subdivision 1, and by adding a subdivision; 475.56; 475.58, subdivision 1; 475.60, subdivision 2; 475.67, subdivision 8, and by adding a subdivision; 475.754; 475A.06, subdivision 6; 477A.011, subdivisions 3, 10, and by adding subdivisions; 477A.012; 477A.013; 477A.018; 514.03, subdivision 3; 524.3-1202; and

583.02; Laws 1967, chapter 721, section 2, as amended; Laws 1979, chapter 288, section 2, subdivisions 2, 3, and 4, and section 3; Laws 1981, chapter 223, section 4, subdivisions 2 and 3; Laws 1982, chapter 523, article XXX, section 4, subdivision 1, as amended; Laws 1984, chapter 502, article 5, section 19, subdivision 1, and article 11, section 6; Laws 1985, chapter 83, section 7; proposing coding for new law in Minnesota Statutes, chapters 16A; 116; 124; 144; 145; 248; 256C; 256D; 268; 270; 272; 273; 290; 297A; 297B; 298; 325E; 462C; and 474; proposing coding for new law as Minnesota Statutes, section 267; repealing Minnesota Statutes 1984, sections 41.58, subdivision 3; 41.59, subdivisions 2 and 3; 55.10, subdivision 2; 62E.-03, subdivision 2; 116.18, subdivision 2; 129A.02, subdivision 4; 145.884, subdivision 2; 245.84, subdivision 2; 256.736, subdivisions 1 and 2; 256D.02, subdivision 8a; 256D.111, subdivision 1a; 256D.112; 268.011; 268.012; 268.013; 268.12, subdivisions 1 and 1a; 268.671; 268.672, subdivisions 2, 8, 10, and 11; 268.-673, subdivisions 1 and 2; 268.674; 268.675; 268.676, subdivision 3; 268.678, subdivisions 2, 7, and 8; 268.679, subdivisions 1 and 2; 268.68; 268.683; 268.684; 268.685; 268.686; 268.80; 268.81; 268.82; 268.83; 268.84; 270.75, subdivision 7; 273.1105; 273.13, subdivisions 2, 2a, 3, 4, 5a, 6, 6a, 7, 7b, 7c, 7d, 8a, 9, 10, 11, 12, 14a, 16, 17, 17a, 17b, 17c, 17d, 19, 20, and 21; 273.133; 273.15; 287.27; 287.29, subdivision 3; 287.32; 290.01, subdivisions 20c and 26; 290.012; 290.06, subdivisions 3d, as amended, 3e, 14, 16, 17, 18, and 19; 290.069, subdivision 4; 290.077, subdivision 4; 290.08, subdivisions 23 and 24; 290.089, subdivisions 4 and 6; 290.09, subdivision 29; 290.101, as amended; 290.18, subdivision 4; 290.39, subdivision 2; 290.41, subdivision 5; 290A.04, subdivisions 2a and 2b; 291.015; 291.03, subdivisions 3, 4, 5, 6, and 7; 291.05; 291.051; 291.06; 291.065; 291.07; 291.08; 291.09, subdivision 5; 291.111; 291.131, subdivisions 5 and 6; 291.132; 291.15, subdivision 2; 291.18; 291.20; 291.29, subdivision 5; 295.34; 297.02, subdivision 2; 385.36; 462C.09, subdivision 2; 474.16, subdivision 4; 474.18; 474.24; and 477A.0131; Laws 1982, chapter 523, article VII, section 3; and Laws 1984, chapter 502, article 2, section 4, and chapter 582, section 23.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Bennett	Brown	Cohen	Fjoslien
Anderson, R.	Bishop	Burger	Dempsey	Forsythe
Backlund	Btatz	Carlson, D.	DenOuden	Frederick
Battaglia	Boerboom	Carlson, J.	Dimler	Frederickson
Beard	Boo	Carlson, L.	Dyke	Frerichs
Becklin	Brandl	Clark	Elioff	Greenfield
Begich	Brinkman	Clausnitzer	Ellingson	Gruenes

Gutknecht	Lieder	Olson, E.	Rivness	Thorson
Halberg	Long	Omann	Rodosovich	Tjornhom
Hartinger	Marsh	Onnen	Rose	Tomlinson
Hartle	McDonald	Osthoff	Sarna	Tompkins
Haukoos	McEachern	Otis	Schafer	Tunheim
Heap	McKasy	Ozment	Scheid	Uphus
Himle	McLaughlin	Pappas	Schoenfeld	Valan
Jacobs	McPherson	Pauly	Schreiber	Valento
Jennings, L.	Metzen	Peterson	Seaberg	Vanasek
Johnson	Miller	Piepho	Segal	Vellenga
Kahn	Minne	Piper	Shaver	Voss
Kalis	Munger	Poppenhagen	Sherman	Waltman
Kelly	Murphy	Price	Simeneau	Welle
Kiffmeyer	Nelson, D.	Quinn	Skoglund	Wenzel
Knickerbocker	Nelson, K.	Quist	Selberg	Wynia
Kuuth	Neuenschwander	Redalen	Sparby	Zaffke
Kostohryz	Norton	Rees	Stanius	Spk. Jennings, D.
Krueger	O'Connor	Rest	Staten	
Kvam	Ogren	Rice	Sviggum	
Levi	Olsen, S.	Richter	Thiede	

Those who voted in the negative were:

Jaros

The bill was passed and its title agreed to.

The Speaker resumed the Chair.

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. 3, A bill for an act relating to education; providing for aids to education, aids to libraries, state payments for teacher retirement contributions, and the distribution of tax revenues; granting certain powers and duties to school boards, school districts, the state board of education, the state board of teaching, and the higher education coordinating board; modifying certain components of foundation aid; modifying the basic maintenance mill rate; modifying computation of pupil units; repealing revenue equity; modifying the computation of transportation aid, special education aid, secondary vocational aid, and other aids; establishing the Minnesota school of the arts and resource center; providing for measurement of pupil progress; establishing mastery learning pilot projects; requiring the state board of teaching to field test plans for assessment of new teachers; appropriating money; amending Minnesota Statutes 1984, sections 5.35; 116J.-37, subdivision 1; 120.03, subdivision 1; 120.06, subdivision 1; 120.10, subdivision 1; 120.11; 120.15; 120.17, subdivisions 1, 2, 3, 3a, and by adding subdivisions; 121.151; 121.608; 121.609;

121.88; 121.882; 121.904, subdivision 4a; 121.912, subdivision 1; 121.931, subdivision 7; 121.936, subdivisions 1 and 2; 122.531, subdivisions 5 and 6; 122.541, by adding a subdivision; 122.86, subdivision 1; 123.36, subdivision 1; 123.39, by adding a subdivision; 123.58, by adding a subdivision; 123.702, subdivision 1; 123.705, subdivision 1; 123.741, subdivisions 6 and 7; 123.742, subdivisions 1, 3, 4, 5, and by adding subdivisions; 123.7431; 123.935, by adding a subdivision; 124.09; 124.10; 124.14, subdivision 4, and by adding a subdivision; 124.17, subdivision 1, and by adding a subdivision; 124.19, subdivisions 1 and 5; 124.195, subdivisions 7, 8, 9, 10, and 11; 124.2138, subdivision 2; 124.223; 124.225, subdivisions 1, 3, 4b, 7a, 7b, 8a, 8b, and 10; 124.245; 124.246, subdivision 2; 124.247, subdivision 3; 124.26, subdivision 1; 124.271, subdivision 2b, and by adding a subdivision; 124.2711; 124.272, subdivision 3; 124.273, subdivision 1b; 124.32, subdivisions 1b, 1d, 2, 5, 7, 10, and by adding a subdivision; 124.573, subdivisions 2 and 3a; 124.574, subdivision 2b; 124.646, subdivision 1; 124.76, subdivision 2; 124A.01; 124A.02, subdivisions 7, 8, 9, 16, and by adding a subdivision; 124A.03, subdivisions 3, 4, and by adding a subdivision; 124A.033, subdivisions 2, 3, and 5; 124A.037; 124A.06, subdivisions 1, 3a, and by adding subdivisions; 124A.08, subdivision 3a; 124A.10, subdivision 3a; 124A.12, subdivision 3a; 124A.14, subdivisions 3 and 5a; 124A.16, subdivision 4; 125.03, by adding a subdivision; 125.05, subdivision 1, and by adding a subdivision; 125.12, by adding a subdivision; 125.182, subdivision 1; 125.185, subdivision 4; 125.60, subdivisions 3 and 7; 126.64, subdivision 2; 129B.02, by adding a subdivision; 129B.04, by adding a subdivision; 129B.17; 129B.20; 129B.21; 129B.35; 129B.36, subdivisions 1, 4, and 5; 129B.37, subdivision 1; 129B.38; 129B.39; 129B.40; 134.35; 134.351, subdivision 1; 275.125, subdivisions 5, 5b, 5d, 8, 8a, 8b, 11a, 11b, 11c, and by adding a subdivision; 298.28, subdivision 1; 354.092; 354.094, subdivision 1; 354.43, subdivision 3; 354.51, subdivision 5; 354.53, subdivision 1; 354.66, subdivisions 3 and 4; 354A.092; 354A.093; 354A.094, subdivisions 2 and 4; 354A.12, subdivision 2; 355.208; 355.209; 355.287; 355.288; and 355.46, subdivision 3; amending Laws 1973, chapter 683, section 26, as amended, and section 26, subdivision 17, as amended; Laws 1983, chapter 314, article 8, section 11; and Laws 1985, chapter 280, section 4; proposing coding for new law in Minnesota Statutes, chapters 120; 121; 123; 124; 124A; 126; 129B; 129C; 136A; and 471; repealing Minnesota Statutes 1984, sections 120.03, subdivisions 2, 3, and 4; 120.17, subdivision 1a; 120.172, subdivision 3; 120.68; 121.11, subdivision 7a; 121.601; 122.531, subdivision 3a; 122.84; 122.85; 122.89; 123.705, subdivision 2; 123.742, subdivision 2; 123.80, subdivisions 2 and 3; 124.201, subdivisions 3, 4, and 5; 124.2138, subdivision 2; 124.225, subdivisions 4a, 8c, 8d, 8e, 8f, 8g, and 8h; 124.247, subdivision 6; 124.271, subdivisions 2, 2a, and 2c; 124.32, subdivision 9a; 124A.02, subdivisions 4a, 17, and 18; 124A.03, subdivision 5; 124A.035, subdivision 6; 124A.037; 125.05, subdivision 5; 125.611, subdivisions 3, 4, 5, 6, and 7; 126.64, subdivision 1; 129B.03; 129B.10; 129B.18; 129B.19; 129B.33, subdivisions 2, 3, 4, and 6; 129B.34; 129B.36, subdivisions 2 and 3;

275.125, subdivision 2j; 354.43, subdivisions 1, 4, and 5; 354A.12, subdivision 3; 355.46, subdivisions 1, 2, and 5; and 355.47; repealing Laws 1984, chapter 463, article 9, section 9.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 19.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 24.

PATRICK E. FLAHAVER, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 19, A bill for an act relating to the organization and operation of state government; appropriating money for human services, corrections, health, economic security, and other purposes with certain conditions; amending Minnesota Statutes 1984, sections 62E.06, subdivision 1; 129A.01; 129A.03; 129A.07, subdivision 1; 129A.08, subdivision 5; 144.70; 145.912, subdivision 15; 145.917, subdivision 2; 145.917, subdivisions 3 and 4; 145.921; 145.922; 171.29, subdivision 2; 214.06, subdivision 1; 241.01, subdivision 7; 241.71; 252.025, subdivision 1; 252.28, subdivision 1; 254.05; 256.737; 256.82, subdivision 2; 256.87, subdivision 1; 256.871, subdivision 4; 256.969, subdivisions 1, 2, and by adding a subdivision; 256B.04, subdivision 14; 256B.062; 256B.092, subdivisions 1, 2, 7, 8, and by adding subdivisions; 256B.19, subdivision 1; 256B.41, by adding a subdivision; 256B.421, subdivision 1; 256B.48, by adding subdivisions; 256B.503; 256D.01, subdivisions 1a and 1b; 256D.03, subdivisions 4 and 6; 256D.05, subdivision 1; 256D.09, subdivision 1, and by adding a subdivision; 256D.111, subdivision 5; 256D.37, subdivisions 1 and 2; 256E.08, subdivision 1; 256E.12, subdivision 3; 260.311, subdivision 5; 260.38; 268.672, subdivisions 6 and 11; 268.673, subdivision 2; 268.674, subdivision 1; 268.675; 268.676, subdivisions 1 and 2; 268.677; 268.678, subdivision 2; 268.679, subdivision 1; 268.68; 268.685; 390.11, by adding subdivisions; 393.07, subdivision 2; 401.01, subdivision 1; 401.13;

517.08, subdivisions 1b and 1c; 611A.34, subdivision 1; and 624.713, subdivision 1; Laws 1984, chapter 616, section 1; proposing coding for new law in Minnesota Statutes, chapters 62A, 129A, 144, 145, 256B, 256D, and 256F; repealing Minnesota Statutes 1984, sections 62D.25; 62D.26; 62D.28; 62D.29; 62E.17; 145.912, subdivisions 16, 17, and 18; 256.967; 256D.111, subdivisions 1, 2, 3, and 4; 259.405; and 268.686.

The bill was read for the first time. There being no objection, S. F. No. 19 was laid on the table.

S. F. No. 24, A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and other agencies with certain conditions; modifying agencies and responsibilities; providing for regulation of certain activities and practices; requiring studies, reports, plans, and fiscal notes; prescribing and providing for certain funds, accounts, bonding, taxes, fares, and fees; amending Minnesota Statutes 1984, sections 12.14; 14.131; 15.0591, subdivision 2; 15A.081, subdivisions 1 and 7; 17.717, by adding a subdivision; 17A.10, subdivision 2; 17A.11, as amended; 25.39, subdivision 4; 40.03, subdivision 1; 43A.18, subdivision 5; 60A.02, subdivision 7; 60A.10; 60A.131, subdivision 1; 60A.17, subdivision 1a; 60A.1701, subdivisions 5 and 10; 60C.08, subdivision 1; 61B.05, subdivision 1; 62A.141; 62A.146; 62A.17, subdivision 6; 62B.05; 62D.19; 62E.10, subdivision 2; 62E.12; 62E.16; 65B.03; 65B.43, by adding a subdivision; 65B.44, subdivision 4; 65B.48, subdivision 3a; 65B.49, by adding a subdivision; 65B.63, subdivision 1; 67A.25, subdivision 1; 72A.20, by adding a subdivision; 79.252, subdivision 4; 79.62; 138.94; 168.012, subdivision 1; 168.12, subdivisions 1 and 5; 174.32, subdivisions 1, 2, 3, and by adding a subdivision; 240.04, subdivision 4; 240.24, as amended; 297A.25, subdivision 1; 299A.01, subdivision 6; 352D.02, subdivision 1; 360.018, subdivision 6; 360.024; 453.51; 453.54, subdivision 15; 453.58, by adding a subdivision; 473.373, subdivisions 4 and 6; 473.375, subdivision 4, and by adding a subdivision; 473.38, subdivision 2; 473.384, subdivision 7; 473.386, subdivision 2; 473.39, subdivisions 1, 2, and by adding a subdivision; 473.404, subdivision 7; 473.405, subdivision 12; 473.408, subdivision 4, and by adding a subdivision; 473.435, subdivision 2; 473.436, subdivision 6; 473.446, subdivisions 1, 1a, 2a, and 3; 500.24, subdivision 3; 626.861, by adding a subdivision; and 626.88, subdivision 3; Laws 1985, chapter 168, section 14; chapter 290, section 14; and chapter 309, section 14; proposing coding for new law in Minnesota Statutes, chapters 3; 17; 61A; 219; 240; and 473; repealing Minnesota Statutes 1984, sections 17.717, subdivision 6; 60A.15, subdivision 14; 62A.025; 65B.49, subdivision 4, as amended; 473.373, subdivisions 2 and 7; 473.408, subdivisions 3, 3a, 3b, and 5; 473.436, subdivisions 1, 4, and 5; 473.438; 473.39, subdivision 3; 473.446, subdivision 6; and Laws 1985, chapter 241, section 2.

The bill was read for the first time. There being no objection, S. F. No. 24 was laid on the table.

MOTION TO TAKE FROM THE TABLE

Haukoos moved that S. F. No. 17 be taken from the table and be given its second reading. The motion prevailed and S. F. No. 17 was taken from the table.

S. F. No. 17 was reported to the House.

S. F. No. 17 was read for the second time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Haukoos moved that the rule therein be suspended and an urgency be declared so that S. F. No. 17 be given its third reading and be placed upon its final passage. The motion prevailed.

Haukoos moved that the rules of the House be so far suspended that S. F. No. 17 be given its third reading and be placed upon its final passage. The motion prevailed.

S. F. No. 17, A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes to the department of education, higher education coordinating board, state board of vocational technical education, state board for community colleges, state university board, University of Minnesota, and the Mayo medical foundation, with certain conditions; authorizing certain boards to establish certain salaries; providing for staff assistance, Indian scholarships and school district grants, tuition determination, average cost of instruction, authority to carry over appropriations, computer sales, financial aid, credit transferability, payroll deductions, surveys, studies, reports, notices, planning, policy development, mission statements, task forces, private proprietary schools, state university parking, annual appropriations, aid payments, review of vocational capital improvements, veterans' vocational program exemptions, vocational budgets and programs, endowed chairs, emergency rules, and pilot programs; amending Minnesota Statutes 1984, sections 15A.081, subdivision 1, and by adding a subdivision; 121.02, by adding a subdivision; 124.48, by adding a subdivision; 135A.01; 135A.03; 135A.04; 135A.05; 135A.06; 136.031; 136.24; 136.67, subdivision 5; 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; 136A.15, subdivision 7; 136A.162; 136A.233, subdivision 2; 136C.04, subdivisions 4a, 15, and by adding a subdivision; 136C.07, by adding a subdivision; 136C.08, subdivision 2; 136C.13, subdivision 3, and by adding a subdivision; 136C.26, subdivisions 1, 4, and 5; 136C.-28, subdivision 2; 136C.29, subdivision 5; 136C.33, subdivision 1; 136C.34; 136C.36; 137.022; 141.23; 141.25, subdivisions 8, 9, 10,

and by adding a subdivision; 141.26, subdivisions 2 and 5; 141.28, subdivision 4; 141.32; proposing coding for new law in Minnesota Statutes, chapters 124; 135A; 136; and 136A; repealing Minnesota Statutes 1984, sections 135A.07; 136A.121, subdivisions 8 and 14; 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.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

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

There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

MOTION TO TAKE FROM THE TABLE

Anderson, R., moved that S. F. No. 19 be taken from the table. The motion prevailed and S. F. No. 19 was taken from the table.

S. F. No. 19 was reported to the House.

SUSPENSION OF RULES

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

Anderson, R., moved that the rules of the House be so far suspended that S. F. No. 19 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 19 was read for the second time.

The Speaker called Halberg to the Chair.

The Speaker resumed the Chair.

Osthoff was excused between the hours of 5:35 p.m. and 6:10 p.m.

Kelly was excused between the hours of 5:40 p.m. and 9:00 p.m.

S. F. No. 19, A bill for an act relating to the organization and operation of state government; appropriating money for human services, corrections, health, economic security, and other purposes with certain conditions; amending Minnesota Statutes 1984, sections 62E.06, subdivision 1; 129A.01; 129A.03; 129A.07, subdivision 1; 129A.08, subdivision 5; 144.70; 145.912, subdivision 15; 145.917, subdivision 2; 145.917, subdivisions 3 and 4; 145.921; 145.922; 171.29, subdivision 2; 214.06, subdivision 1; 241.01, subdivision 7; 241.71; 252.025, subdivision 1; 252.28, subdivision 1; 254.05; 256.737; 256.82, subdivision 2; 256.87, subdivision 1; 256.871, subdivision 4; 256.969, subdivisions 1, 2, and by adding a subdivision; 256B.04, subdivision 14; 256B.062; 256B.092, subdivisions 1, 2, 7, 8, and by adding subdivisions; 256B.19, subdivision 1; 256B.41, by adding a subdivision; 256B.-421, subdivision 1; 256B.48, by adding subdivisions; 256B.503; 256D.01, subdivisions 1a and 1b; 256D.03, subdivisions 4 and 6; 256D.05, subdivision 1; 256D.09, subdivision 1, and by adding a subdivision; 256D.111, subdivision 5; 256D.37, subdivisions 1 and 2; 256E.08, subdivision 1; 256E.12, subdivision 3; 260.311, subdivision 5; 260.38; 268.672, subdivisions 6 and 11; 268.673, subdivision 2; 268.674, subdivision 1; 268.675; 268.676, subdivisions 1 and 2; 268.677; 268.678, subdivision 2; 268.679, subdivision 1; 268.68; 268.685; 390.11, by adding subdivisions; 393.07,

subdivision 2; 401.01, subdivision 1; 401.13; 517.08, subdivisions 1b and 1c; 611A.34, subdivision 1; and 624.713, subdivision 1; Laws 1984, chapter 616, section 1; proposing coding for new law in Minnesota Statutes, chapters 62A, 129A, 144, 145, 256B, 256D, and 256F; repealing Minnesota Statutes 1984, sections 62D.25; 62D.26; 62D.28; 62D.29; 62E.17; 145.912, subdivisions 16, 17, and 18; 256.967; 256D.111, subdivisions 1, 2, 3, and 4; 259.405; and 268.686.

The bill was read for the third time 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 86 yeas and 45 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslien	Knuth	Piepho	Thiede
Anderson, R.	Forsythe	Krueger	Piper	Thorson
Backlund	Frederick	Kvam	Poppenhagen	Tjornhom
Becklin	Frederickson	Levi	Quist	Tompkins
Bennett	Frerichs	Lieder	Redalen	Tunheim
Bishop	Gruenes	Marsh	Rees	Uphus
Blatz	Gutknecht	McDonald	Richter	Valan
Boerboom	Halberg	McKasy	Rodosovich	Valento
Boo	Hartering	McPherson	Rose	Vanasek
Brown	Hartle	Miller	Schafer	Waltman
Burger	Haukoos	Nelson, D.	Schreiber	Welle
Carlson, D.	Himle	Neuenschwander	Seaberg	Wenzel
Carlson, J.	Jacobs	Olsen, S.	Segal	Zaffke
Clausnitzer	Jennings, L.	Olsen, E.	Shaver	Spk. Jennings, D.
Dempsey	Johnson	Omann	Sherman	
DenOuden	Kalis	Onnen	Sparby	
Dimler	Kiffmeyer	Ozment	Stanius	
Dyke	Knickerbocker	Pauly	Sviggum	

Those who voted in the negative were:

Battaglia	Ellingson	Metzen	Pappas	Schoenfeld
Beard	Greenfield	Minne	Peterson	Simoneau
Begich	Jaros	Munger	Price	Skoglund
Brandl	Kahn	Murphy	Quinn	Solberg
Brinkman	Kelly	Nelson, K.	Rest	Staten
Carlson, L.	Kostohryz	Norton	Rice	Tomlinson
Clark	Long	O'Connor	Riveness	Vellenga
Cohen	McEachern	Ogren	Sarna	Voss
Elioff	McLaughlin	Otis	Scheid	Wynia

The bill was passed and its title agreed to.

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 10, A bill for an act relating to financing and operation of state and local government; simplifying Minnesota income tax law by increasing conformity to federal income tax law; changing income tax rates, rate brackets, credits, and deductions; providing for computation of interest on overpayments; reducing the estate tax; changing corporate income tax provisions; rescheduling payments and increasing the budget reserve; reducing sales tax rate on farm machinery and providing sales tax exemptions; changing taxation of agricultural gasoline; changing the tax credit on fermented malt beverages; changing motor vehicle excise taxes for certain automobiles; authorizing lodging taxes for towns and unorganized territories; recodifying property tax law; changing property tax exemptions, classes, classification ratios, and credits; changing the taxation of telephone companies; providing for the allocation of industrial revenue bonds; providing economic development incentives; establishing a jobs program; providing for retention of mortgage registration and deed taxes by counties; altering provisions relating to the iron range resources and rehabilitation board; changing mining taxes; authorizing reimbursement to local units of government for certain railroad property tax abatements; giving enforcement powers to the department of revenue; changing provisions relating to leased state lands; increasing cigarette taxes and allocating the proceeds; providing for studies; imposing duties on the commissioner of revenue, commissioner of natural resources, and the state auditor; changing property tax provisions relating to collection of property tax, confessions of judgment, special assessments, and sale of tax forfeit lands; changing property tax refund benefit schedules and definitions; changing local government aids; authorizing the issuance of bonds; changing computation of adjusted levy limit base; changing tax court jurisdiction; changing certain dates; changing and adding definitions; changing provisions relating to the Hennepin county park reserve district; updating income tax provisions to changes in the Internal Revenue Code; providing penalties; appropriating money; amending Minnesota Statutes 1984, sections 10A.31, subdivisions 1 and 3; 13.04, subdivision 2; 13.58; 15A.081, subdivisions 1 and 8; 16A.128, subdivision 2; 16A.15, subdivisions 1 and 6; 16A.641, subdivision 11; 16B.60, subdivision 5; 18.023, subdivision 7; 37.17, subdivision 1; 41.55; 47.58, subdivisions 2 and 3; 60A.15, subdivision 12; 60A.199, subdivision 8; 84B.08, subdivision 6; 85A.05, subdivision 5; 86.33; 92.46, subdivision 1; 93.55, subdivision 2; 97.488, subdivision 1a; 110A.28, subdivisions 11

and 12; 115A.58, subdivision 6; 116.16, subdivisions 1 and 2; 116.17, subdivision 6; 116.18, subdivisions 1, 2a, and 3a; 116C.-63, subdivision 4; 116J.035, by adding a subdivision; 116J.64, subdivision 6; 116L.03, subdivision 7; 116L.04, by adding a subdivision; 116M.03, by adding a subdivision; 116M.06, subdivisions 2 and 3; 116M.07, subdivision 11, and by adding subdivisions; 116M.08, subdivision 11; 117.55; 121.904, subdivision 4c, and by adding a subdivision; 124.155, subdivision 2; 124.2131, subdivision 3; 124.2137, subdivision 1; 124.2138, subdivision 4; 124.2139; 124.46, subdivision 3; 124A.02, subdivisions 11 and 12; 129A.02, subdivision 2; 136.40, subdivision 7; 136.63, by adding a subdivision; 136C.06; 136C.43, subdivision 6; 145.882; 145.883, subdivision 8, and by adding a subdivision; 145.884, subdivision 1; 145.885; 145.886; 167.52; 168.012, subdivision 9; 174.51, subdivision 6; 178.03, by adding a subdivision; 245.87; 248.07; 248.08; 256.01, subdivision 4; 256.736, subdivisions 1, 3, 4, 5, 7, and by adding subdivisions; 256.737; 256C.24; 256C.25, subdivision 1; 256C.26; 256D.02, subdivision 13; 256D.03, subdivision 2; 256D.09, subdivision 3; 268.31; 268.32; 268.33; 268.34; 268.36; 268.672, subdivisions 6 and 12; 268.673, subdivisions 3, 4, 5, and 6; 268.676; 268.677; 268.678, subdivisions 1, 3, 4, 5, and 6; 268.679; 268.681; 268.682; 270.68, subdivision 4; 270A.07, subdivision 5; 271.01, subdivision 5; 271.12; 272.02, subdivision 1, as amended, and by adding a subdivision; 272.03, subdivision 1; 272.039; 272.04, subdivision 1; 272.115, subdivision 4; 273.11, subdivision 8; 273.1104, subdivision 1; 273.1105, subdivision 2; 273.111, subdivision 11; 273.115, subdivision 7; 273.116, subdivision 7; 273.118; 273.121; 273.123, subdivisions 1 and 4; 273.13, subdivisions 4, as amended, 6, 7, 7a, 8a, 9, 14a, 15a, 17b, 19, and by adding subdivisions; 273.1311; 273.1313, subdivisions 1, 2, 3, and by adding a subdivision; 273.1314, subdivisions 8 and 16a; 273.1315; 273.133, by adding a subdivision; 273.135, subdivisions 1 and 2; 273.136, subdivisions 1, 2, 3, and 4; 273.1391, subdivisions 1 and 2; 273.1392; 273.1393, as added; 273.38; 273.42, subdivision 2; 273.74, subdivision 2, and by adding a subdivision; 273.75, subdivision 4; 274.19, subdivisions 1, 2, 3, 4, 6, 7, and by adding a subdivision; 275.50, subdivision 5; 275.51, subdivision 3h; 276.-04; 277.03; 277.10; 278.01, subdivisions 1 and 2; 278.05, subdivision 5; 279.01, subdivision 1, as amended; 279.06; 279.37, subdivisions 1, 3, 4, 8, and by adding a subdivision; 281.17; 281.23, subdivision 1; 281.29; 282.01, subdivision 7a; 282.021; 282.261, by adding a subdivision; 287.05, subdivision 1; 287.08; 287.09; 287.12; 287.21, subdivision 2; 287.23; 287.25; 287.27; 287.28; 287.29, subdivision 1; 287.33; 287.35; 290.01, subdivisions 19, 20, as amended, 20a, 20b, 20d, 20e, 20f, and 21; 290.-032, subdivisions 1 and 2; 290.05, subdivision 3; 290.06, subdivisions 2c, 2d, 2f, 3f, 3g, and 11; 290.067, subdivision 1; 290.068, subdivisions 1, 2, 3, 4, and 5; 290.069, subdivisions 2, 2a, 4a, 4b, 5, 6, and 7; 290.07, subdivisions 5 and 7; 290.071, subdivision 5; 290.079, subdivision 1; 290.08, subdivision 26; 290.088; 290.089, subdivisions 2, 3, and 7; 290.09, subdivisions 1, 2, 7, and 19; 290.091; 290.095, subdivisions 7, 9, and 11;

290.10; 290.12, subdivision 2; 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; 290.18, subdivision 2; 290.19, subdivision 1; 290.21, subdivisions 4 and 8; 290.23, subdivision 5; 290.26, subdivision 2; 290.31, subdivisions 2, 4, and 5; 290.37, subdivision 1; 290.38; 290.41, subdivisions 1, 2, and by adding a subdivision; 290.50, subdivisions 1, 5, and 6; 290.53, subdivisions 9 and 11; 290.65, subdivision 16; 290.92, subdivisions 2a, 11, 13, 15, 18, 19, as amended, and 21; 290.93, subdivisions 1, 3, 5, 6, 7, 9, and 10; 290.931, subdivision 1; 290.936; 290A.03, subdivisions 3, as amended, 6, 12, 13, and 14; 290A.04, subdivisions 1, 2, and 3; 290A.06; 290A.07, subdivisions 2a and 3; 290A.19, as amended; 291.005, subdivision 1; 291.03, subdivision 1; 291.075; 291.09, subdivisions 1a, 2a, and 3a; 291.11, subdivision 1; 291.15, subdivisions 1 and 3; 291.215, subdivision 1; 291.32; 294.09, subdivision 1; 295.01, subdivision 10; 295.34, subdivision 1; 296.01, subdivision 24; 296.02, subdivisions 7 and 8; 296.18, subdivision 1, as amended; 296.22, subdivision 13; 297.02, subdivision 1; 297.03, subdivisions 5 and 6; 297.13, subdivision 1; 297.22, subdivision 1; 297.32, subdivisions 1, 2, and by adding a subdivision; 297.35, subdivision 1; 297A.01, subdivisions 14 and 15; 297A.02, subdivision 2; 297A.14; 297A.15, subdivision 5; 297A.25, subdivision 1; 297A.35, subdivision 1; 297A.39, subdivision 8; 297B.02; 297B.03; 297C.02, as added; 298.01, subdivision 1, as amended; 298.03; 298.031, subdivisions 2 and 3; 298.09, subdivision 4; 298.223; 298.225, as amended; 298.24, subdivision 4; 298.27; 298.28, subdivisions 1, as amended, and 2; 298.282, subdivisions 1, 4, and 5; 298.292; 298.293; 299.01, subdivision 1, as amended; 299.05; 299F.26, subdivision 1; 325D.41; 360.301, subdivision 1; 462.445, subdivision 13; 462A.22, subdivision 1, as amended; 462C.02, by adding subdivisions; 462C.03, subdivision 1, and by adding a subdivision; 462C.04, subdivision 2; 462C.09, subdivisions 2a, 3, and by adding a subdivision; 473.556, subdivision 4; 473F.02, subdivisions 3 and 4; 474.16, subdivision 3, and by adding subdivisions; 474.17; 474.19; 474.20; 474.22; 474.23; 475.52, subdivision 6; 475.54, subdivision 1, and by adding a subdivision; 475.56; 475.58, subdivision 1; 475.60, subdivision 2; 475.67, subdivision 8, and by adding a subdivision; 475.754; 475A.06, subdivision 6; 477A.011, subdivisions 3, 10, and by adding subdivisions; 477A.012; 477A.013; 477A.018; 514.03, subdivision 3; 524.3-1202; and 583.02; Laws 1967, chapter 721, section 2, as amended; Laws 1979, chapter 288, section 2, subdivisions 2, 3, and 4, and section 3; Laws 1981, chapter 223, section 4, subdivisions 2 and 3; Laws 1982, chapter 523, article XXX, section 4, subdivision 1, as amended; Laws 1984, chapter 502, article 5, section 19, subdivision 1, and article 11, section 6; Laws 1985, chapter 83, section 7; proposing coding for new law in Minnesota Statutes, chapters 16A; 116; 124; 144; 145; 248; 256C; 256D; 268; 270; 272; 273; 290; 297A; 297B; 298; 325E; 462C; and 474; proposing coding for new law as Minnesota Statutes,

section 267; repealing Minnesota Statutes 1984, sections 41.58, subdivision 3; 41.59, subdivisions 2 and 3; 55.10, subdivision 2; 62E.03, subdivision 2; 116.18, subdivision 2; 129A.02, subdivision 4; 145.884, subdivision 2; 245.84, subdivision 2; 256.736, subdivisions 1 and 2; 256D.02, subdivision 8a; 256D.111, subdivision 1a; 256D.112; 268.011; 268.012; 268.013; 268.12, subdivisions 1 and 1a; 268.671; 268.672, subdivisions 2, 8, 10, and 11; 268.673, subdivisions 1 and 2; 268.674; 268.675; 268.676, subdivision 3; 268.678, subdivisions 2, 7, and 8; 268.679, subdivisions 1 and 2; 268.68; 268.683; 268.684; 268.685; 268.686; 268.80; 268.81; 268.82; 268.83; 268.84; 270.75, subdivision 7; 273.1105; 273.13, subdivisions 2, 2a, 3, 4, 5a, 6, 6a, 7, 7b, 7c, 7d, 8a, 9, 10, 11, 12, 14a, 16, 17, 17a, 17b, 17c, 17d, 19, 20, and 21; 273.133; 273.15; 287.27; 287.29, subdivision 3; 287.32; 290.01, subdivisions 20c and 26; 290.012; 290.06, subdivisions 3d, as amended, 3e, 14, 16, 17, 18, and 19; 290.069, subdivision 4; 290.077, subdivision 4; 290.08, subdivisions 23 and 24; 290.089, subdivisions 4 and 6; 290.09, subdivision 29; 290.101, as amended; 290.18, subdivision 4; 290.39, subdivision 2; 290.41, subdivision 5; 290A.04, subdivisions 2a and 2b; 291.015; 291.03, subdivisions 3, 4, 5, 6, and 7; 291.05; 291.051; 291.06; 291.065; 291.07; 291.08; 291.09, subdivision 5; 291.111; 291.131, subdivisions 5 and 6; 291.132; 291.15, subdivision 2; 291.18; 291.20; 291.29, subdivision 5; 295.34; 297.02, subdivision 2; 385.36; 462C.09, subdivision 2; 474.16, subdivision 4; 474.18; 474.24; and 477A.0131; Laws 1982, chapter 523, article VII, section 3; and Laws 1984, chapter 502, article 2, section 4, and chapter 582, section 23.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 1, A bill for an act relating to capital improvements; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; reducing and canceling certain appropriations; authorizing issuance of state bonds; appropriating money; amending Minnesota Statutes 1984, sections 15.50, subdivision 2; 115A.49; 115A.52; and 115A.54, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 30.

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. 12.

PATRICK E. FLAHAVER, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 30, A bill for an act relating to real property; changing notice period required for termination of contracts for the conveyance of real estate; designating seller's attorney as an agent; clarifying the application of the mortgage registry tax; modifying provisions relating to persons defaulting on homesteads; imposing a penalty; amending Minnesota Statutes 1984, sections 47.20, subdivision 15, as amended; 287.10; 336.9-402, as amended; 336.9-403, as amended; 559.21, subdivisions 3, 4, and 6, as amended, and by adding subdivisions; 580.031, as amended; 583.03, subdivision 2, as amended; 583.04, as amended; 583.05, as amended; and 583.07, as amended; and Laws 1985, chapter 233, section 6, as amended; repealing Minnesota Statutes 1984, section 559.21, subdivisions 1, 1a, 2, and 8, as amended.

The bill was read for the first time. There being no objection, S. F. No. 30 was laid on the table.

S. F. No. 12, 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; creating a hazardous substance injury compensation fund; establishing a board to administer the fund; limiting compensable losses; prescribing claims procedures; allowing partial subrogation rights; imposing a penalty; appropriating money; 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 read for the first time. There being no objection, S. F. No. 12 was laid on the table.

MOTION TO TAKE FROM THE TABLE

Sviggum moved that S. F. No. 12 be taken from the table.

A roll call was requested and properly seconded.

The question was taken on the Sviggum motion and the roll was called.

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

There were 88 yeas and 42 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dyke	Kostohryz	Piepho	Stanius
Anderson, R.	Fjoslien	Krueger	Poppenhagen	Sviggum
Backlund	Forsythe	Kvam	Price	Thiede
Becklin	Frederick	Levi	Quist	Thorson
Bennett	Frederickson	Lieder	Redalen	Tjornhom
Bishop	Frerichs	Marsh	Rees	Tomlinson
Blatz	Gruenes	McDonald	Richter	Tompkins
Boerboom	Gutknecht	McKasy	Rodosovich	Tunheim
Boo	Hartinger	McPherson	Rose	Uphus
Brinkman	Hartle	Metzen	Schafer	Valan
Brown	Haukoos	Miller	Schoenfeld	Valento
Burger	Himle	Neuenschwander	Schreiber	Voss
Carlson, D.	Jacobs	Olsen, S.	Seaberg	Waitman
Carlson, J.	Jennings, L.	Oison, E.	Segal	Welle
Clausnitzer	Johnson	Omamm	Shaver	Zaffke
Dempsey	Kalis	Onnen	Sherman	Spk. Jennings, D.
DenOuden	Kiffmeyer	Ozment	Solberg	
Dimler	Knickerbocker	Pauly	Sparby	

Those who voted in the negative were:

Battaglia	Greenfield	Munger	Peterson	Skoglund
Beard	Halberg	Murphy	Piper	Staten
Begich	Jaros	Nelson, D.	Quinn	Vanasek
Brandl	Kahn	Nelson, K.	Rest	Vellenga
Carlson, L.	Knuth	Norton	Rice	Wenzel
Clark	Long	O'Connor	Riveness	Wynia
Cohen	McEachern	Ogren	Sarna	
Elioff	McLaughlin	Otis	Scheid	
Ellingson	Minne	Pappas	Simoneau	

The motion prevailed and S. F. No. 12 was taken from the table.

S. F. No. 12 was reported to the House.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Sviggum moved that the rule therein be suspended and an urgency be declared so that S. F. No. 12 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 Sviggum motion and the roll was called. There were 85 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dyke	Kiffmeyer	Onnen	Solberg
Backlund	Fjoslien	Knickerbocker	Ozment	Sparby
Becklin	Forsythe	Kostohryz	Pauly	Stanius
Bennett	Frederick	Krueger	Piepho	Sviggum
Bishop	Frederickson	Kvam	Poppenhagen	Thiede
Blatz	Frerichs	Levi	Price	Thorson
Boerboom	Gruenes	Lieder	Quist	Tjornhom
Boo	Guiknecht	Marsh	Redalen	Tomlinson
Brinkman	Hartinger	McDonald	Rees	Tompkins
Brown	Hartle	McKasy	Richter	Uphus
Burger	Haukoos	McPherson	Rodosovich	Valan
Carlson, D.	Heap	Metzen	Rose	Valento
Carlson, J.	Himle	Miller	Schafer	Voss
Clausnitzer	Jacobs	Neuenschwander	Schreiber	Waltman
Dempsey	Jennings, L.	Olsen, S.	Seaberg	Welle
DenOuden	Johnson	Olsen, E.	Shaver	Zaffke
Dimler	Kalis	Omann	Sherman	Spk. Jennings, D.

Those who voted in the negative were:

Anderson, G.	Greenfield	Murphy	Quinn	Staten
Battaglia	Halberg	Nelson, D.	Rest	Tunheim
Beard	Jaros	Nelson, K.	Rice	Vanasek
Begich	Kahn	Norton	Riveness	Vellenga
Brandl	Knuth	O'Connor	Sarna	Wenzel
Carlson, L.	Long	Ogren	Scheid	Wynia
Clark	McEachern	Otis	Schoenfeld	
Cohen	McLaughlin	Pappas	Segal	
Elioff	Minne	Peterson	Simoneau	
Ellingson	Munger	Piper	Skoglund	

The motion did not prevail.

MOTION TO TAKE FROM THE TABLE

Valan moved that S. F. No. 24 be taken from the table. The motion prevailed and S. F. No. 24 was taken from the table.

S. F. No. 24 was reported to the House.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Valan moved that the rule therein be suspended and an urgency be declared so that S. F. No. 24 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Valan moved that the rules of the House be so far suspended that S. F. No. 24 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 24 was read for the second time.

Fjoslien and Wenzel moved to amend S. F. No. 24, as follows:

Page 2, after line 7, insert: "Article I"

Page 110, after line 16, insert: "Article II

Section 1. [297C.01] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] For purposes of sections 297C.01 to 297C.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" means 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 the actual cost the organization paid for the merchandise. "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, subdivision 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, 297C.05, and 297C.09, 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 the 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 willfully 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 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 atten-

dance 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 rules, including emergency 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 subject to the rulemaking provisions of chapter 14 for rules adopted under this subdivision.

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 applicable 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, 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 or she 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 the person 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, the lawful gambling board, 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 sections 297C.01 to 297C.13 shall be deposited in the state treasury and credited to the general fund.

Sec. 14. Laws 1985, chapter 305, article 6, section 10, subdivision 5, is amended to read:

Subd. 5. [GAMBLING PROHIBITED.] (a) No retail establishment licensed to sell alcoholic beverages may keep, possess, or operate, or permit the keeping, possession, or operation on the licensed premises of dice or any gambling device as defined in section 349.30, or permit gambling therein except as provided in this subdivision.

(b) Gambling equipment may be kept or operated and raffles conducted on licensed premises and adjoining rooms (WHEN) if the use of the gambling equipment is authorized under chapter 349 and if (1) the licensee is also the holder of the license to conduct lawful gambling or if (2) the organization conducting lawful gambling on the licensed premises is the auxiliary of the intoxicating liquor licensee. Raffles may also be conducted in a licensed on-sale establishment or establishment holding a permit under section 340A.414 if authorized under chapter 349 and conducted in connection with a banquet or comparable event held in the establishment. Nothing in this section prohibits an organization licensed under chapter 349 from conducting bingo in a leased room located in an establishment holding a club on-sale intoxicating liquor license if no alcoholic beverages are sold, served, or consumed in the room.

Sec. 15. 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 ren-

der 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 government* 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. 16. Minnesota Statutes 1984, section 349.12, subdivision 13, is amended to read:

Subd. 13. “Profit” means the gross receipts collected from lawful gambling, less reasonable sums necessarily and actually expended for gambling supplies and equipment, prizes, rent, (AND) *the cost of any food or nonalcoholic beverages provided at the event*, utilities used during the gambling occasions, compensation paid to members for conducting gambling, taxes imposed by this chapter, and maintenance of devices used in lawful gambling.

Sec. 17. [OPINION DIRECTED.]

The attorney general is directed to issue to the speaker of the house and the president of the senate, not later than January 15, 1986, his opinion on the following question: “Does the conduct of lawful gambling under Minnesota Statutes, chapter 349 violate article XIII, section 5, of the Minnesota Constitution?”

Sec. 18. Minnesota Statutes 1984, section 349.12, is amended by adding a subdivision to read:

Subd. 18. “Commissioner” is the commissioner of revenue.

Sec. 19. 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. 20. 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. 21. 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 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. *After June 30, 1987*, of the appointees of the governor *not more than two* may reside outside the seven-county metropolitan area and 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 subdivision 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 *or revoke* 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, records, and documents to determine compliance with sections 349.11 to 349.214 or board rule, provided that the local unit of government having jurisdiction over the licensee is notified prior to the inspection;*

(7) *to prescribe the form of applications for licenses issued by local units of government to organizations to conduct lawful gambling and to distribute copies of the form; and*

(8) 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 or revocation 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 sections 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;
- (2) the conduct of lawful gambling to ensure compliance with sections 349.11 to 349.214;
- (3) maximum license fees to be charged by local units of government; and
- (4) the licensing and operations of distribution and the registration of gambling equipment.

The board may not make any rule governing an area the regulation of which is reserved to local government under sections 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. (5) 7. [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) 8. [ATTORNEY GENERAL.] The attorney general is the attorney for the board.

Sec. 22. 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. Applications for licenses under this section must be on a form prescribed by the board.

Subd. 1a. [CIVIL PENALTIES.] A local unit of government may impose on an organization it licenses a civil penalty of not more than \$500 for each failure to comply with sections 349.12

to 349.23, with a local ordinance governing lawful gambling, or a rule of the board.

Subd. 2. [(APPLICATION) COPIES TO BOARD.] (ALL APPLICATIONS FOR A LICENSE UNDER THIS SECTION MUST BE ON A FORM PRESCRIBED BY THE BOARD. THE BOARD MAY REQUIRE THE APPLYING ORGANIZATION TO SUBMIT A COPY OF ITS ARTICLES OF INCORPORATION AND OTHER DOCUMENTS IT DEEMS NECESSARY) *Local units of government must furnish to the board a copy of each license application received and each license issued.*

Subd. 3. [FEES.] The (BOARD) *local unit of government* shall by (RULE) *ordinance* establish a schedule of fees for licenses under this section, *subject to the maximum fees prescribed by rule of the board.* (THE SCHEDULE MUST ESTABLISH THREE CLASSES OF LICENSE, AUTHORIZING ALL FORMS OF LAWFUL GAMBLING, ALL FORMS EXCEPT BINGO AND BINGO ONLY.)

Sec. 23. 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; *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 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. 24. 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. 25. 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. 26. 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. 27. 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. *At the request of the commissioner, the board will provide copies of the reports to the commissioner.*

Sec. 28. 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. 29. 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. 30. 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. 31. 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. *An organization may pay compensation in excess of these limits if:*

(1) *it applies, on a form the board prescribes, for permission to do so, stating the amount it wishes to pay, the number of persons to whom compensation will be paid, and such other information the board requires; and*

(2) *the board approves the request.*

The board may refuse such a request only if it determines that the request is not consistent with the purpose of sections 349.11 to 349.22.

Sec. 32. 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. 33. 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. 34. 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. 35. 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. 36. 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. 37. Minnesota Statutes 1984, section 349.214, is amended by adding a subdivision to read:

Subd. 2a. [SINGLE EVENTS.] *Lawful gambling may be conducted without complying with section 349.19 or rule of the board relating thereto if the organization conducting such lawful gambling:*

(a) *holds only one lawful gambling event each year; and*

(b) *reports to the board once each year, on a form the board prescribes, on the gross receipts from the gambling event, the prizes awarded, the deductions from gross receipts, and the expenditure of profits.*

Sec. 38. Minnesota Statutes 1984, section 349.214, is amended by adding a subdivision to read:

Subd. 4. [BINGO; CERTAIN ORGANIZATIONS.] *Bingo may be conducted within a nursing home, a senior citizen housing project, or by a senior citizen organization without complying with sections 349.11 to 349.213 if the prizes for a single bingo game do not exceed \$10, total prizes awarded at a single bingo occasion do not exceed \$200, no more than two bingo occasions are held by the organization or at the facility each week, only members of the organization or residents of the nursing home or housing project are allowed to play in a bingo game, no compensation is paid for any persons who conduct the bingo, a manager is appointed to supervise the bingo, and the manager registers with the board.*

Sec. 39. 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. 40. 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. 41. 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 manufacture, sell or offer for sale a gambling device to the organization, and pari-mutuel betting on horse racing may be conducted under chapter 240.

Sec. 42. [TRANSFERS OF POWERS.]

Minnesota Statutes 1984, section 15.039, subdivisions 2 and 7, do not apply to the transfer of powers in this act.

Sec. 43. [REPEALER.]

Minnesota Statutes 1984, section 349.19, subdivision 4; 349.212, as amended by Laws 1985, chapter 3, sections 1 and 2; 349.213, subdivision 2; and 349.214, subdivision 3, are repealed.

Sec. 44. [EFFECTIVE DATE.]

Sections 1 to 43 are effective July 1, 1985."

Amend the title accordingly

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

Fjoslien and Wenzel moved to amend S. F. No. 24, as follows :

Page 25, line 29, delete "500,000 500,000" and insert "250,000 250,000"

Page 25, line 30, delete "12" and insert "7"

Page 25, after line 30, insert:

"The charitable gambling control board shall turn over to the department of administration all motor vehicles previously purchased. The board is directed to obtain any motor vehicles needed to carry out its statutory obligations from the state central motor pool division of the department of administration."

Change money totals in section 1 as necessary

A roll call was requested and properly seconded.

The question was taken on the Fjoslien and Wenzel amendment and the roll was called.

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

There were 33 yeas and 84 nays as follows :

Those who voted in the affirmative were:

Brown	Hartinger	McEachern	Richter	Uphus
Clausnitzer	Kalis	Mittler	Sarna	Vanasek
Cohen	Kiffmeyer	Olsen, S.	Schafer	Walzman
Dimler	Krueger	Osthoff	Schoenfeld	Wenzel
Fjoslien	Kvam	Ozment	Thiede	Zaffke
Frederickson	Marsh	Quist	Tjornhom	
Gutknecht	McDonald	Rees	Tompkins	

Those who voted in the negative were:

Battaglia	Ellingson	Kostohryz	Onnen	Segal
Beard	Forsythe	Levi	Otis	Shaver
Begich	Frederick	Lieder	Pappas	Sherman
Bennett	Frerichs	Long	Pauly	Skoglund
Bishop	Greenfield	McLaughlin	Peterson	Solberg
Blatz	Gruenes	McPherson	Piepho	Stanius
Boerboom	Halberg	Metzen	Piper	Staten
Boo	Hartle	Minne	Poppenhagen	Thorson
Brandl	Haukoos	Munger	Price	Tomlinson
Brinkman	Himle	Murphy	Quinn	Tunheim
Burger	Jacobs	Nelson, K.	Rest	Valan
Carlson, J.	Jaros	Neuenschwander	Riveness	Valento
Carlson, L.	Jennings, L.	Norton	Rodosovich	Vellenga
Clark	Johnson	O'Connor	Rose	Voss
Dempsey	Kahn	Ogren	Scheid	Welle
Dyke	Knickerbocker	Olson, E.	Schreiber	Spk. Jennings, D.
Elioff	Knuth	Omann	Seaberg	

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

S. F. No. 24, A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and other agencies with certain conditions; modifying agencies and responsibilities; providing for regulation of certain activities and practices; requiring studies, reports, plans, and fiscal notes; prescribing and providing for certain funds, accounts, bonding, taxes, fares, and fees; amending Minnesota Statutes 1984, sections 12.14; 14.131; 15.0591, subdivision 2; 15A.081, subdivisions 1 and 7; 17.717, by adding a subdivision; 17A.10, subdivision 2; 17A.11, as amended; 25.39, subdivision 4; 40.03, subdivision 1; 43A.18, subdivision 5; 60A.02, subdivision 7; 60A.10; 60A.131, subdivision 1; 60A.17, subdivision 1a; 60A.1701, subdivisions 5 and 10; 60C.08, subdivision 1; 61B.05, subdivision 1; 62A.141; 62A.146; 62A.17, subdivision 6; 62B.05; 62D.19; 62E.10, subdivision 2; 62E.12; 62E.16; 65B.03; 65B.43, by adding a subdivision; 65B.44, subdivision 4; 65B.48, subdivision 3a; 65B.49, by adding a subdivision; 65B.63, subdivision 1; 67A.25, subdivision 1; 72A.20, by adding a subdivision; 79.252, subdivision 4; 79.62; 138.94; 168.012, subdivision 1; 168.12, subdivisions 1 and 5; 174.32, subdivisions 1, 2, 3, and by adding a subdivision; 240.04, subdivision 4; 240.24, as amended; 297A.25, subdivision 1; 299A.01, subdivision 6; 352D.02, subdivision 1; 360.018, subdivision 6; 360.024; 453.51; 453.54, subdivision 15; 453.58, by adding a subdivision;

473.373, subdivisions 4 and 6; 473.375, subdivision 4, and by adding a subdivision; 473.38, subdivision 2; 473.384, subdivision 7; 473.386, subdivision 2; 473.39, subdivisions 1, 2, and by adding a subdivision; 473.404, subdivision 7; 473.405, subdivision 12; 473.408, subdivision 4, and by adding a subdivision; 473.435, subdivision 2; 473.436, subdivision 6; 473.446, subdivisions 1, 1a, 2a, and 3; 500.24, subdivision 3; 626.861, by adding a subdivision; and 626.88, subdivision 3; Laws 1985, chapter 168, section 14; chapter 290, section 14; and chapter 309, section 14; proposing coding for new law in Minnesota Statutes, chapters 3; 17; 61A; 219; 240; and 473; repealing Minnesota Statutes 1984, sections 17.717, subdivision 6; 60A.15, subdivision 14; 62A.025; 65B.49, subdivision 4, as amended; 473.373, subdivisions 2 and 7; 473.408, subdivisions 3, 3a, 3b, and 5; 473.436, subdivisions 1, 4, and 5; 473.438; 473.39, subdivision 3; 473.446, subdivision 6; and Laws 1985, chapter 241, section 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

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

There were 110 yeas and 21 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Carlson, D.	Cohen	Greenfield	Harteringer	Kvam
Clark	Fjoslien	Gutknecht	Kahn	Marsh

McLaughlin
Nelson, D.
Norton

Quinn
Quist

Rees
Schoenfeld

Skoglund
Staten

Voss
Waltman

The bill was passed and its title agreed to.

MOTION TO TAKE FROM THE TABLE

Dempsey moved that S. F. No. 30 be taken from the table. The motion prevailed and S. F. No. 30 was taken from the table.

S. F. No. 30 was reported to the House.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Dempsey moved that the rule therein be suspended and an urgency be declared so that S. F. No. 30 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 Dempsey motion and the roll was called.

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

There were 68 yeas and 51 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	DenOuden	Himle	Onnen	Sviggum
Backlund	Dimler	Jacobs	Ozment	Thiede
Bennett	Dyke	Kiffmeyer	Piepho	Thorson
Bishop	Fjoslien	Krueger	Poppenhagen	Tjornhom
Blatz	Forsythe	Kvam	Quist	Tomlinson
Boerboom	Frederick	Levi	Rees	Tompkins
Boo	Frederickson	Marsh	Richter	Valento
Brandl	Frerichs	McDonald	Rose	Voss
Brinkman	Gruenes	McKasy	Schafer	Waltman
Burger	Gutknecht	McPherson	Scheid	Welle
Carlson, J.	Halberg	Miller	Schreiber	Zaffke
Clausnitzer	Hartinger	Minne	Shaver	Spk. Jennings, D.
Cohen	Hartle	Olsen, S.	Sherman	
Dempsey	Heap	Omann	Stanius	

Those who voted in the negative were:

Anderson, G.	Carlson, D.	Greenfield	Knuth	Murphy
Battaglia	Carlson, L.	Jaros	Kostohryz	Nelson, D.
Becklin	Clark	Jennings, L.	Lieder	Neuenschwander
Begich	Elioff	Kahn	McLaughlin	Norton
Brown	Ellingson	Kalis	Munger	O'Connor

Ogren	Piper	Rodosovich	Solberg	Valan
Olson, E.	Price	Schoenfeld	Sparby	Vanasek
Osthoff	Quinn	Segal	Staten	Vellenga
Otis	Rest	Simoneau	Tunheim	Wenzel
Pappas	Rice	Skoglund	Uphus	Wynia
Peterson				

The motion did not prevail.

Dempsey moved that S. F. No. 30 be laid on the table. The motion prevailed and S. F. No. 30 was laid on the table.

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:

Clausnitzer, Krueger, Gutknecht, Jacobs and Skoglund introduced:

H. F. No. 15, A bill for an act relating to occupations and professions; extending the licensing exemption for persons installing certain power limited circuits; amending Laws 1984, chapter 470, section 2.

The bill was read for the first time. There being no objection, H. F. No. 15 was laid on the table.

MOTION TO TAKE FROM THE TABLE

Clausnitzer moved that H. F. No. 15 be taken from the table. The motion prevailed and H. F. No. 15 was taken from the table.

H. F. No. 15 was reported to the House.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Clausnitzer moved that the rule therein be suspended and an urgency be declared so that H. F. No. 15 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Clausnitzer moved that the rules of the House be so far suspended that H. F. No. 15 be given its second and third readings and be placed upon its final passage. The motion prevailed.

H. F. No. 15 was read for the second time.

H. F. No. 15, A bill for an act relating to occupations and professions; extending the licensing exemption for persons installing certain power limited circuits; amending Laws 1984, chapter 470, section 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

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

There were 121 yeas and 5 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Hartinger	Kalis	Osthoff	Scheid	Staten
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The bill was passed and its title agreed to.

There being no objection the House recessed subject to the call of the Chair.

RECESS

RECONVENED

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

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

There being no objection the House recessed subject to the call of the Chair.

RECESS

RECONVENED

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

MESSAGES FROM THE SENATE

The following message was received from the Senate :

Mr. Speaker:

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. 7, A resolution memorializing the President and Congress to retain the federal income tax deduction for state and local taxes.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Schreiber moved that the House concur in the Senate amendments to H. F. No. 7 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 7, A resolution memorializing the President and Congress to retain the federal income tax deduction for state and local taxes.

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.

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

There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by the Senate, and its title agreed to.

MOTION FOR RECONSIDERATION

Halberg moved that the vote on the Sviggum motion to suspend the provisions of Article IV, Section 19, of the Constitution of the state of Minnesota relating to S. F. No. 12 be now reconsidered. The motion prevailed.

S. F. No. 12 was reported to the House.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Sviggum moved that the rule therein be suspended and an urgency be declared so that S. F. No. 12 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 Sviggum motion and the roll was called.

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

There were 85 yeas and 47 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dyke	Kelly	Olson, E.	Sparby
Battaglia	Elioff	Kiffmeyer	Omann	Stanisus
Becklin	Fjoslien	Knickerbocker	Onnen	Sviggum
Bennett	Forsythe	Kostohryz	Ozment	Thiede
Bishop	Frederick	Krueger	Pauly	Thorson
Blatz	Frederickson	Kvam	Piepho	Tjornhom
Boerboom	Frerichs	Levi	Poppenhagen	Tomlinson
Boo	Gruenes	Lieder	Quist	Tompkins
Brinkman	Gutknecht	Marsh	Redalen	Tunheim
Brown	Hartle	McDonald	Rees	Uphus
Burger	Haukoos	McKasy	Richter	Valan
Carlson, D.	Heap	McPherson	Schafer	Valento
Carlson, J.	Himle	Metzen	Schreiber	Voss
Clausnitzer	Jacobs	Miller	Seaberg	Waltman
Dempsey	Jennings, L.	Minne	Shaver	Welle
DenOuden	Johnson	Neuenschwander	Sherman	Zaffke
Dimler	Kalis	Olsen, S.	Solberg	Spk. Jennings, D.

Those who voted in the negative were:

Anderson, G.	Halberg	Nelson, D.	Quinn	Simoneau
Backlund	Hartinger	Nelson, K.	Rest	Skoglund
Beard	Jaros	Norton	Rice	Staten
Begich	Kahn	O'Connor	Riveness	Vanasek
Brandl	Knuth	Ogren	Rodosovich	Vellenga
Carlson, L.	Long	Otis	Rose	Wenzel
Clark	McEachern	Pappas	Sarna	Wynia
Cohen	McLaughlin	Peterson	Scheid	
Ellingson	Munger	Piper	Schoenfeld	
Greenfield	Murphy	Price	Segal	

The motion did not prevail.

Sviggum moved that S. F. No. 12 be laid on the table. The motion prevailed and S. F. No. 12 was laid on the table.

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:

DenOuden, Bishop, Battaglia and Piepho introduced:

H. F. No. 16, A bill for an act relating to the organization and operation of state government; appropriating money for the general legislative, judicial, and administrative expenses of state government with certain conditions; providing for the transfer of certain money in the state treasury; authorizing land acquisition; fixing and limiting fees; creating, modifying, transferring, and abolishing agencies and functions; amending Minnesota Statutes 1984, sections 2.722, subdivision 1, and by adding a subdivision; 3.099, subdivision 1; 3.21; 3.302, subdivision 3; 3.303, by adding a subdivision; 3.351, subdivision 3; 3.736, subdivision 3; 3.85, subdivision 11; 3.9223, subdivision 1; 3C.12, subdivision 7; 11A.07, by adding a subdivision; 11A.20, subdivision 1; 13.68, subdivision 1; 14.07, subdivisions 1 and 2; 14.08; 14.26; 14.32; 14.40; 14.47, subdivision 8; 14.48; 14.51; 14.55; 15.0597, subdivision 1; 15.50, subdivision 3; 15A.081, subdivisions 1 and 7; 15A.082, subdivisions 2 and 3; 16A.055, subdivision 1; 16A.123, subdivision 3; 16A.127, subdivisions 1, 3, and 5, and by adding a subdivision; 16A.128; 16A.1281; 16A.275; 16A.40; 16A.42, subdivision 2; 16A.45, subdivision 2; 16A.47; 16A.58; 16A.641, subdivision 10, and by adding a subdivision; 16A.672, subdivisions 1, 2, and 3; 16B.08, subdivision 7; 16B.09, by adding a subdivision; 16B.21, subdivision 1; 16B.22, as amended; 16B.24, subdivision 5; 16B.29; 16B.36, subdivision 1; 16B.42, subdivision 4; 16B.48, subdivision 2; 16B.54, subdivision 2; 16B.70; 40A.01, subdivision 1; 40A.02, subdivisions 3, 11, and 15; 40A.03, subdivision 2; 40A.04; 40A.05, subdivisions 1 and 2; 40A.06; 40A.07, subdivision 2, and by adding a subdivision; 40A.13, subdivision 1; 40A.15, subdivision 4; 41A.01; 41A.02, subdivisions 5, 7, 8, and 11, and by adding a subdivision; 41A.03, subdivisions 1 and 3, and by adding a subdivision; 41A.04, subdivisions 1, 3, and 4; 41A.05, subdivisions 1, 2, and 3, and by adding a subdivision; 41A.06, subdivisions 1 and 5; 43A.04, subdivision 3; 43A.07, subdivision 2; 43A.08, subdivision 1; 43A.10, subdivision 8; 43A.15, by adding a subdivision; 43A.18, subdivision 5; 43A.19, subdivision 1; 43A.30, subdivision 4, and by adding a subdivision; 46.07, subdivision 2, and by adding a subdivision; 47.015, subdivision 1; 47.0151, subdivision 3; 47.0152; 48.13; 49.05, by adding subdivisions; 52.02, subdivision 3; 52.24, subdivisions 1 and 2; 53.04, by adding a subdivision; 53.10; 55.095; 65B.49, subdivision 4, as amended; 69.031, subdivision 1; 84.86, subdivision 1; 84B.03, subdivision 4; 85.05, subdivisions 1 and 2; 85.22, subdivision 2a; 85.43; 85A.01, subdivisions 1 and 2; 85A.02, subdivisions 3, 4, 5, 7, 12, and 16, and by adding subdivisions; 85A.04, subdivision 1; 97.4841, subdivision 3; 97.4842, subdivision 2; 98.45, by adding a subdivision; 98.46, subdivisions 2, 14, and 15; 100.271, subdivision 2; 105.42, by adding a subdivision; 115.03, by adding a subdivision; 115A.904; 115A.908, subdivision 2; 115A.914, subdivision 1; 116.07, subdivision 4d; 116.12, subdivision 1; 116C.-69, subdivision 3; 116C.71, by adding a subdivision; 116C.723; 116C.724; 116J.36, subdivision 6, as amended; 116J.76; 116M.-03, subdivision 17; and by adding a subdivision; 116M.04, subdivisions 8a and 9; 116M.05, subdivision 8; 116M.06, subdivi-

sions 2 and 5; 116M.07, subdivisions 2, 4, 8, 9, 11, and 13; 116M.08, subdivisions 11, 12, 14, and 15; 116M.10, subdivision 8; 116M.11; 116M.12, subdivisions 3 and 4; 176.102, by adding a subdivision; 177.23, subdivisions 4 and 7; 177.24, subdivisions 3, 4, and 5; 177.27; 177.28, subdivision 4; 177.32, subdivision 1; 180.03, subdivisions 2, 3, and 4; 180.10; 181.79, subdivision 1; 181A.04, subdivision 3; 181A.12, subdivision 1; 183.545, by adding a subdivision; 192.51, subdivision 2; 196.051, by adding a subdivision; 268.05, subdivision 2; 268.38, subdivisions 1, 2, 6, 7, and 8; 270.75, by adding a subdivision; 270A.07, subdivision 1; 290.50, subdivision 6; 296.421, subdivision 4, and by adding a subdivision; 297.13, subdivision 1; 298.2211, by adding a subdivision; 326.52; 331A.02, subdivision 1; 334.021; 352.01, subdivision 2B; 361.03, subdivision 5; 361.27; 363.01, subdivision 24, and by adding subdivisions; 363.05, subdivision 2; 363.06, subdivision 8; 363.116; 403.11, subdivision 1; 422A.101, subdivision 3, and by adding a subdivision; 462A.03, subdivision 14; 462A.05, subdivisions 11, 12, and 15a, 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; 462C.09, by adding a subdivision; 466.03, by adding a subdivision; 471.345, by adding a subdivision; 472.03, subdivision 9; 472.11, subdivisions 3 and 9; 472.125; 472.13; 473.123, subdivision 5; 473.141, subdivision 7; 473.605, subdivision 2; 473.606, subdivision 1; 473.714; 477A.014, by adding a subdivision; 486.05, subdivision 1, as amended; 487.01, subdivision 5; 494.01, by adding a subdivision; 609.101; 611.216, subdivision 1, and by adding a subdivision; and 626.861, by adding a subdivision; Laws 1984, chapter 502, article 5, section 19, subdivision 1; Laws 1985, chapter 4, section 6, subdivision 3, as amended; chapter 221, sections 1 and 12; and chapter 258, section 1, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 3; 3C; 5; 8; 16A; 40A; 41A; 43A; 47; 84; 85; 85A; 88; 97; 116; 116C; 116J; 116M; 139; 179; 181; 198; 270; 363; 473; and 480; repealing Minnesota Statutes, sections 7.01; 7.013; 7.02; 7.03; 7.04; 7.05; 7.13; 7.14; 7.15; 7.16; 7.17; 7.18; 10.18; 10.19; 10.20; 10.21; 10.22; 10.23; 16A.42, subdivision 3; 40.19, subdivisions 3, 4, 10, 12, 14, and 15; 40A.13, subdivisions 2, 3, 4, and 5; 43A.19, subdivision 2; 46.15; 47.20, subdivisions 11 and 12; 48.19; 48.57; 48.58; 48.87; 69.031, subdivision 2; 84.088; 85A.01, subdivision 1a; 85A.03; 85A.04, subdivision 3; 124.471; 296.10; 349.212, subdivision 3, as amended; 360.301; 360.302; 360.304; 360.306; 360.388; and 360.389; and Laws 1982, chapter 489, section 11; Laws 1984, chapter 502, article 10, section 12; and chapter 654, article 2, section 151.

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, DenOuden moved that the rule therein be suspended and an urgency be declared so that H. F. No. 16 be

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

DenOuden moved that the rules of the House be so far suspended that H. F. No. 16 be given its second and third readings and be placed upon its final passage. The motion prevailed.

H. F. No. 16 was read for the second time.

The Speaker called Halberg to the Chair.

The Speaker resumed the Chair.

H. F. No. 16, A bill for an act relating to the organization and operation of state government; appropriating money for the general legislative, judicial, and administrative expenses of state government with certain conditions; providing for the transfer of certain money in the state treasury; authorizing land acquisition; fixing and limiting fees; creating, modifying, transferring, and abolishing agencies and functions; amending Minnesota Statutes 1984, sections 2.722, subdivision 1, and by adding a subdivision; 3.099, subdivision 1; 3.21; 3.302, subdivision 3; 3.303, by adding a subdivision; 3.351, subdivision 3; 3.736, subdivision 3; 3.85, subdivision 11; 3.9223, subdivision 1; 3C.12, subdivision 7; 11A.07, by adding a subdivision; 11A.20, subdivision 1; 13.68, subdivision 1; 14.07, subdivisions 1 and 2; 14.08; 14.26; 14.32; 14.40; 14.47, subdivision 8; 14.48; 14.51; 14.55; 15.0597, subdivision 1; 15.50, subdivision 3; 15A.081, subdivisions 1 and 7; 15A.082, subdivisions 2 and 3; 16A.055, subdivision 1; 16A.123, subdivision 3; 16A.127, subdivisions 1, 3, and 5, and by adding a subdivision; 16A.128; 16A.1281; 16A.275; 16A.40; 16A.42, subdivision 2; 16A.45, subdivision 2; 16A.47; 16A.58; 16A.641, subdivision 10, and by adding a subdivision; 16A.672, subdivisions 1, 2, and 3; 16B.08, subdivision 7; 16B.09, by adding a subdivision; 16B.21, subdivision 1; 16B.22, as amended; 16B.24, subdivision 5; 16B.29; 16B.36, subdivision 1; 16B.42, subdivision 4; 16B.48, subdivision 2; 16B.54, subdivision 2; 16B.70; 40A.01, subdivision 1; 40A.02, subdivisions 3, 11, and 15; 40A.03, subdivision 2; 40A.04; 40A.05, subdivisions 1 and 2; 40A.06; 40A.07, subdivision 2, and by adding a subdivision; 40A.13, subdivision 1; 40A.15, subdivision 4; 41A.01; 41A.02, subdivisions 5, 7, 8, and 11, and by adding a subdivision; 41A.03, subdivisions 1 and 3, and by adding a subdivision; 41A.04, subdivisions 1, 3, and 4; 41A.05, subdivisions 1, 2, and 3, and by adding a subdivision; 41A.06, subdivisions 1 and 5; 43A.04, subdivision 3; 43A.07, subdivision 2; 43A.08, subdivision 1; 43A.10, subdivision 8; 43A.15, by adding a subdivision; 43A.18, subdivision 5; 43A.19, subdivision 1; 43A.30, subdivision 4, and by adding a subdivision; 46.07, subdivision 2, and by adding a subdivision; 47.015,

subdivision 1; 47.0151, subdivision 3; 47.0152; 48.13; 49.05, by adding subdivisions; 52.02, subdivision 3; 52.24, subdivisions 1 and 2; 53.04, by adding a subdivision; 53.10; 55.095; 65B.49, subdivision 4, as amended; 69.031, subdivision 1; 84.86, subdivision 1; 84B.03, subdivision 4; 85.05, subdivisions 1 and 2; 85.22, subdivision 2a; 85.43; 85A.01, subdivisions 1 and 2; 85A.02, subdivisions 3, 4, 5, 7, 12, and 16, and by adding subdivisions; 85A.04, subdivision 1; 97.4841, subdivision 3; 97.4842, subdivision 2; 98.45, by adding a subdivision; 98.46, subdivisions 2, 14, and 15; 100.271, subdivision 2; 105.42, by adding a subdivision; 115.03, by adding a subdivision; 115A.904; 115A.-908, subdivision 2; 115A.914, subdivision 1; 116.07, subdivision 4d; 116.12, subdivision 1; 116C.69, subdivision 3; 116C.71, by adding a subdivision; 116C.723; 116C.724; 116J.36, subdivision 6, as amended; 116J.76; 116M.03, subdivision 17, and by adding a subdivision; 116M.04, subdivisions 8a and 9; 116M.05, subdivision 8; 116M.06, subdivisions 2 and 5; 116M.07, subdivisions 2, 4, 8, 9, 11, and 13; 116M.08, subdivisions 11, 12, 14, and 15; 116M.10, subdivision 8; 116M.11; 116M.12, subdivisions 3 and 4; 176.102, by adding a subdivision; 177.23, subdivisions 4 and 7; 177.24, subdivisions 3, 4, and 5; 177.27; 177.28, subdivision 4; 177.32, subdivision 1; 180.03, subdivisions 2, 3, and 4; 180.10; 181.79, subdivision 1; 181A.04, subdivision 3; 181A.12, subdivision 1; 183.545, by adding a subdivision; 192.51, subdivision 2; 196.051, by adding a subdivision; 268.05, subdivision 2; 268.38, subdivisions 1, 2, 6, 7, and 8; 270.75, by adding a subdivision; 270A.07, subdivision 1; 290.50, subdivision 6; 296.421, subdivision 4, and by adding a subdivision; 297.13, subdivision 1; 298.2211, by adding a subdivision; 326.52; 331A.02, subdivision 1; 334.021; 352.01, subdivision 2B; 361.03, subdivision 5; 361.27; 363.01, subdivision 24, and by adding subdivisions; 363.05, subdivision 2; 363.06, subdivision 8; 363.116; 403.11, subdivision 1; 422A.101, subdivision 3, and by adding a subdivision; 462A.03, subdivision 14; 462A.05, subdivisions 11, 12, and 15a, 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; 462C.09, by adding a subdivision; 466.03, by adding a subdivision; 471.345, by adding a subdivision; 472.03, subdivision 9; 472.11, subdivisions 3 and 9; 472.125; 472.13; 473.123, subdivision 5; 473.141, subdivision 7; 473.605, subdivision 2; 473.606, subdivision 1; 473.-714; 477A.014, by adding a subdivision; 486.05, subdivision 1, as amended; 487.01, subdivision 5; 494.01, by adding a subdivision; 609.101; 611.216, subdivision 1, and by adding a subdivision; and 626.861, by adding a subdivision; Laws 1984, chapter 502, article 5, section 19, subdivision 1; Laws 1985, chapter 4, section 6, subdivision 3, as amended; chapter 221, sections 1 and 12; and chapter 258, section 1, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 3; 3C; 5; 8; 16A; 40A; 41A; 43A; 47; 84; 85; 85A; 88; 97; 116; 116C; 116J; 116M; 139; 179; 181; 198; 270; 363; 473; and 480; repealing Minnesota Statutes, sections 7.01; 7.013; 7.02; 7.03; 7.04; 7.05; 7.13; 7.14; 7.15; 7.16; 7.17; 7.18; 10.18; 10.19; 10.20; 10.21;

10.22; 10.23; 16A.42, subdivision 3; 40.19, subdivisions 3, 4, 10, 12, 14, and 15; 40A.13, subdivisions 2, 3, 4, and 5; 43A.19, subdivision 2; 46.15; 47.20, subdivisions 11 and 12; 48.19; 48.57; 48.58; 48.87; 69.031, subdivision 2; 84.088; 85A.01, subdivision 1a; 85A.03; 85A.04, subdivision 3; 124.471; 296.10; 349.212, subdivision 3, as amended; 360.301; 360.302; 360.304; 360.306; 360.388; and 360.389; and Laws 1982, chapter 489, section 11; Laws 1984, chapter 502, article 10, section 12; and chapter 654, article 2, section 151.

The bill was read for the third time 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 24 yeas and 104 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Gruenes	Jacobs	Marsh	Seaberg
Battaglia	Gutknecht	Johnson	Neuenschwander	Sherman
Bishop	Halberg	Kahn	Piepho	Valan
DenOuden	Heap	Kvam	Rose	Spk. Jennings, D.
Forsythe	Himle	Levi	Schreiber	

Those who voted in the negative were:

Anderson, G.	Dyke	Long	Pauly	Sparby
Backlund	Elioff	McDonald	Peterson	Stanius
Beard	Ellingson	McEachern	Piper	Staten
Becklin	Fjoslien	McKasy	Poppenhagen	Sviggum
Begich	Frederick	McLaughlin	Price	Thiede
Bennett	Frederickson	McPherson	Quinn	Thorson
Blatz	Frerichs	Miller	Quist	Tjornhom
Boerboom	Greenfield	Minne	Redalen	Tomlinson
Boo	Hartinger	Munger	Rees	Tompkins
Brandl	Hartle	Murphy	Rest	Tunheim
Brinkman	Haukoos	Nelson, D.	Rice	Uphus
Brown	Jaros	Norton	Richter	Valento
Burger	Jennings, L.	O'Connor	Riveness	Vanasek
Carlson, D.	Kalis	Ogren	Rodosovich	Vellenga
Carlson, J.	Kelly	Olsen, S.	Sarna	Voss
Carlson, L.	Kiffmeyer	Olson, E.	Scheid	Waltman
Clark	Knickerbocker	Omann	Schoenfeld	Welle
Clausnitzer	Knuth	Onnen	Shaver	Wenzel
Cohen	Kostohryz	Otis	Simoneau	Wynia
Dempsey	Krueger	Ozment	Skoglund	Zaffke
Dimler	Lieder	Pappas	Solberg	

The bill was not passed.

DenOuden moved to lay H. F. No. 16 on the table. The motion prevailed and H. F. No. 16 was laid on the table.

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. 15.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 15, A bill for an act relating to occupations and professions; regulating persons who lay out, install, or maintain certain alarm systems; changing membership on the board of electricity; prescribing a penalty; amending Minnesota Statutes 1984, sections 326.01, by adding a subdivision; 326.241; 326.242, subdivisions 8 and 12; 326.243, as amended; 326.244, subdivisions 4, 5, as amended, and by adding a subdivision; and 326.246, as amended; proposing coding for new law in Minnesota Statutes, chapter 326.

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, Clausnitzer moved that the rule therein be suspended and an urgency be declared so that S. F. No. 15 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Clausnitzer moved that the rules of the House be so far suspended that S. F. No. 15 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 15 was read for the second time.

The Speaker called Halberg to the Chair.

Redalen and Jacobs moved to amend S. F. No. 15, as follows:

Page 1, line 19, before "810" insert "and" and delete ", and"

Page 1, line 20, delete "820"

Page 3, line 27, after "800," insert "and"

Page 3, line 28, delete ", and 820"

Page 7, line 36, before "810" insert "and" and delete ", and 820"

Page 8, line 5, before "810" insert "and" and delete ", and 820"

A roll call was requested and properly seconded.

The question was taken on the Redalen and Jacobs amendment and the roll was called.

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

There were 28 yeas and 91 nays as follows :

Those who voted in the affirmative were:

Blatz	Frederickson	Kalis	Omann	Uphus
Cohen	Gruenes	Kvam	Piepho	Waltman
DenOuden	Gutknecht	McDonald	Redalen	Wenzel
Dimler	Haukoos	Miller	Rose	Zafke
Dyke	Jacobs	Murphy	Sviggum	
Fjoslien	Johnson	Olson, E.	Tjornhom	

Those who voted in the negative were:

Anderson, G.	Elioff	Levi	Pauly	Solberg
Anderson, R.	Ellingson	Lieder	Peterson	Sparby
Backlund	Forsythe	Long	Piper	Stanius
Battaglia	Frederick	Marsh	Poppenhagen	Staten
Beard	Frerichs	McEachern	Price	Thiede
Becklin	Greenfield	McKasy	Quinn	Thorson
Begich	Halberg	McLaughlin	Quist	Tomlinson
Bennett	Hartinger	McPherson	Rees	Tunheim
Bishop	Hartle	Metzen	Rest	Valan
Boo	Heap	Minne	Riveness	Valento
Brandl	Himle	Nelson, D.	Rodosovich	Vanasek
Brown	Jennings, L.	Nelson, K.	Sarna	Voss
Burger	Kahn	Neuenschwander	Schafer	Welle
Carlson, D.	Kelly	Norton	Scheid	Wynia
Carlson, J.	Kiffmeyer	O'Connor	Schreiber	Spk. Jennings, D.
Carlson, L.	Knickerbocker	Ogren	Seaberg	
Clark	Knuth	Olsen, S.	Sherman	
Clausnitzer	Kostohryz	Otis	Simoneau	
Dempsey	Krueger	Ozment	Skoglund	

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

S. F. No. 15, A bill for an act relating to occupations and professions; regulating persons who lay out, install, or maintain certain alarm systems; changing membership on the board of elec-

tricity; prescribing a penalty; amending Minnesota Statutes 1984, sections 326.01, by adding a subdivision; 326.241; 326.242, subdivisions 8 and 12; 326.243, as amended; 326.244, subdivisions 4, 5, as amended, and by adding a subdivision; and 326.246, as amended; 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.

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

There were 118 yeas and 7 nays as follows :

Those who voted in the affirmative were :

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

Those who voted in the negative were :

Carlson, D.	Kalis	Piepho	Rodosovich	Zaffke
DenOuden	Miller			

The bill was passed and its title agreed to.

There being no objection the order of business reverted to Introduction and First Reading of House Bills.

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

The following House Files were introduced:

Rose, Munger, Redalen, Stanius and Neuenschwander introduced:

H. F. No. 17, A bill for an act relating to resource management; providing for conservation of marginal agricultural land; providing for fish and wildlife management; establishing certain critical habitat accounts; appropriating money; amending Minnesota Statutes 1984, section 290.431; proposing coding for new law in Minnesota Statutes, chapters 40, 84, and 97.

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

Miller introduced:

H. F. No. 18, A bill for an act relating to occupations and professions; extending the exemption from licensure by the board of electricity for installers of power limited circuits; amending Laws 1984, chapter 470, section 2.

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

The Speaker resumed the Chair.

There being no objection, the House recessed subject to the call of the Chair.

RECESS

RECONVENED

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

There being no objection, the House recessed subject to the call of the Chair.

RECESS

RECONVENED

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

MOTION TO TAKE FROM THE TABLE

DenOuden moved that H. F. No. 16 be taken from the table. The motion prevailed and H. F. No. 16 was taken from the table.

MOTION FOR RECONSIDERATION

Frerichs moved that the vote whereby H. F. No. 16 was not passed earlier today be now reconsidered. The motion prevailed.

H. F. No. 16 was reported to the House.

H. F. No. 16, A bill for an act relating to the organization and operation of state government; appropriating money for the general legislative, judicial, and administrative expenses of state government with certain conditions; providing for the transfer of certain money in the state treasury; authorizing land acquisition; fixing and limiting fees; creating, modifying, transferring, and abolishing agencies and functions; amending Minnesota Statutes 1984, sections 2.722, subdivision 1, and by adding a subdivision; 3.099, subdivision 1; 3.21; 3.302, subdivision 3; 3.303, by adding a subdivision; 3.351, subdivision 3; 3.736, subdivision 3; 3.85, subdivision 11; 3.9223, subdivision 1; 3C.12, subdivision 7; 11A.07, by adding a subdivision; 11A.20, subdivision 1; 13.68, subdivision 1; 14.07, subdivisions 1 and 2; 14.08; 14.26; 14.32; 14.40; 14.47, subdivision 8; 14.48; 14.51; 14.55; 15.0597, subdivision 1; 15.50, subdivision 3; 15A.081, subdivisions 1 and 7; 15A.082, subdivisions 2 and 3; 16A.055, subdivision 1; 16A.123, subdivision 3; 16A.127, subdivisions 1, 3, and 5, and by adding a subdivision; 16A.128; 16A.1281; 16A.275; 16A.40; 16A.42, subdivision 2; 16A.45, subdivision 2; 16A.47; 16A.58; 16A.641, subdivision 10, and by adding a subdivision; 16A.672, subdivisions 1, 2, and 3; 16B.08, subdivision 7; 16B.09, by adding a subdivision; 16B.21, subdivision 1; 16B.22, as amended; 16B.24, subdivision 5; 16B.29; 16B.36, subdivision 1; 16B.42, subdivision 4; 16B.48, subdivision 2; 16B.54, subdivision 2; 16B.70; 40A.01, subdivision 1; 40A.02, subdivisions 3, 11, and 15; 40A.03, subdivision 2; 40A.04; 40A.05, subdivisions 1 and 2; 40A.06; 40A.07, subdivision 2, and by adding a subdivision; 40A.13, subdivision 1; 40A.15, subdivision 4; 41A.01; 41A.02, subdivisions 5, 7, 8, and 11, and by adding a subdivision; 41A.03, subdivisions 1 and 3, and by adding a subdivision; 41A.04, subdivisions 1, 3, and 4; 41A.05, subdivisions 1, 2, and 3, and by adding a subdivision; 41A.06, subdivisions 1 and 5; 43A.04, subdivision 3; 43A.07, subdivision 2; 43A.08, subdivision 1; 43A.10, subdivision 8; 43A.15, by adding a subdivision; 43A.18, subdivision 5; 43A.19, subdivision 1; 43A.30, subdivision 4, and by adding a subdivision; 46.07, subdivision 2, and by adding a subdivision; 47.015, subdivision 1; 47.0151, subdivision 3; 47.0152; 48.13; 49.05, by adding subdivisions; 52.02, subdivision 3; 52.24, subdivisions 1 and 2; 53.04, by adding a subdivision; 53.10; 55.095; 65B.49, subdivision 4, as amended; 69.031, subdivision 1; 84.86, subdivision 1; 84B.03,

subdivision 4; 85.05, subdivisions 1 and 2; 85.22, subdivision 2a; 85.43; 85A.01, subdivisions 1 and 2; 85A.02, subdivisions 3, 4, 5, 7, 12, and 16, and by adding subdivisions; 85A.04, subdivision 1; 97.4841, subdivision 3; 97.4842, subdivision 2; 98.45, by adding a subdivision; 98.46, subdivisions 2, 14, and 15; 100.271, subdivision 2; 105.42, by adding a subdivision; 115.03, by adding a subdivision; 115A.904; 115A.908, subdivision 2; 115A.914, subdivision 1; 116.07, subdivision 4d; 116.12, subdivision 1; 116C.69, subdivision 3; 116C.71, by adding a subdivision; 116C.723; 116C.-724; 116J.36, subdivision 6, as amended; 116J.76; 116M.03, subdivision 17, and by adding a subdivision; 116M.04, subdivisions 8a and 9; 116M.05, subdivision 8; 116M.06, subdivisions 2 and 5; 116M.07, subdivisions 2, 4, 8, 9, 11, and 13; 116M.08, subdivisions 11, 12, 14, and 15; 116M.10, subdivision 8; 116M.11; 116M.12, subdivisions 3 and 4; 176.102, by adding a subdivision; 177.23, subdivisions 4 and 7; 177.24, subdivisions 3, 4, and 5; 177.27; 177.28, subdivision 4; 177.32, subdivision 1; 180.03, subdivisions 2, 3, and 4; 180.10; 181.79, subdivision 1; 181A.04, subdivision 3; 181A.12, subdivision 1; 183.545, by adding a subdivision; 192.51, subdivision 2; 196.051, by adding a subdivision; 268.05, subdivision 2; 268.38, subdivisions 1, 2, 6, 7, and 8; 270.75, by adding a subdivision; 270A.07, subdivision 1; 290.50, subdivision 6; 296.-421, subdivision 4, and by adding a subdivision; 297.13, subdivision 1; 298.2211, by adding a subdivision; 326.52; 331A.02, subdivision 1; 334.021; 352.01, subdivision 2B; 361.03, subdivision 5; 361.27; 363.01, subdivision 24, and by adding subdivisions; 363.-05, subdivision 2; 363.06, subdivision 8; 363.116; 403.11, subdivision 1; 422A.101, subdivision 3, and by adding a subdivision; 462A.03, subdivision 14; 462A.05, subdivisions 11, 12, and 15a, 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; 462C.09, by adding a subdivision; 466.03, by adding a subdivision; 471.345, by adding a subdivision; 472.03, subdivision 9; 472.11, subdivisions 3 and 9; 472.125; 472.13; 473.123, subdivision 5; 473.141, subdivision 7; 473.605, subdivision 2; 473.606, subdivision 1; 473.714; 477A.014, by adding a subdivision; 486.05, subdivision 1, as amended; 487.01, subdivision 5; 494.01, by adding a subdivision; 609.101; 611.216, subdivision 1, and by adding a subdivision; and 626.861, by adding a subdivision; Laws 1984, chapter 502, article 5, section 19, subdivision 1; Laws 1985, chapter 4, section 6, subdivision 3, as amended; chapter 221, sections 1 and 12; and chapter 258, section 1, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 3; 3C; 5; 8; 16A; 40A; 41A; 43A; 47; 84; 85; 85A; 88; 97; 116; 116C; 116J; 116M; 139; 179; 181; 198; 270; 363; 473; and 480; repealing Minnesota Statutes, sections 7.01; 7.013; 7.02; 7.03; 7.04; 7.05; 7.13; 7.14; 7.15; 7.16; 7.17; 7.18; 10.18; 10.19; 10.20; 10.21; 10.22; 10.23; 16A.42, subdivision 3; 40.19, subdivisions 3, 4, 10, 12, 14, and 15; 40A.13, subdivisions 2, 3, 4, and 5; 43A.19, subdivision 2; 46.15; 47.20, subdivisions 11 and 12; 48.19; 48.57; 48.58; 48.87; 69.031, subdivision 2; 84.088; 85A.01, subdivision 1a; 85A.03; 85A.04, subdivision 3; 124.471; 296.10; 349.212, subdivision 3, as amended; 360.301; 360.302; 360.304; 360.306; 360.388; and 360.389; and

Laws 1982, chapter 489, section 11; Laws 1984, chapter 502, article 10, section 12; and chapter 654, article 2, section 151.

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 68 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dimler	Jacobs	Onnen	Sherman
Battaglia	Dyke	Johnson	Ozment	Stanius
Becklin	Fjoslien	Kahn	Pauly	Staten
Bennett	Forsythe	Knickerbocker	Piepho	Swiggum
Bishop	Frederick	Kvam	Poppenhagen	Thiede
Boerboom	Frederickson	Levi	Quist	Tompkins
Boo	Frerichs	Marsh	Redalen	Uphus
Burger	Gruenes	McDonald	Rees	Valan
Carlson, D.	Gutknecht	McKasy	Rice	Valento
Carlson, J.	Halberg	McPherson	Rose	Waltman
Clark	Hartle	Munger	Schafer	Zaffke
Clausnitzer	Haukoos	Neuenschwander	Schreiber	Spk. Jennings, D.
Dempsey	Heap	Olsen, S.	Seaberg	
DenOuden	Himle	Omman	Shaver	

Those who voted in the negative were:

Anderson, G.	Greenfield	McLaughlin	Piper	Solberg
Backlund	Hartinger	Miller	Price	Sparby
Beard	Jennings, L.	Minne	Quinn	Thorson
Begich	Kalis	Murphy	Rest	Tjornhom
Blatz	Kelly	Nelson, D.	Richter	Tomlinson
Brandl	Kiffmeyer	Nelson, K.	Riveness	Tunheim
Brinkman	Knuth	Norton	Rodosovich	Vanasek
Brown	Kostohryz	O'Connor	Sarna	Vellenga
Carlson, L.	Krueger	Ogren	Scheid	Voss
Cohen	Lieder	Olson, E.	Schoenfeld	Welle
Elioff	Long	Otis	Simoneau	Wenzel
Ellingson	McEachern	Peterson	Skoglund	Wynia

The bill was passed and its title agreed to.

ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 9:00 a.m., Friday, June 21, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 9:00 a.m., Friday, June 21, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SPECIAL SESSION - 1985

THIRD DAY

SAINT PAUL, MINNESOTA, FRIDAY, JUNE 21, 1985

The House of Representatives convened at 9:00 a.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.	Fjoslien	Levi	Pauly	Solberg
Anderson, R.	Forsythe	Lieder	Peterson	Sparby
Backlund	Frederick	Long	Piepho	Stanius
Battaglia	Frederickson	Marsh	Piper	Staten
Beard	Frerichs	McDonald	Poppenhagen	Sviggum
Becklin	Greenfield	McEachern	Price	Thiede
Begich	Gruenes	McKasy	Quinn	Thorson
Bennett	Gutknecht	McLaughlin	Quist	Tjornhom
Bishop	Halberg	McPherson	Redalen	Tomlinson
Blatz	Hartinger	Metzen	Rees	Tompkins
Boerboom	Hartle	Miller	Rest	Tunheim
Boo	Haukoos	Minne	Rice	Uphus
Brinkman	Heap	Munger	Richter	Valan
Brown	Himle	Murphy	Riveness	Valento
Burger	Jacobs	Nelson, D.	Rodosovich	Vanasek
Carlson, D.	Jaros	Nelson, K.	Rose	Vellenga
Carlson, J.	Jennings, L.	Neuenschwander	Sarna	Voss
Carlson, L.	Johnson	Norton	Schafer	Waltman
Clark	Kahn	O'Connor	Scheid	Welle
Clausnitzer	Kalis	Ogren	Schoenfeld	Wenzel
Cohen	Kelly	Olsen, S.	Schreiber	Wynia
Dempsey	Kiffmeyer	Olsen, E.	Scaberg	Zafke
DenOuden	Knickerbocker	Omann	Segal	Spk. Jennings, D.
Dimler	Knuth	Onnen	Shaver	
Dyke	Kostohryz	Otis	Sherman	
Elioff	Krueger	Ozment	Simoneau	
Ellingson	Kvam	Pappas	Skoglund	

A quorum was present.

Erickson was excused.

Brandl was excused until 9:55 a.m. Osthoff was excused until 11:00 a.m.

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

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.	Frerichs	Lieder	Price	Stanius
Backlund	Gruenes	McEachern	Quinn	Staten
Battaglia	Gutknecht	McKasy	Quist	Svigggum
Beard	Hartle	McLaughlin	Redalen	Thiede
Becklin	Haukoos	Metzen	Rees	Thorson
Begich	Heap	Miller	Rest	Tomlinson
Bennett	Himle	Munger	Rice	Tunheim
Boo	Jacobs	Murphy	Richter	Valan
Burger	Jaros	Nelson, D.	Riveness	Vanasek
Carlson, J.	Jennings, L.	Neuenschwander	Rodosovich	Vellenga
Carlson, L.	Kahn	O'Connor	Rose	Waltman
Clark	Kalis	Olson, E.	Sarna	Welle
Cohen	Kelly	Omann	Schoenfeld	Wenzel
Ellingson	Kiffmeyer	Onnen	Schreiber	Wynia
Fjoslien	Knickerbocker	Pauly	Seaberg	Zaffke
Forsythe	Knuth	Peterson	Simoneau	Spk. Jennings, D.
Frederick	Kvam	Piper	Skoglund	
Frederickson	Levi	Poppenhagen	Sparby	

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.

Levi moved that the Chief Clerk be and he is hereby authorized to correct and approve the Journal of the House, 1985 Special Session, for today, Friday, June 21, 1985, and that he be authorized to include in the Journal for today any subsequent proceedings and any appointments to legislative interim committees or commissions created by legislative action or by law. The motion prevailed.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Levi, from the Committee on Rules and Legislative Administration, pursuant to Rule 1.9, designated the following bill as a Special Order for today, Friday, June 21, 1985:

H. F. No. 6.

H. F. No. 6 was reported to the House.

Munger moved to amend H. F. No. 6, as follows:

Page 2, line 25, 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*”

A roll call was requested and properly seconded.

Levi moved to lay the Munger amendment on the table.

A roll call was requested and properly seconded.

The question was taken on the Levi motion to lay the Munger amendment to H. F. No. 6 on the table and the roll was called.

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

There were 61 yeas and 56 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion prevailed and the Munger amendment to H. F. No. 6 was laid on the table.

H. F. No. 6 was read for the third time.

Scheid was excused between the hours of 10:00 a.m. and 11:00 a.m.

MOTION FOR RECONSIDERATION

Carlson, L., moved that the action whereby H. F. No. 6 was given its third reading be now reconsidered.

A roll call was requested and properly seconded.

The question was taken on the Carlson, L., motion and the roll was called.

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

There were 63 yeas and 64 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion did not prevail.

H. F. No. 6, 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; creating a hazardous substance injury compensation fund; establishing a board to administer the fund; limiting compensable losses; prescribing claims procedures; allowing partial subrogation

rights; imposing a penalty; appropriating money; 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 82 yeas and 49 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Forsythe	Kostohryz	Piepho	Thiede
Becklin	Frederick	Krueger	Poppenhagen	Thorson
Bennett	Frederickson	Kvam	Price	Tjornhom
Blatz	Frerichs	Levi	Quist	Tomlinson
Boerboom	Gruenes	Lieder	Redalen	Tompkins
Boo	Gutknecht	Marsh	Rees	Tunheim
Brinkman	Hartle	McDonald	Richter	Uphus
Brown	Haukoos	McKasy	Rodosovich	Valan
Burger	Heap	McPherson	Schafer	Valento
Carlson, D.	Himle	Metzen	Schoenfeld	Voss
Carlson, J.	Jacobs	Miller	Schreiber	Waltman
Clausnitzer	Jennings, L.	Neuenschwander	Seaberg	Welle
Dempsey	Johnson	Olson, E.	Shaver	Zaffke
DenOuden	Kalis	Omann	Sherman	Spk. Jennings, D.
Dimler	Kelly	Onnen	Sparby	
Dyke	Kiffmeyer	Ozment	Stanius	
Fjoslien	Knickerbocker	Pauly	Sviggun	

Those who voted in the negative were:

Anderson, G.	Ellingson	Minne	Otis	Segal
Backlund	Greenfield	Munger	Peterson	Simoneau
Battaglia	Halberg	Murphy	Piper	Skoglund
Beard	Hartinger	Nelson, D.	Quinn	Solberg
Begich	Jaros	Nelson, K.	Rest	Staten
Brandl	Kahn	Norton	Rice	Vanasek
Carlson, L.	Knuth	O'Connor	Riveness	Vellenga
Clark	Long	Ogren	Rose	Wenzel
Cohen	McEachern	Olsen, S.	Sarna	Wynia
Elieff	McLaughlin	Osthoff	Scheid	

The bill was passed and its title agreed to.

MOTION TO TAKE FROM THE TABLE

Dempsey moved that S. F. No. 30 be taken from the table.

A roll call was requested and properly seconded.

The question was taken on the Dempsey motion and the roll was called.

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

There were 106 yeas and 21 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Battaglia	Greenfield	McLaughlin	Pappas	Schoenfeld
Begich	Jennings, L.	Murphy	Peterson	Solberg
Brown	Kahn	Nelson, D.	Piper	Staten
Clark	Knuth	Ogren	Rice	Thiede
Elioff				

The motion prevailed and S. F. No. 30 was taken from the table.

S. F. No. 30 was reported to the House.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Dempsey moved that the rule therein be suspended and an urgency be declared so that S. F. No. 30 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

Olsen, S., raised a point of order pursuant to section 101, paragraph 1, of "Mason's Manual of Legislative Procedure" relating to limiting debate to the question before the House. The Speaker ruled the Olsen, S., point of order not well taken.

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

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

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

There were 109 yeas and 21 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, G.	Elioff	Murphy	Ogren	Sarna
Battaglia	Greenfield	Nelson, D.	Piper	Schoenfeld
Begich	Kalis	Norton	Quinn	Solberg
Brown	McLaughlin	O'Connor	Riveness	Staten
Clark				

The motion prevailed.

Dempsey moved that the rules of the House be so far suspended that S. F. No. 30 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 30 was read for the second time.

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

Ogren, Brown, Voss and Kalis moved to amend S. F. No. 30, as follows:

Page 19, line 19, before "If" insert "*Subdivision 1.*" and after "sale" insert "*, in the case of class 3c or class 3cc residential homestead property as defined in 273.13, subdivision 7 and*"

Page 19, after line 25, insert:

"Subd. 2. If the court grants a postponement of the foreclosure sale, in the case of 3b or 3cc agricultural homestead property as defined in 273.13, subdivision 6 or subdivision 7 and pursuant to sections 583.01 to 583.12, the redemption period pursuant to section 580.23 may be reduced by an equivalent period of time, provided that in no event may the redemption period be less than 30 days. If the court does not grant a postponement of the foreclosure sale, the redemption period must be as provided in section 580.23."

A roll call was requested and properly seconded.

The question was taken on the Ogren et al., amendment and the roll was called.

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

There were 52 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Minne	Piper	Tunheim
Battaglia	Jacobs	Munger	Quinn	Valan
Beard	Jaros	Murphy	Rest	Vanasek
Begich	Jennings, L.	Nelson, D.	Rodosovich	Vellenga
Brown	Kahn	Neuenschwander	Sarna	Voss
Carlson, D.	Kalis	Norton	Schoenfeld	Welle
Carlson, L.	Kelly	O'Connor	Segal	Wenzel
Clark	Knuth	Ogren	Simoneau	Wynia
Cohen	Krueger	Omann	Solberg	
Elioff	Long	Otis	Sparby	
Ellingson	McLaughlin	Peterson	Staten	

Those who voted in the negative were:

Anderson, R.	Brinkman	Forsythe	Haukoos	Marsh
Backlund	Burger	Frederick	Heap	McDonald
Becklin	Carlson, J.	Frederickson	Himle	McPherson
Bennett	Clausnitzer	Frerichs	Johnson	Metzen
Bishop	Dempsey	Gruenes	Kiffmeyer	Miller
Blatz	DenOuden	Gutknecht	Knickerbocker	Nelson, K.
Boerboom	Dimler	Halberg	Kvam	Olsen, S.
Boo	Dyke	Hartinger	Levi	Olson, E.
Brandt	Fjoslien	Hartle	Lieder	Onnen

Ozment	Redalen	Seaberg	Swiggum	Tompkins
Pauly	Rees	Shaver	Thiede	Valento
Piepho	Richter	Sherman	Thorson	Waltman
Poppenhagen	Schafer	Skoglund	Tjornhom	Zaffke
Quist	Schreiber	Stanius	Tomlinson	Spk. Jennings, D.

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

S. F. No. 30, A bill for an act relating to real property; changing notice period required for termination of contracts for the conveyance of real estate; designating seller's attorney as an agent; clarifying the application of the mortgage registry tax; modifying provisions relating to persons defaulting on homesteads; imposing a penalty; amending Minnesota Statutes 1984, sections 47.20, subdivision 15, as amended; 287.10; 336.9-402, as amended; 336.9-403, as amended; 559.21, subdivisions 3, 4, and 6, as amended, and by adding subdivisions; 580.031, as amended; 583.03, subdivision 2, as amended; 583.04, as amended; 583.05, as amended; and 583.07, as amended; and Laws 1985, chapter 233, section 6, as amended; repealing Minnesota Statutes 1984, section 559.21, subdivisions 1, 1a, 2, and 8, 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.

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

There were 107 yeas and 18 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Forsythe	Levi	Pauly	Sparby
Backlund	Frederick	Lieder	Peterson	Stanius
Beard	Frederickson	Long	Piepho	Swiggum
Becklin	Frerichs	Marsh	Poppenhagen	Thiede
Bennett	Gruenes	McDonald	Price	Thorson
Blatz	Gutknecht	McEachern	Quist	Tjornhom
Boerboom	Halberg	McPherson	Redalen	Tomlinson
Boo	Hartinger	Metzen	Rees	Tompkins
Brandl	Hartle	Miller	Rest	Tunheim
Brinkman	Haukoos	Minne	Richter	Uphus
Burger	Heap	Munger	Riveness	Valan
Carlson, D.	Himle	Murphy	Rodosovich	Valento
Carlson, J.	Jacobs	Nelson, D.	Rose	Vanasek
Carlson, L.	Jennings, L.	Nelson, K.	Schafer	Vellenga
Clausnitzer	Johnson	Neuenschwander	Scheid	Voss
Cohen	Kalis	Olsen, S.	Schreiber	Waltman
Dempsey	Kelly	Olson, E.	Seaberg	Welle
DenOuden	Kiffmeyer	Omann	Segal	Zaffke
Dimler	Knickerbocker	Onnen	Shaver	Spk. Jennings, D.
Dyke	Knuth	Osthoff	Sherman	
Ellingson	Krueger	Otis	Simoneau	
Fjoslien	Kvam	Ozment	Skoglund	

Those who voted in the negative were :

Anderson, G.	Clark	Kahn	Piper	Schoenfeld
Battaglia	Elioff	McLaughlin	Quinn	Staten
Begich	Greenfield	O'Connor	Sarna	Wenzel
Brown	Jaros	Ogren		

The bill was passed and its title agreed to.

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. 16, A bill for an act relating to the organization and operation of state government; appropriating money for the general legislative, judicial, and administrative expenses of state government with certain conditions; providing for the transfer of certain money in the state treasury; authorizing land acquisition; fixing and limiting fees; creating, modifying, transferring, and abolishing agencies and functions; amending Minnesota Statutes 1984, sections 2.722, subdivision 1, and by adding a subdivision; 3.099, subdivision 1; 3.21; 3.302, subdivision 3; 3.303, by adding a subdivision; 3.351, subdivision 3; 3.736, subdivision 3; 3.85, subdivision 11; 3.9223, subdivision 1; 3C.12, subdivision 7; 11A.07, by adding a subdivision; 11A.20, subdivision 1; 13.68, subdivision 1; 14.07, subdivisions 1 and 2; 14.08; 14.26; 14.32; 14.40; 14.47, subdivision 8; 14.48; 14.51; 14.55; 15.0597, subdivision 1; 15.50, subdivision 3; 15A.081, subdivisions 1 and 7; 15A.082, subdivisions 2 and 3; 16A.055, subdivision 1; 16A.123, subdivision 3; 16A.127, subdivisions 1, 3, and 5, and by adding a subdivision; 16A.128; 16A.1281; 16A.275; 16A.40; 16A.42, subdivision 2; 16A.45, subdivision 2; 16A.47; 16A.58; 16A.641, subdivision 10, and by adding a subdivision; 16A.672, subdivisions 1, 2, and 3; 16B.08, subdivision 7; 16B.09, by adding a subdivision; 16B.21, subdivision 1; 16B.22, as amended; 16B.24, subdivision 5; 16B.29; 16B.36, subdivision 1; 16B.42, subdivision 4; 16B.48, subdivision 2; 16B.54, subdivision 2; 16B.70; 40A.01, subdivision 1; 40A.02, subdivisions 3, 11, and 15; 40A.03, subdivision 2; 40A.04; 40A.05, subdivisions 1 and 2; 40A.06; 40A.07, subdivision 2, and by adding a subdivision; 40A.13, subdivision 1; 40A.15, subdivision 4; 41A.01; 41A.02, subdivisions 5, 7, 8, and 11, and by adding a subdivision; 41A.03, subdivisions 1 and 3, and by adding a subdivision; 41A.04, subdivisions 1, 3, and 4; 41A.05, subdivisions 1, 2, and 3, and by adding a subdivision; 41A.06, subdivisions 1 and 5; 43A.04, subdivision 3; 43A.07, subdivision 2; 43A.08, subdivision 1; 43A.10, subdivision 8; 43A.15, by adding a subdivision; 43A.18, subdivision 5; 43A.19, sub-

division 1; 43A.30, subdivision 4, and by adding a subdivision; 46.07, subdivision 2, and by adding a subdivision; 47.015, subdivision 1; 47.0151, subdivision 3; 47.0152; 48.13; 49.05, by adding subdivisions; 52.02, subdivision 3; 52.24, subdivisions 1 and 2; 53.04, by adding a subdivision; 53.10; 55.095; 65B.49, subdivision 4, as amended; 69.031, subdivision 1; 84.86, subdivision 1; 84B.03, subdivision 4; 85.05, subdivisions 1 and 2; 85.22, subdivision 2a; 85.43; 85A.01, subdivisions 1 and 2; 85A.02, subdivisions 3, 4, 5, 7, 12, and 16, and by adding subdivisions; 85A.04, subdivision 1; 97.4841, subdivision 3; 97.4842, subdivision 2; 98.45, by adding a subdivision; 98.46, subdivisions 2, 14, and 15; 100.271, subdivision 2; 105.42, by adding a subdivision; 115.03, by adding a subdivision; 115A.904; 115A.908, subdivision 2; 115A.914, subdivision 1; 116.07, subdivision 4d; 116.12, subdivision 1; 116C.69, subdivision 3; 116C.71, by adding a subdivision; 116C.723; 116C.724; 116J.36, subdivision 6, as amended; 116J.76; 116M.03, subdivision 17, and by adding a subdivision; 116M.04, subdivisions 8a and 9; 116M.05, subdivision 8; 116M.06, subdivisions 2 and 5; 116M.07, subdivisions 2, 4, 8, 9, 11, and 13; 116M.08, subdivisions 11, 12, 14, and 15; 116M.10, subdivision 8; 116M.11; 116M.12, subdivisions 3 and 4; 176.102, by adding a subdivision; 177.23, subdivisions 4 and 7; 177.24, subdivisions 3, 4, and 5; 177.27; 177.28, subdivision 4; 177.32, subdivision 1; 180.03, subdivisions 2, 3, and 4; 180.10; 181.79, subdivision 1; 181A.04, subdivision 3; 181A.12, subdivision 1; 183.545, by adding a subdivision; 192.51, subdivision 2; 196.051, by adding a subdivision; 268.05, subdivision 2; 268.38, subdivisions 1, 2, 6, 7, and 8; 270.75, by adding a subdivision; 270A.07, subdivision 1; 290.50, subdivision 6; 296.421, subdivision 4, and by adding a subdivision; 297.13, subdivision 1; 298.2211, by adding a subdivision; 326.52; 331A.02, subdivision 1; 334.021; 352.01, subdivision 2B; 361.03, subdivision 5; 361.27; 363.01, subdivision 24, and by adding subdivisions; 363.05, subdivision 2; 363.06, subdivision 8; 363.116; 403.11, subdivision 1; 422A.101, subdivision 3, and by adding a subdivision; 462A.03, subdivision 14; 462A.05, subdivisions 11, 12, and 15a, 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; 462C.09, by adding a subdivision; 466.03, by adding a subdivision; 471.345, by adding a subdivision; 472.03, subdivision 9; 472.11, subdivisions 3 and 9; 472.125; 472.13; 473.123, subdivision 5; 473.141, subdivision 7; 473.605, subdivision 2; 473.606, subdivision 1; 473.714; 477A.014, by adding a subdivision; 486.05, subdivision 1, as amended; 487.01, subdivision 5; 494.01, by adding a subdivision; 609.101; 611.216, subdivision 1, and by adding a subdivision; and 626.861, by adding a subdivision; Laws 1984, chapter 502, article 5, section 19, subdivision 1; Laws 1985, chapter 4, section 6, subdivision 3, as amended; chapter 221, sections 1 and 12; and chapter 258, section 1, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 3; 3C; 5; 8; 16A; 40A; 41A; 43A; 47; 84; 85; 85A; 88; 97; 116; 116C; 116J; 116M; 139; 179; 181; 198; 270; 363; 473; and 480; repealing Minnesota Statutes, sections 7.01; 7.013;

7.02; 7.03; 7.04; 7.05; 7.13; 7.14; 7.15; 7.16; 7.17; 7.18; 10.18; 10.19; 10.20; 10.21; 10.22; 10.23; 16A.42, subdivision 3; 40.19, subdivisions 3, 4, 10, 12, 14, and 15; 40A.13, subdivisions 2, 3, 4, and 5; 43A.19, subdivision 2; 46.15; 47.20, subdivisions 11 and 12; 48.19; 48.57; 48.58; 48.87; 69.031, subdivision 2; 84.088; 85A.01, subdivision 1a; 85A.03; 85A.04, subdivision 3; 124.471; 296.10; 349.212, subdivision 3, as amended; 360.301; 360.302; 360.304; 360.306; 360.388; and 360.389; and Laws 1982, chapter 489, section 11; Laws 1984, chapter 502, article 10, section 12; and chapter 654, article 2, section 151.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 6, 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; creating a hazardous substance injury compensation fund; establishing a board to administer the fund; limiting compensable losses; prescribing claims procedures; allowing partial subrogation rights; imposing a penalty; appropriating money; 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

This is to notify you that the Senate is about to adjourn the 1985 Special Session sine die.

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. 25.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 25, A bill for an act relating to statutes; conforming various laws to judicial decisions of unconstitutionality and suggestions for clarity; correcting various legislative enactments; amending Minnesota Statutes 1984, sections 3.736, subdivision 3;

60A.11, subdivision 21; 65B.44, subdivision 6; 152.19, subdivision 5, as amended; 160.25, subdivision 3, as amended; 164.06, as amended; 181.13; 290.01, subdivision 20f; 290.091; 365.37, as amended; 429.061, subdivision 1; 444.075, subdivisions 1, as amended, and 1a, as added; 609.531, subdivision 6, as amended; and 631.09; Laws 1979, chapter 280, section 2, subdivision 2, as amended; Laws 1985, chapters 37, section 2; 152, section 1, subdivision 1; 172, sections 74, subdivisions 4, 5, and 7; 80, by adding a subdivision; 217, section 7; 225, section 1, subdivision 2; 259, sections 6 and 8; 261, sections 31 and 38; and 305, article 12, section 5; House File No. 3, article 11, section 23, subdivision 2, of the first special session; repealing Laws 1985, chapters 102, section 2; and 248, section 85.

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, Bishop moved that the rule therein be suspended and an urgency be declared so that S. F. No. 25 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Bishop moved that the rules of the House be so far suspended that S. F. No. 25 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 25 was read for the second time.

S. F. No. 25, A bill for an act relating to statutes; conforming various laws to judicial decisions of unconstitutionality and suggestions for clarity; correcting various legislative enactments; amending Minnesota Statutes 1984, sections 3.736, subdivision 3; 47.20, subdivision 15, as amended; 49.05, subdivision 6, if added; 60A.11, subdivision 21; 121.912, if amended; 152.19, subdivision 5, as amended; 160.25, subdivision 3, as amended; 164.06, as amended; 181.13; 290.01, subdivision 20f; 290.091; 365.37, as amended; 429.061, subdivision 1; 444.075, subdivisions 1, as amended, and 1a, as added; 559.21, subdivision 6, as amended; 580.031, as amended; 609.531, subdivision 6, as amended; and 631.09; Laws 1979, chapter 280, section 2, subdivision 2, as amended; Laws 1984, chapter 502, article 9, section 5; Laws 1985, chapters 37, section 2; 152, section 1, subdivision 1; 172, sections 74, subdivisions 4, 5, and 7; 80, by adding a subdivision; 217, section 7; 225, section 1, subdivision 2; 259, sections 6 and 8; 261, sections 31 and 38; and 305, article 12, section 5; House File Nos. 3, article 3, section 28, subdivisions 2, if enacted, and 4, if enacted; article 5, section 1, subdivision 6, if enacted; article 8, section 63, subdivision 3, if enacted and section 66, if enacted; article 11, section 3, subdivision 1, if enacted; section 21, subdivision 3, if enacted; section 23, subdivision 2, if enacted; 10, article 9, section 77, if enacted; 16, and section 37, subdivision 1, of the first special session; repealing Minnesota Statutes 1984, section

15A.081, subdivision 7a, if added; Laws 1985, chapters 102, section 2; 248, section 85; House File Nos. 5, section 13, if enacted; and 16, section 230, of the first special session.

The bill was read for the third time 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 114 yeas and 12 nays as follows :

Those who voted in the affirmative were :

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

Those who voted in the negative were :

Anderson, G.	O'Connor	Rodosovich	Schoenfeld	Skoglund
Kalis	Ozment	Sarna	Seaberg	Vanasek
Munger	Piper			

The bill was passed and its title agreed to.

MOTIONS AND RESOLUTIONS

Levi moved that the Chief Clerk be and he is hereby instructed to inform the Senate and the Governor by message that the House of Representatives is about to adjourn this 1985 Special Session sine die. The motion prevailed.

The Speaker requested unanimous consent to revert to the order of business Messages from the Senate. The request was not granted.

Skoglund moved that the House revert to the order of business Messages from the Senate.

A roll call was requested and properly seconded.

The question was taken on the Skoglund motion and the roll was called.

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

There were 64 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Gruenes	Metzen	Otis	Simoneau
Battaglia	Hartinger	Minne	Peterson	Skoglund
Beard	Jacobs	Munger	Piper	Solberg
Begich	Jaros	Murphy	Price	Sparby
Brandl	Kahn	Nelson, D.	Rees	Staten
Burger	Kalis	Nelson, K.	Rest	Tomlinson
Carlson, D.	Kelly	Neuenschwander	Rice	Tunheim
Carlson, L.	Knuth	Norton	Rose	Vellenga
Clark	Lieder	O'Connor	Sarna	Voss
Cohen	Long	Ogren	Scheid	Welle
Elioff	McDonald	Olsen, S.	Schoenfeld	Wenzel
Ellingson	McEachern	Olson, E.	Schreiber	Wynia
Greenfield	McLaughlin	Osthoff	Segal	

Those who voted in the negative were:

Anderson, R.	Fjoslien	Kiffmeyer	Quinn	Thiede
Backlund	Forsythe	Krueger	Quist	Thorson
Bennett	Frederick	Kvam	Redalen	Tjornhom
Blatz	Frederickson	Levi	Richter	Tompkins
Boerboom	Frerichs	Marsh	Riveness	Uphus
Brown	Gutknecht	McKasy	Rodosovich	Valan
Carlson, J.	Halberg	McPherson	Schafer	Valento
Clausnitzer	Hartle	Miller	Seaberg	Vanasek
Dempsey	Haukoos	Omann	Shaver	Waltman
DenOuden	Heap	Onnen	Sherman	Zafke
Dimler	Himle	Piepho	Stanius	Spk. Jennings, D.
Dyke	Jennings, L.	Poppenhagen	Sviggum	

The motion did not prevail.

MOTION TO ADJOURN SPECIAL SESSION SINE DIE

Levi moved that the House adjourn sine die for the 1985 Special Session. The motion prevailed and the Speaker declared the House stands adjourned sine die for the 1985 Special Session.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

COMMUNICATIONS AND ANNOUNCEMENTS RECEIVED
SUBSEQUENT TO ADJOURNMENT OF THE 1985 SPECIAL SESSION

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

June 24, 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 Files:

Special Session H. F. No. 8, relating to commerce; authorizing industrial loan and thrifts to sell certain evidences of indebtedness; authorizing the FDIC to act as receiver or liquidator of a closed financial institution and providing a right of subrogation; 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; and providing alternative loan disclosure requirements; providing an inflation adjustment for amounts exempt from creditors; providing penalties.

Special Session H. F. No. 9, relating to water; providing for comprehensive local water management; authorizing counties to develop and implement county water and related land resources plans; providing additional authorities to counties; providing additional duties of the water resources board; providing coding for new law as Minnesota Statutes, chapter 110B.

Sincerely,

RUDY PERPICH
Governor

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

June 24, 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 Special 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>Special</i> <i>Session Laws</i> <i>Chapter No.</i>	<i>Date Approved</i> <i>1985</i>	<i>Date Filed</i> <i>1985</i>
	8	1	June 24	June 24
	9	2	June 24	June 24
4		3	June 24	June 24
8		4	June 24	June 24
10		5	June 24	June 24

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

June 25, 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 Files:

Special Session H. F. No. 2, relating to retirement; making various changes in laws governing public retirement funds.

Special Session H. F. No. 6, 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; creating a hazardous substance injury compensation fund; establishing a board to administer the fund; limiting compensable losses; prescribing claims procedures; allowing partial subrogation rights; imposing a penalty; appropriating money.

Sincerely,

RUDY PERPICH
Governor

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

June 25, 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 Special 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>Special</i> <i>Session Laws</i> <i>Chapter No.</i>	<i>Date Approved</i> <i>1985</i>	<i>Date Filed</i> <i>1985</i>
15		6	June 25	June 25
	2	7	June 25	June 25
	6	8	June 25	June 25

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

June 27, 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 Files :

Special Session H. F. No. 16, relating to the organization and operation of state government; appropriating money for the general legislative, judicial, and administrative expenses of state government with certain conditions; providing for the transfer of certain money in the state treasury; authorizing land acquisition; fixing and limiting fees; creating, modifying, transferring, and abolishing agencies and functions.

Special Session H. F. No. 3, relating to education; providing for aids to education, aids to libraries, state payments for teacher retirement contributions, and the distribution of tax revenues; granting certain powers and duties to school boards, school districts, the state board of education, the state board of teaching, and the higher education coordinating board; modifying certain components of foundation aid; modifying the basic maintenance mill rate; modifying computation of pupil units; repealing revenue equity; modifying the computation of transportation aid, special education aid, secondary vocational aid, and other aids; establishing the Minnesota school of the arts and resource center; providing for measurement of pupil progress; establishing mastery learning pilot projects; requiring the state board of teaching to field test plans for assessment of new teachers; appropriating money.

Sincerely,

RUDY PERPICH
Governor

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

June 27, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

SPECIAL SESSION

I have the honor to inform you that the following enrolled Acts of the 1985 Special 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>Special Session Laws Chapter No.</i>	<i>Date Approved 1985</i>	<i>Date Filed 1985</i>
13		Resolution No. 1		June 27
	7	Resolution No. 2		June 27
19		9	June 27	June 27
24		10	June 27	June 27
17		11	June 27	June 27
	3	12	June 27	June 27
	16	13	June 27	June 27

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

June 28, 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 Files:

Special Session H. F. No. 10, relating to financing and operation of state and local government; simplifying Minnesota income tax law by increasing conformity to federal income tax law; changing income tax rates, rate brackets, credits, and deductions; providing for computation of interest on overpayments;

reducing the estate tax; changing corporate income tax provisions; rescheduling payments and increasing the budget reserve; reducing sales tax rate on farm machinery and providing sales tax exemptions; changing taxation of agricultural gasoline; changing the tax credit on fermented malt beverages; changing motor vehicle excise taxes for certain automobiles; authorizing lodging taxes for towns and unorganized territories; recodifying property tax law; changing property tax exemptions, classes, classification ratios, and credits; changing the taxation of telephone companies; providing for the allocation of industrial revenue bonds; providing economic development incentives; establishing a jobs program; providing for retention of mortgage registration and deed taxes by counties; altering provisions relating to the iron range resources and rehabilitation board; changing mining taxes; authorizing reimbursement to local units of government for certain railroad property tax abatements; giving enforcement powers to the department of revenue; changing provisions relating to leased state lands; increasing cigarette taxes and allocating the proceeds; providing for studies; imposing duties on the commissioner of revenue, commissioner of natural resources, and the state auditor; changing property tax provisions relating to collection of property tax, confessions of judgment, special assessments, and sale of tax forfeit lands; changing property tax refund benefit schedules and definitions; changing local government aids; authorizing the issuance of bonds; changing computation of adjusted levy limit base; changing tax court jurisdiction; changing certain dates; changing and adding definitions; changing provisions relating to the Hennepin county park reserve district; updating income tax provisions to changes in the Internal Revenue Code; providing penalties; appropriating money.

Special Session H. F. No. 1, relating to capital improvements; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; reducing and canceling certain appropriations; authorizing issuance of state bonds; appropriating money.

Special Session H. F. No. 5, relating to state government; requiring state agencies to provide services and materials in languages other than English; regulating the career executive service; specifying executive branch conflicts of interest; permitting the governor to set salaries for certain full- and part-time officials of metropolitan agencies; providing for review of state trooper arbitration awards; regulating approved complements; regulating liquidation of vacation leave; requiring approval of commissioner of administration to grant right-of-way over state-owned land to railroad company.

Sincerely,

RUDY PERPICH
Governor

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

June 28, 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 Special 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>Special Session Laws Chapter No.</i>	<i>Date Approved 1985</i>	<i>Date Filed 1985</i>
	10	14	June 28	June 28
	1	15	June 28	June 28
25		16	June 28	June 28
	5	17	June 28	June 28

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
SAINT PAUL 55155

July 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 Act of the 1985 Special Session of the State Legislature has

been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Special Session Laws Chapter No.</i>	<i>Date Approved 1985</i>	<i>Date Filed 1985</i>
30		18	July 5	July 5

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

CERTIFICATE

I certify that the 1985 Special Session Journal of the House for Friday, June 21, 1985, including subsequent proceedings, has been corrected and is hereby approved.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

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